Human Fertilisation & Embryology Authority

Corporate Complaints Policy

Making a complaint about the HFEA

Contents

Contents 2

1. What this policy covers 3
2. What this policy does not cover 3
3. Making a complaint 4
4. Complaint investigations and outcomes 5
5. Requesting a review 6
6. Time limit for making a complaint 7
7. Aggressive, vexatious or persistent complaints and complainants 7

Appendix 1: Definitions 9

1. What this policy covers

1.1. This policy covers complaints about the work, decisions or actions of the HFEA in carrying out its statutory duties, or the way those duties have been exercised. This may include, but is not limited to, complaints about:

- the services we provide
- the work and conduct of our staff
- the information we publish
- the decisions we make.

1.2. This policy covers data protection complaints. These may include, but are not limited to, complaints about:

- how the HFEA has handled a subject access request (SAR), or other rights request, such as a delay or an incomplete response
- the security measures the HFEA has used to protect personal data (for example, where someone has been affected by a data breach)
- how the HFEA has collected, used, stored, shared, retained or kept personal data accurate.

1.3. Any matter that meets the definition of a complaint set out in this policy will be handled in line with this policy.

1.4. Personal data provided as part of any complaint submitted will be processed in accordance with the **HFEA Privacy Notice**.

What this policy does not cover

1.5. **Clinical complaints**
Complaints about fertility treatment, care, or services received at a clinic licensed by the HFEA are managed under the HFEA's **Clinical Complaints Policy**.

1.6. **Complaints about UK fertility law and the legal framework**
We cannot investigate complaints about the statutory framework governing fertility treatment and human embryo research. The HFEA does not create legislation and has no powers to change the law. If your complaint relates to the law itself, you may wish to contact your Member of Parliament to express your concerns or the Department of Health and Social Care.

1.7. **Licensing appeals**
Licensing appeals can be made about decisions by the HFEA's Licence Committee, Executive Licensing Panel, or Licensing Officer. They must be made by a Person Responsible or Licence Holder, in relation to their fertility clinic or centre. These appeals must follow statutory procedure laid down in the Appeals Regulations. There is no statutory appeals procedure in relation to decisions of the Statutory Approvals Committee (SAC), but a licensed fertility clinic or centre may, on behalf of a patient, request that SAC reconsider a decision. The responsibility is with the fertility clinic or centre to provide any additional evidence or information for the committee.

1.8. **Whistleblowing**
Whistleblowing disclosures are not treated as complaints and are managed under the HFEA's whistleblowing policies:

- **Corporate Whistleblowing Policy** – this covers internal whistleblowing disclosures at the HFEA, enabling workers and Authority members to raise public interest disclosures. This policy is available to HFEA workers on the HFEA intranet.
- **Clinical Whistleblowing Policy** – this covers whistleblowing disclosures relating to licensed clinics, enabling clinic staff to raise public interest disclosures with the HFEA. This policy and related guidance are available on the HFEA's Clinic Portal: **Whistleblowing | HFEA**.

1.9. Complaints for other organisations

The HFEA cannot investigate matters that fall within the remit or statutory responsibility of another body. Where we believe a complaint is more appropriately dealt with by a different organisation, we will explain this and, where possible, direct to the appropriate body. This includes, but is not limited to:

- complaints relating to the commissioning or funding of services;
- complaints relating to fertility treatment which took place outside of the UK, which should be referred to the relevant competent authority/regulator in that jurisdiction or country (where such a body exists).

1.10. Information requests and data subject rights

Requests for information, or to exercise rights under data protection legislation, are not treated as complaints and are handled separately to this policy. This includes, but is not limited to:

- **Freedom of Information** (FOI) requests
- requests to exercise data protection rights, such as the right of access (Subject Access Request), the right to rectification or the right to erasure.

Where an individual is dissatisfied with how the HFEA has handled such a request, this may be treated as a data protection complaint and handled in line with this policy.

1.11. Feedback and enquiries

Feedback or an enquiry will not be treated as a complaint unless the individual clearly states that they wish to make a complaint. Feedback and enquiries can be submitted to the HFEA by emailing enquiriesteam@hfea.gov.uk.

2. Making a complaint

2.1. Complaints may be made by anyone, including a representative acting on someone's behalf.

2.2. The HFEA encourages complaints to be submitted in writing. Complaints may be submitted:

- through our online complaints form
- by email to governance@hfea.gov.uk
- by post, if a complainant or their representative is unable to access digital channels.

2.3. Complaints submitted via social media risk not being received or processed. Where a message received through the HFEA's social media accounts appears to constitute a complaint, the HFEA will direct the individual to this policy and / or ask them to submit the complaint through our online complaints form, or by email.

2.4. If the HFEA receives a complaint through another channel (for example, in person, by telephone or in an email sent directly to a member of staff), it may need to be passed to the appropriate team and may take longer to process. To help us deal with complaints quickly and properly, we strongly encourage complaints to be submitted through our online complaints form or by email to governance@hfea.gov.uk.

2.5. Complaints should, where possible, include:

- full name of the complainant
- a contact email or postal address for the complainant or their representative
- the grounds for the complaint
- why it is believed that the HFEA has not handled the matter properly or has not met expected standards
- details of any individual involved in the matter of the complaint (if relevant/known)
- date(s) when the matter occurred (if relevant/known)
- what outcome is desired, and what action the HFEA is being asked to take
- any relevant supporting evidence

2.6. If posting a complaint is the preferred or only option, a letter can be sent to:

HFEA Corporate Complaints
Head of Planning and Governance
Human Fertilisation and Embryology Authority
2nd floor, 2 Redman Place
London
E20 1JQ

Please note - any complaints received by post will be handled in line with this policy, but we cannot guarantee they will be received or dealt with as quickly as other complaints. We recommend that signed-for or recorded delivery is not used, as our office is located within a shared building and receipt cannot be guaranteed.

2.7. Where a complainant or representative does not provide their full name and a contact email or postal address, the complaint will be treated as anonymous. However, anonymous complaints limit the HFEA's ability to investigate and respond effectively. In particular, the HFEA may be unable to:

- verify the information provided;
- seek clarification or further evidence;
- understand the impact on the complainant; or
- identify any related or ongoing processes (such as appeals or court action).

2.8. The HFEA may still investigate anonymous complaints where sufficient information is provided and may take any action it considers appropriate. However, it will not normally be possible to provide a written response to anonymous complaints.

2.9. Where a complaint is submitted by a representative, the HFEA may require confirmation that the representative is authorised to act on the complainant's behalf. For data protection complaints, the HFEA will always require evidence of such authorisation before processing the complaint. The form of evidence required will depend on the circumstances and may include, but is not limited to:

- a valid power of attorney;
- a signed letter of authority from the person on whose behalf the complaint is made; or
- written confirmation from the complainant providing their consent.

3. Complaint investigations and outcomes

3.1. Complaints received via email or our online form will typically be acknowledged within 5 working days. We will respond as soon as possible for complaints received by post or other channels, but please note it may take longer.

3.2. As part of an investigation, relevant information from the complaint may be shared with HFEA staff as appropriate, and where necessary, with any individual who is the subject of the

complaint. Any sharing will be limited to what is necessary and proportionate for the purposes of investigating and responding to the complaint, and handled in accordance with data protection principles.

3.3. Complaint investigations will normally be completed within 30 working days of receipt.

3.4. Where additional time is required to investigate, the complainant will be informed in writing of the revised timescale and the reasons for the delay, where possible.

3.5. A written response summarising the outcome of the investigation will be provided at the conclusion of a complaint investigation (with the exception of investigations into anonymous complaints).

3.6. All responses will be sent via email or post, to the contact details provided for the complainant or their representative. The HFEA will not issue complaint responses via social media channels.

3.7. A complaint may be upheld, partially upheld, or not upheld.

3.8. Where a complaint is upheld or partially upheld, possible actions may include:

- acknowledging where we have made a mistake
- providing a full written explanation of what occurred and why
- making changes to relevant HFEA policies or processes
- updating information on the HFEA website
- referring the matter to the **HFEA Authority** or the Department for Health and Social Care
- taking any other action considered appropriate to address the matter.

3.9. Where a complaint is not upheld, a written explanation will be provided, including the full reasons for the decision.

4. Requesting a review

4.1. If a complainant or their representative is not satisfied with the outcome of the complaint investigation, in the first instance they may ask for a review to be conducted by the HFEA.

4.2. A review must be requested within 20 working days of receiving the complaint response. Requests made after 20 working days will not be considered.

4.3. A review must be requested in writing. This may be:

- through our online complaints form;
- via email to governance@hfea.gov.uk;
- by post, if a complainant or their representative is unable to access digital channels.

4.4. A review request must explain why the complainant is dissatisfied with the outcome, provide any new evidence for the HFEA to consider, and set out what outcome is desired from the HFEA as a result of the review.

4.5. A review will only be conducted if:

- new evidence is provided that was not reasonably available during the original investigation and could affect the outcome; or
- it can be shown that the complaints policy was not followed correctly.

4.6. Review requests will normally be acknowledged within 5 working days if received via email or our online form. We will respond as soon as possible for complaints received by post or other channels (but please note this will likely take longer).

4.7. A copy of the complaint, any additional information provided, and the complaint response may be shared with relevant HFEA staff and any person who is the subject of the complaint as part of the review process.

4.8. A review will focus on:

- whether the complaint investigation was conducted fairly, proportionately, and in line with this policy
- whether the conclusions reached were reasonable, based on the evidence available at the time
- whether any new information provided affects the complaint investigation outcome
- confirming whether, in light of the above, the complaint should be upheld, partially upheld, or not upheld.

4.9. Complaint reviews will be completed within 20 working days of receipt wherever possible. Where it is not possible to complete the review within 20 working days, a written update will be provided.

4.10. A summary of the outcome of the review will be sent to the complainant or their representative. This will include:

- whether the complaint investigation decision has changed
- whether the complaint has been upheld, partially upheld, or not upheld
- any actions planned or taken, if relevant

4.11. The Reviewing Officer's decision is final. Once the review outcome has been issued, no further correspondence about the complaint will be considered.

4.12. Only one review may be requested and conducted per complaint. If new evidence emerges after a review has been completed, a new complaint may be submitted. This ensures that outcomes reflect the decision made based on the evidence available at the time.

4.13. If a complainant or their representative remains dissatisfied with the outcome of the initial investigation and any subsequent review, they may ask their Member of Parliament (MP) to refer the complaint to the Public Service Ombudsman (PSO). Further information can be found on the PSO website: What to do before you come to us | Public Service Ombudsman.

5. Time limit for making a complaint

5.1. Complaints should be submitted as soon as possible after the events in question, and no later than six months from the date of the matter being complained about, or from the date it was discovered, whichever is later.

5.2. For complaints relating to an ongoing issue, the six-month period for making a complaint will usually be measured from the date of the most recent relevant event.

6. Aggressive, vexatious or persistent complaints and complainants

6.1. The HFEA is committed to investigating complaints fairly and impartially, including complaints that are complex, critical or raise significant concerns. However, in exceptional circumstances, a complaint or the conduct of a complainant may be considered aggressive, vexatious, persistent or an abuse of this policy where it demonstrates one or more of the following behaviours:

- using aggressive, abusive, threatening or offensive language;
- making demands for action or information that would unreasonably impact the work of the HFEA;
- submitting frequent or numerous complaints about different or unrelated issues in a way that places a disproportionate administrative burden on staff;

- persistently pursuing a complaint after all stages of this complaints policy have been exhausted and the HFEA has provided a final response;
- submitting complaints that are identical or substantially similar to previous complaints;
- continually changing the substance of the complaint, raising new issues while the complaint is being addressed or after the investigation or review has concluded;
- refusing to clearly identify the issues to be investigated despite reasonable efforts from staff to support clarity;
- engaging in correspondence or conduct intended to cause disruption, harm, annoyance or expense, or which has the effect of harassing HFEA staff;
- correspondence or conduct that can reasonably be characterised as obsessive, disproportionate, or manifestly unreasonable;
- complaints where the subject matter is, or has been, the subject of legal proceedings;
- any other behaviour that significantly diverges from reasonable, proportionate use of this complaints policy and prevents the HFEA from handling the complaint effectively.

6.2. Where a complaint or the conduct of a complainant is deemed aggressive, vexatious, persistent or an abuse of this policy, the HFEA may take proportionate and appropriate measures. This may include, but is not limited to:

- limiting communication with the complainant;
- confirming in writing that a complaint investigation or review is complete (or is not appropriate) and that further correspondence on the matter will not be considered;
- confirming in writing that an investigation or review will not take place, for example where the matter is not within the scope of a corporate complaint (as defined in this policy) or is subject to legal proceedings
- informing the complainant that repetitive or unnecessary further complaints may not receive a response;
- suspending any investigation or review pending the conclusion of any legal proceedings, where appropriate;
- referring the matter to the police, where necessary.

6.3. Any decision to apply such measures will be approved by the Chief Executive.

6.4. Any measures applied will be reviewed periodically to ensure they remain necessary, proportionate and appropriate.

Appendix 1: Definitions

The HFEA uses the following definitions in this policy.

Term	Definition
The Act	The Human Fertilisation Embryology Act 1990 (as amended). This is the legislation that established the HFEA and governs UK fertility law.
Aggressive, vexatious or persistent complaint	A complaint that is unreasonably repetitive, obsessive, or abusive, or otherwise constitutes an abuse of this policy.
Appeals regulations	The Human Fertilisation and Embryology (Procedure for Revocation, Variation or Refusal of Licences) Regulations 2009 and The Human Fertilisation and Embryology (Appeals) Regulations 2009. These are the regulations that govern the reconsideration of licensing decisions.
Complainant	Any individual or organisation making a complaint.
Complaint	A **complaint** is an expression of dissatisfaction that requires a response. A complaint may relate to an act, omission, decision-making process, published information or standard of service. It does not include dissatisfaction with a decision that has a right of appeal or referral to or review by a tribunal or court of law. Complaints are handled by the HFEA as either corporate or clinical complaints: • **Corporate complaints -** complaints about the work of the HFEA and the way in which we have exercised our statutory duties. Corporate complaints are managed under this Corporate Complaints Policy. • **Clinical complaints -** complaints about fertility treatment, care, or services received at a clinic licensed by the HFEA. Clinical complaints are managed under the HFEA's Clinical Complaints Policy and associated guidance, available on our website: **Making a complaint about a fertility clinic | HFEA**. Unless otherwise stated, references to 'complaints' in this policy mean corporate complaints.
Data protection complaint	A complaint made by an individual who believes that their personal data (or the personal information of someone they are acting on behalf of) has not been handled in accordance with data protection legislation. This includes concerns about how personal data has been collected, used, stored, shared, retained, or protected, or how a request to exercise data protection rights has been handled.
Enquiry	A request for information, clarification or explanation about the HFEA's work or about fertility treatment, including how treatment is regulated or where further information can be found. Enquiries are generally routine and can usually be resolved by the HFEA providing information or signposting the enquirer to existing guidance.

Feedback	An opinion, whether invited or spontaneous, that can be positive, negative or neutral. It does not require a response.
Investigation	The process of examining the details of a complaint to establish the facts, determine whether the complaint is upheld, and identify any actions required.
Investigating Officer	The person who leads a complaint investigation. The investigating officer will be a senior member of staff who has had no direct involvement in the matter being complained about.
Outcome	The decision reached at the end of a complaint investigation or review, including whether the complaint is upheld, partially upheld, or not upheld.
Representative	Somebody who makes a complaint on behalf of another individual or organisation, or who supports them to make a complaint.
Review	A process to reconsider the outcome of a complaint investigation.
Reviewing Officer	The person who leads any review of a complaint investigation. The reviewing officer will be a senior member of staff who has had no direct involvement in the matter being complained about and no direct involvement in the investigation.
Whistleblowing	Whistleblowing is when a worker (or a former worker) reports suspected past, present or imminent wrongdoing, or an attempt to conceal wrongdoing. Reporting a wrongdoing is also known as making a ‘whistleblowing disclosure’ or ‘protected disclosure’. The wrongdoing disclosed must be in the public interest, meaning it must affect others (e.g. the public). Whistleblowers are protected by law - they should not be treated unfairly or lose their job because they ‘blow the whistle’.
Working days	The days on which the HFEA is operating, and staff are working, typically Monday to Friday, excluding weekends and recognised UK public or bank holidays.