

## General Complaints Policy and Procedure

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## **Introduction**

- 1 This policy and procedure sets out how the National Institute for Health Care Excellence (NICE) will deal with general complaints about the Institute.
- 2 This policy covers the administration of NICE affairs. It does not cover complaints against our guidance, or against the methods and processes used in its development. The procedure is designed to enable proper consideration to be given to each complaint in a way that is as fair and impartial as possible. All complaints will be handled by a senior member of NICE staff.
- 3 A summary of all complaints will be reviewed annually by the NICE Audit and Risk Committee.

## **Making complaints**

- 4 Many complaints can be sorted out informally by discussing the issue with a member of NICE staff. However, if after discussing any concerns with them the complainant remains dissatisfied they can make a formal complaint.
- 5 To make a formal complaint the complainant should write (letter or e-mail) to NICE stating their concerns as clearly as they can to enable NICE to address the issues raised as quickly as possible. If they are unable or unwilling to put their concerns in writing, they should be given the opportunity of a meeting with the Associate Director, Corporate Office, who will make record of the complaint.

## **Process**

- 6 The first response to all complaints (other than those against a Director (see below) will be made by the Associate Director, Corporate Office. He/she may delegate this responsibility to another senior member of staff depending on the nature of the complaint. Complaints against Directors will be handled by the Chief Executive. Complaints against the Chief Executive will be handled by the Chairman and two non executive directors.
- 7 If the complainant is unhappy with the initial response from the Associate Director, Corporate Office, they can ask for it to be reviewed by the Chief Executive, who may ask another director to undertake the review. If the complainant remains dissatisfied, the complaint will be reviewed by a panel of two non-executive directors.
- 8 If, following a non-executive director review, the complainant is still unhappy with the decision of NICE, they should be referred to the Parliamentary and Health Service Ombudsman (PHSO) (see below).
- 9 If the complaint has been made against the Chief Executive, the initial response will have been made by the Chairman. If the complainant is dissatisfied with the outcome, they should be referred to the PHSO (see below).

### **Timeframe**

- 10 NICE will send an initial acknowledgement of receipt to the complainant within 5 working days and will aim to send a full response within 20 working days. However, in some circumstances, for instance where the issues are particularly complex, it may take longer to respond. If NICE thinks this is likely it will write to the complainant with a revised time-scale at the earliest opportunity and provide an explanation for the delay.

### **What this policy does not cover**

- 11 This policy does not cover complaints relating to the Freedom of Information Act or the Re-use of Public Sector Information Regulations for which there is a separate policy and procedure, nor does it cover matters relating to the development of NICE guidance which follows published methods and processes.
- 12 Individuals may not always agree with NICE's guidance recommendations. NICE understands and accepts this and always welcomes constructive criticism of its recommendations. Whilst every effort is made to respond to all such observations made, NICE will not treat them as formal complaints.

### **The Ombudsman**

- 13 If having gone through the internal complaints procedure a complainant is still unhappy with the decision they can ask for a review of their complaint by the Parliamentary and Health Service Ombudsman, who can be contacted at:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4 QP  
Helpline: 0345 0154033  
Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

**Andrew Dillon**

**Chief Executive**

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## Appendix A

### How we will deal with your complaint

#### Role of the Corporate Office

- 1 The Corporate Office at NICE has overall responsibility for the complaints process. This involves ensuring:
  - The complaint progresses through each stage in accordance with the procedure
  - That reasonable efforts are made to ensure that the complaint is resolved as quickly as possible
  - That a record is kept of the administration of the complaint.
- 2 To ensure accurate monitoring, all correspondence with the complainant will be dealt with through the Corporate Office.
- 3 If you wish to make a formal complaint it must be made in writing to:

David Coombs  
Associate Director, Corporate Office  
National Institute for Health and Care Excellence  
10 Spring Gardens  
London  
SW1A 2BU  
Email: [david.coombs@nice.org.uk](mailto:david.coombs@nice.org.uk)

#### Monitoring, evaluation and reporting

- 4 The Corporate Office should keep a record of the following events:
  - Date complaint received
  - Date complaint acknowledged
  - Date complaint responded
  - Stage of procedure when complaint resolved
  - Type of complaint.
- 5 All complaints are recorded, so that NICE is able to monitor the number and frequency of complaints received in order to identify trends in the number and nature of the complaints received and how they have been dealt with.
- 6 This information will be reviewed annually by the Audit and Risk Committee and quarterly reporting on complaints also forms part of NICE's performance management arrangements with the Board and the Department of Health.

#### Complaints administration

- 7 Complaints may be made in writing by letter or email. In addition, if a complainant is either unable or unwilling to put their complaint in writing,

the Associate Director, Corporate Office will arrange to meet them and make a record of the complaint on their behalf. The Associate Director, Corporate Office will then make an initial judgement as to whether the complaint falls within the remit of the corporate complaints procedure outlined within this policy. If the complaint would best be considered by a different NICE process, the complainant will be advised accordingly. If it is appropriate for the complaint to be considered within the corporate complaints process then the following procedure should be followed.

### **Stage 1: initial response**

1. The complainant will be sent an acknowledgement within 5 working days of receipt of the complaint. If NICE is unclear as to any aspect of the issues raised, additional information and/or clarification will be sought. If NICE does not receive clarification from the complainant within 20 working days of the receipt of the complaint it will be unable to review the complaint further and the case will be closed.
2. The Associate Director, Corporate Office, will review the complaint and a full reply will be sent within 20 working days.
3. If the complaint cannot be resolved within 20 working days of the original complaint, the complainant will be informed of the reasons in writing and provided with an estimated time when it will be completed.
4. The response will advise the complainant of their right to move to stage 2 if they are not satisfied with the response from stage 1. The complainant will be advised that they have 20 days from the date of the NICE's response at stage 1 to request a further review of their complaint.
5. The same timelines will apply to complaints investigated by the Chief Executive and by the Chairman, other than there is no stage 2 for complaints against the Chief Executive and complaints investigated by the Chief Executive may only be reviewed at stage 3 (see below) .

### **Stage 2: Review by Chief Executive or senior manager**

1. The purpose of stage 2 is for the Chief Executive, or other senior manager designated by him, to review the complaint and NICE's response if the complainant is unhappy with it.
2. A stage 2 complaint will be recorded and logged by the Corporate Office and will be forwarded to the Chief Executive or other senior manager designated by him to respond to. At the discretion of NICE, the complaint may be referred directly to a panel of two non-executive directors.
3. Stage 2 complaints will be acknowledged in writing within 5 working days of receipt. The complainant will be advised of the timescales in

which to expect a response and provided with information explaining the next stage of the procedure.

4. A written reply will be provided to the complainant as soon as possible and within 20 working days of the receipt of the stage 2 complaint, giving a full response to the issues raised and any proposed remedies..
5. If a full response is not possible within the 20 working day deadline, the complainant will be informed of the delay and given an anticipated response date.
6. The complainant will also be advised in the stage 2 response that if they are still not satisfied with the response from NICE, they can request (within 20 working days of the response being sent to them) a further review of their complaint by two non-executive directors of NICE.

### **Stage 3: Review by non-executive directors**

1. The request from the complainant for a review by two non-executive directors must be received by NICE within 20 days of the date of the stage 2 response.
2. A meeting will be arranged with the non-executive directors to review the complaint. One of the non executive directors will be appointed as convenor of the complaints panel by the Chairman of NICE. NICE will endeavour to hold the review meeting within 20 working days of receipt of the request, although this may be earlier or later, depending on the urgency and complexity of the matters to be considered.
3. The Associate Director, Corporate Office will act as secretary to the review panel.
4. The non-executive directors may take advice from the Chairman of NICE on any matter relating to the complaint and the Chairman may attend any of the review panel meetings.
5. The non-executive directors will be provided with an information pack containing the key documents they will be asked to review and the procedures for the review process.
6. The non-executive directors may call any member of NICE's staff to the review meeting who they consider will be helpful in clarifying any matter relating to the complaint.
7. The non-executive directors will consider the complaint and the response of NICE at each stage. They will consider whether the matters have been investigated and responded to appropriately.
8. The review meeting should be carried out and the complainant informed of the outcome within 20 working days of receipt of the request for a review. If, in exceptional circumstances, it is not

possible to adhere to this time scale, the complainant will be informed of the reasons and kept informed of progress.

9. In the reply, NICE will inform the complainant that this is the final stage of the internal complaints procedure and, should they still feel dissatisfied with the outcome, they may apply for a review of their case by the Parliamentary and Health Service Ombudsman.

## Appendix B - Version Control Sheet

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Replaces</b>	<b>Comment</b>
2.1	December 2012	Julian Lewis	Complaints policy V2.0	
2.2	November 2015	David Coombs	Complaints policy V2.1	