



# RQIA Complaints Policy

**August 2020**

<b>Date Approved by RQIA Board</b>	<b>27 August 2020</b>
<b>Date of Issue</b>	<b>28 August 2020</b>
<b>Date of Review</b>	<b>August 2023</b>

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## 1. Background and introduction

This policy, developed and published in April 2018, has been updated to reflect the latest HSC Complaints Procedure which was revised in April 2019. This updated policy also reflects learning from previous complaints and the findings and recommendations from an internal audit conducted in April 2019.

RQIA's Complaints Policy is based on the [Health and Social Care Complaints Procedure](#) developed by the Department of Health (revised April 2019). RQIA recognises the importance of having an accessible and impartial process for dealing efficiently and effectively with complaints about our performance.

We are committed to listening to people and learning from their experiences of interacting with us. The purpose of this policy is to set out how we will address complaints in a timely and effective way. We will ensure that relevant staff receive appropriate training in complaints management.

RQIA's Complaints Policy has been developed around the following key principles:

- **Openness and accessibility** – flexible options for pursuing a complaint and effective support for those wishing to do so;
- **Responsiveness** – providing an appropriate and proportionate response;
- **Fairness and independence** – emphasising early resolution in order to minimise distress for all those involved; and
- **Learning and improvement** – ensuring complaints are viewed as a positive opportunity to learn and to improve services.

## 2. Who can complain about RQIA?

Anyone directly affected by the way in which RQIA has carried out its functions, or anyone acting directly on their behalf, may make a complaint under this policy. This includes individuals or a person acting on behalf of an organisation.

Complaints by a third party should be made with the written consent of the individual concerned. However, where a person is unable to act for themselves their consent is not required.

## 3. What are the timescales for making a complaint?

A complaint should be made as soon as possible after the action giving rise to it and normally within six months of the event. However, in exceptional circumstances if a complainant can demonstrate that they became aware of the circumstances relating to the complaint after six months, RQIA's Chief

Executive or his/her nominated deputy can use discretion to extend this time limit to a period not exceeding 12 months.

#### **4. How can I make a complaint?**

Complaints may be made verbally, in writing or electronically. Should a verbal complaint be made the complainant may be asked to formalise their complaint in writing – either by email or on paper. This will help ensure that both the complainant and RQIA are clear about the issues and will help avoid confusion or dissatisfaction and subsequent complaints. If the complainant is unable to put their complaint in writing then RQIA's Complaints Manager or the Patient and Client Council (PCC) can provide help.

Complaints can be made to any RQIA staff member, who will then pass this to RQIA's Complaints Manager for recording and next steps. Depending on the nature of the complaint we may be able to resolve it immediately.

Some complainants may prefer to make their initial complaint to someone within RQIA who has not been involved in the issue/area of work. In these circumstances you should make your complaint directly to RQIA's Complaints Manager:

RQIA Complaints Manager  
9th Floor  
Riverside Tower  
5 Lanyon Place  
BELFAST  
BT1 3BT

By email: [info@rqia.org.uk](mailto:info@rqia.org.uk)

#### **5. What support is available to help make a complaint?**

Advice and assistance is available at any stage in the complaints process from the Complaints Manager by contacting RQIA on tel: (028) 9536 1851.

Independent advice and support for complainants is available from the PCC. Further information can be obtained from:  
<https://patientclientcouncil.hscni.net/> or freephone: 0800 917 0222

## **6. How will RQIA manage my complaint?**

Firstly, we will acknowledge complaints in writing within two working days of receiving them.

In our acknowledgement we will:

- Seek to confirm the issues raised in the complaint;
- Offer opportunities to discuss issues with relevant staff; and
- Provide information on the availability of independent support and advice.

RQIA will aim to establish at the outset what a complainant wants to achieve.

We will attempt to address/manage complaints in two stages:

- Early resolution
- Formal resolution

We will normally try to resolve complaints at the early resolution stage. However, the early resolution stage may be disregarded where RQIA believe that the complaint will require more thorough investigation. On these occasions the complaints process will begin at formal resolution.

Where complaints are made anonymously, all issues raised will be reviewed and an investigation carried out, as appropriate. RQIA cannot respond to an anonymous complaint as we cannot contact the complainant.

### **6.1 Early Resolution**

This stage will normally be carried out by a senior staff member in the team/area of work relating to the complaint. Early resolution may involve a written exchange, telephone call or face-to-face meeting between RQIA and a complainant in order to understand the issues and provide satisfactory resolution to the complaint.

If the complainant is satisfied with our response to their complaint, the senior staff member will write to the complainant to advise of any learning and to close the complaint. This correspondence will be recorded by the Complaints Manager and shared with RQIA's Chief Executive or his/her nominated deputy.

If the complainant is dissatisfied with RQIA's early resolution response they can request a more detailed investigation be carried out under formal resolution.

### **6.2 Formal Resolution**

This stage will be carried out by a senior RQIA staff member not involved in the team/area of work related to the complaint. They will be the 'investigating officer' and will familiarise themselves with the documentation relating to the

complaint. The investigation process is best described as “listening, learning and improving”.

The investigating officer will meet the complainant to give them an opportunity to clarify their matters of dissatisfaction, together with their preferred outcomes. These areas of complaint and preferred outcomes should be agreed between the investigating officer and the complainant and formally recorded.

To help gain a full understanding of events surrounding the complaint, the investigating officer will also contact any other relevant persons to arrange a date to interview them. A note of each meeting or discussion will be made and sent to interviewees for them to check the accuracy. This should be returned to the investigating officer within an agreed timeframe.

Investigations will be conducted in a manner that is supportive to all those involved; without bias; and in an impartial and objective manner. The investigating officer will uphold the principles of fairness and consistency and will ensure that complainants are kept informed of progress throughout.

Where an employee of RQIA is subject to a complaint and the investigation remains ongoing, should they leave our employment, they will be informed of the outcome at the conclusion of the investigation. If a former employee is subject to a complaint we will consider contacting them as part of any investigation or review.

### **6.3 Reporting on the Outcome of the Investigation**

The investigating officer will produce a clear report which will clearly set out the evidence that underpins their conclusions. It will actively differentiate between fact and opinion. Any conclusions and recommendations will be substantiated and clearly linked to findings.

The investigating officer will draft a letter to the complainant for the Chief Executive's or his/her nominated deputy's consideration. The letter will detail any findings, conclusions and any recommendations for RQIA. The investigating officer will also outline to the Chief Executive or his/her nominated deputy, any learning for RQIA.

The Chief Executive or his/her nominated deputy will send the final response to the complainant and any person subject to the complaint. This letter will be clear, accurate and balanced and will contain an apology where things have gone wrong.

In the final response we will advise the complainant that if they are not satisfied with the response, they can contact us again within one month and we will discuss the options available which may help in resolving any outstanding issues.

If the complainant remains dissatisfied with the outcome of the complaints process they can then refer their complaint to the Northern Ireland Public Services Ombudsman. The complainant must do so by writing to the Northern Ireland Ombudsman within six months from the date of the final response from RQIA, at:

Northern Ireland Public Services Ombudsman  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6BR

**Freepost:** Freepost NIPSO

**Telephone:** 0800 34 34 24 (free-phone number)  
Or 028 9023 3821 (switchboard)

**Textphone:** 028 9089 7789

**Email:** [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

**Website:** [www.nipso.org.uk](http://www.nipso.org.uk)

## **7. How long will the complaints process take?**

The length of the complaints process will be determined by the type of complaint made and the need for further investigation if required. However, we will take every opportunity to resolve complaints as quickly as possible through discussion with the complainant.

We will acknowledge receipt of complaints **within two working days** and will attempt to complete resolution within a total of **20 working days** of receipt of a complaint. Any difficulties or delays identified in being able to resolve a complaint within 20 working days will be communicated to the complainant as quickly as possible and an update provided at least every 20 working days thereafter.

We understand that involving a complainant throughout the consideration of their complaint will provide for a more flexible approach to resolution. Our Complaints Manager will be available at an early stage to discuss the individual case and timescales for any investigation.

## **8. How will RQIA learn from complaints?**

We recognise the importance of identifying learning from complaints and disseminating this learning to all relevant staff groups in order to improve performance and reduce the likelihood of any recurrence of the actions/omissions giving rise to the complaint.

All recommendations arising from investigations of complaints will be outlined in an action plan by the Complaints Manager. The Head of Business Support Unit and the Complaints Manager will bring the action plan to a senior management team meeting and discuss this with relevant senior staff.

Once agreed a senior manager within each relevant team will ensure that an action plan is implemented within their respective area of responsibility within an agreed timeframe. RQIA's Executive Management Team will also receive periodic updates on the timeliness and effectiveness of complaints management in RQIA.

In line with [the DoH guidance in relation to the health and social care complaints procedures](#) we will publish an annual report on complaints handling.

We maintain a database of all complaints. The Complaints Manager also collates information on complaints for reporting to our Board and through our Annual Report and Accounts. These reports will specify the number of complaints received about RQIA, themes, the timeliness of their management and how they have been addressed. The reports will also identify how any lessons learned have been disseminated.

## **9. Who will manage the complaints process?**

**Chief Executive** - has overall responsibility and accountability for the handling and consideration of complaints about RQIA.

**RQIA Complaints Manager** - has day to day responsibility for managing the complaints process, and is available to complainants to answer any questions or queries they may have. The Complaints Manager is also responsible for the effective reporting and management of the systems and processes for handling complaints.

**RQIA Board** - will receive regular updates on complaints about RQIA to provide appropriate governance and oversight of the process.

## **10. Are there types of complaints that RQIA will not investigate?**

We will work with complainants to find the best solution to any concerns raised about our work. However, there are some matters which fall outside the scope of this complaints policy and which may be referred to another process to deal with these concerns. These include:



- Any matter relating to requests for information under Freedom of Information or access to records under the General Data Protection Regulation (GDPR).
- Any matter which is being or has been investigated by the Northern Ireland Public Services Ombudsman.
- Any matter which is the subject of an independent inquiry, legal proceedings or criminal investigation.
- Any matter dealt with under RQIA's human resources policies and procedures.
- Any matter relating to enforcement action. This is governed by our Enforcement Policy.
- Any matter where a group of service providers or their representatives has an issue of general concern. This should be raised directly with the relevant Director or Head of Business Support for consideration and resolution.
- Any matter relating to the factual accuracy of inspection reports. This is managed through our Inspection Policy.
- RQIA will not investigate complaints that are considered unreasonable or abusive. Any such decision will be authorised by the Chief Executive or his/her nominated deputy and this will be recorded by the Complaints Manager. Unreasonable or abusive complainants (as defined by [DoH guidance in relation to the health and social care complaints procedures](#), Annex 13), along with threats or abuse of staff, will not be tolerated and, where appropriate, will be referred to the Police Service of Northern Ireland.