

28. Complaints

This guidance note contains:

HFEA guidance

- Relevant legislation ■
- Complaints procedure
- The complaints officer and complaints register
- Investigating complaints

➔ Refer to principles 1, 2, 5 and 11

Other legislation, professional guidelines and information

■ Section includes interpretation of mandatory requirements



HFEA guidance

Relevant legislation



Interpretation of mandatory requirements

28A

The law requires NHS and private centres to have, and adhere to, a complaints procedure. References to the relevant legislation can be found in the 'Other legislation, professional guidelines and information' box at the end of this guidance note.

Complaints procedure

- 28.1** The centre should ensure that staff understand the complaints procedure and the right of people to complain.
- 28.2** It may be appropriate to deal with a complaint as soon as it arises, without using a formal complaints procedure. In such cases, staff should deal promptly and thoroughly with issues as they are raised. Staff should treat all complaints seriously and show the complainant due respect, however minor the complaint may appear. Staff should not deter people from making formal complaints if they wish to do so.
- 28.3** The centre should ensure that staff are given appropriate training in complaints handling and that there are written procedures for:
- (a) acknowledging and investigating complaints, and
 - (b) collecting suggestions and compliments.

The complaints officer and complaints register

- 28.4** The centre should nominate a member of staff to act as complaints officer. The complaints officer should be:
- (a) the first point of contact when a person makes a formal complaint, and
 - (b) responsible for investigating complaints and ensuring the complaints procedure operates effectively.
- 28.5** The centre should display notices prominently to explain the complaints procedure and give the complaints officer's name and contact details. This information should also be given to patients and donors.
- 28.6** The centre should ensure there is someone else of at least equivalent seniority available to deal with complaints in case a person feels unable to complain to the complaints officer.



HFEA guidance (cont)

- 28.7** The centre's complaints officer should keep an accurate complaints register. For each complaint, the following should be recorded in the register:
- what has been done to resolve the complaint
 - all communication with the complainant (including verbal), and
 - the outcome, and any action taken as a result.
- 28.8** The centre's complaints register should be made available to HFEA inspectors during inspections.

Investigating complaints

- 28.9** Complaints should be investigated by staff who were not involved in the circumstances that gave rise to the complaint.
- 28.10** If a complainant is unhappy with the outcome of the investigation of their complaint, they should be informed of further action they could take (eg, going to the Health Commissioner in the NHS, the HFEA, or the Ombudsman).
- 28.11** In NHS centres, the complaints procedure should comply with standards required of NHS services. In private centres, the procedures should comply with this Code of Practice and with the standards required by:
- the Care Quality Commission (England)
 - the Care Commission (Scotland)
 - the Care and Social Services Standards Inspectorate Wales (Wales)
 - the Regulation and Quality Improvement Authority (Northern Ireland), or
 - relevant successor bodies.



Other legislation, professional guidelines and information

The National Health Service (Complaints) Regulations 2004
Arrangements for the handling and consideration of complaints

The Private and Voluntary Health Care (England) Regulations 2001
Complaints

Other information you may find helpful:

- Care Quality Commission (England) – www.cqc.org.uk
- Care Commission (Scotland) – www.carecommission.com
- Care and Social Services Standards Inspectorate Wales (Wales) – www.new.wales.gov.uk
- The Regulation and Quality Improvement Authority (Northern Ireland) – www.rqia.org.uk
- Department of Health – National Minimum Standards and Regulations for Independent Health Care – www.dh.gov.uk
- National Health Service (Complaints) Regulations 2004
- The Private and Voluntary Care (England) Regulations 2001
- Copies of the relevant legislation can be found at www.opsi.gov.uk