

## Authority Meeting

<b>Committee:</b>	Authority Meeting
<b>Meeting Date:</b>	15 February 2006
<b>Agenda Item:</b>	9.
<b>Paper Number:</b>	Paper HFEA 296
<b>Paper Title:</b>	Policy on dealing with complaints about the HFEA
<b>Author:</b>	Marian Wood, Head of Business Planning
<b>For Information or Decision?</b>	Decision
<b>Resource Implications:</b>	None
<b>Implementation:</b>	Policy to be effective immediately
<b>Communication:</b>	<i>Communication to all staff and key stakeholders underway</i>
<b>Organisational Risk:</b>	Low
<b>Recommendation to the Committee:</b>	<i>That the procedure be agreed</i>
<b>Evaluation:</b>	<i>The Authority to receive six monthly reports on the numbers and type of complaints received about the HFEA</i>

## **PURPOSE OF THE HFEA**

The HFEA is the regulatory body for the licensing of treatment and research into the alleviation of infertility and the causes of inherited disease. It was set up in 1990 and its statutory duties are to:

- License and monitor clinics carrying out in vitro fertilisation and donor insemination
- License and monitor centres undertaking human embryo research
- Regulate the storage of gametes (eggs and sperm) and embryos
- Produce a Code of Practice, which gives guidelines to clinics about the proper conduct of licensed activities
- Maintain a formal register of information about donors, treatments and children born as a result of those treatments
- Publicise the HFEA's role and provide relevant advice and information to patients, donors and clinics
- Review information about human embryos and any subsequent development of embryos and the provision of treatment services and activities governed by the HFE Act and, where appropriate, advise the Secretary of State for Health on developments in these fields

This policy describes the procedure if a person has a complaint about the conduct of the HFEA, its employees or people acting on its behalf.

## **PRINCIPLES THE HFEA WILL APPLY WHEN HANDLING COMPLAINTS**

The HFEA will ensure that:

- Ways of reporting complaints/concerns are clear and understood
- Complainants are kept informed about the progress of their complaint at regular intervals
- The outcome of any investigation into a complaint is communicated as quickly as possible
- Complainants are advised of any constraints in terms of the investigation in relation to the limitations of the HFEA Act
- Complaints are handled in confidence and effectively
- When a complainant wishes to remain anonymous, that wish is respected, except in rare circumstances
- In operating this procedure the HFEA will aim to learn from any mistakes and use the feedback to ensure that similar events do not happen again

## **DEFINITION OF A COMPLAINT**

A complaint is an expression of dissatisfaction requiring a response. A complaint becomes formal when it is put in writing.

## **COMPLAINTS COVERED BY THIS PROCEDURE**

This procedure covers complaints about all aspects of the work of the HFEA in carrying out its regulatory, communication and information roles and responsibilities, including its policies and procedures. The HFEA will be limited when trying to

investigate any complaints or concerns from anonymous complainants and in these instances will carry out an internal investigation to determine the validity of the complaint/concern.

### **COMPLAINTS WHICH CANNOT BE COVERED BY THIS PROCEDURE**

The HFEA cannot investigate:

- Complaints about the statutory and legal framework in which the HFEA operates or matters that are the responsibility of other regulatory bodies.
- A complaint about the HFEA's relationship with its employees, which should be directed to the Assistant Director of Human Resources.

### **IF A COMPLAINT IS UPHELD**

If a complaint is upheld the HFEA will:

- Offer an apology by letter, telephone or in person
- Provide a full explanation of what happened and why
- Be able to demonstrate what action has been taken to ensure that issues surrounding the complaint do not occur again.

### **THE PROCESS**

Note: There is no time limit for making complaints, but complainants will need to be made aware that a more satisfactory investigation and outcome is likely to result if the complaint is reported as soon as possible after the event/incident has occurred.

#### **Stage 1**

#### **Local resolution and reporting**

When the complaint is received in writing it is recorded on the complaints database by the Head of Business Planning or Personal Assistant to the Chief Executive. A copy of the complaint is then given to the relevant Director **within one working day** to take action and to the Chief Executive for information.

The relevant Director will contact the complainant within **three working days** of receipt of the letter. This is an opportunity for both the complainant to have an informal discussion about his/her concerns and the Director to advise whether or not the complaint is within the HFEA's scope to handle.

If the complaint is within the HFEA's scope to handle the Director will proceed to carry out the investigation.

When the investigation is complete the Director will personally explain the outcome to the complainant and confirm it in writing. The total time to conduct the investigation and advise the complainant of the result should be no longer than **four weeks**. This should be the case for the majority of complaints. However, on occasion a complaint may require more in-depth research and as a result is likely to exceed the four-week period. In these circumstances the complainant will be informed in writing at the

earliest opportunity that this is likely to be the case, and given an indicative resolution time.

The Director will be responsible for monitoring the implementation of any action/s required of his/her department arising from the complaint.

The Chief Executive will be given a summary of the complaint, outcome and proposed remedial action. A report of all complaints about the HFEA will be made annually to the Authority by the Chief Executive.

**Note:** If a complaint concerns a Director it will be investigated by another Director

## Stage 2

### **Chief Executive involvement**

If the complainant is still not satisfied with the outcome he/she will need to inform the Chief Executive, in writing, **within two weeks** of receipt of the Director's response. The Chief Executive will then confirm receipt of the complainant's letter within **three working days**, and advise the likely timescale to carry out a formal investigation into the matter.

When the formal investigation is complete the Chief Executive will confirm the outcome in writing to the complainant.

**Note:** Complaints involving the Chief Executive will be investigated by the Chair and one other member of the Authority.

## Stage 3

### **Chair of The Authority involvement**

If the complainant is not satisfied with the Chief Executive's response he/she should advise the Chair of The Authority in writing within **two weeks** of receipt of the Chief Executive's letter.

The Chair will then appoint an independent panel of three persons to review the conduct of the investigation of the complaint and the action taken. The Chair of the panel will usually be the Chair or Deputy Chair of the HFEA (although this can be delegated to another Authority member). The other two panel members may be appointed from outside of the HFEA and selected for their knowledge and expertise of specific areas.

**Note:** if a complaint concerns the Chair, the Deputy Chair and one other Authority Member will carry out the investigation.

If the complaint concerns a decision by a Licence Committee it will be referred through the HFEA Appeals process under the Human Fertilisation & Embryology Act 1990 the Human Fertilisation & Embryology Authority (Licence Committees and Appeals) Regulations 1991.

Final Stage

### **Ombudsman**

If the complainant remains dissatisfied after all three stages he/she is entitled to refer the matter to the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman).

### **MONITORING AND RECORDING**

All complaints will be recorded on a central complaints database, so that it is possible to monitor the types of problems that are occurring, how they are best resolved and the time taken to resolve them. This knowledge will be used to improve the way in which the HFEA continues to operate. Complaints about HFEA will be monitored by the organisation and Finance Committee.

### **FREEDOM OF INFORMATION ACT 2000**

The HFEA complies with the Secretary of State for Constitutional Affairs' Code of Practice issued under S.45 of the FOI Act, relating to the discharge of public authorities' functions as set out in Part 1 of the Freedom of Information Act 2000.