

# General Complaints Policy and Procedure

Responsible Officer	<i>Business Planning &amp; Resources Director</i>
Author	<i>Governance Manager: risk assurance</i>
Date effective from	<i>March 2001</i>
Date last amended	<i>September 2018</i>
Review date	<i>September 2021</i>

## Introduction

1. This policy and procedure sets out how the National Institute for Health Care Excellence (NICE) will deal with general complaints about NICE.
2. It is designed to ensure proper consideration is 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 or member of the Board. The policy and procedure is consistent with the Parliamentary and Health Service Ombudsman's [principles of good complaint handling](#).

## Principles

3. With all complaints we will:
  - listen carefully to your concerns;
  - be polite and helpful;
  - deal with your complaint fairly and efficiently;
  - admit any mistakes we have made, put matters right whenever possible and learn from the investigation;
  - try to help you find the right organisation if we cannot deal with the complaint ourselves.

## Scope

4. This policy covers how we manage our work. You can use it if you think we have done something we shouldn't or not done something that we should. You can also use it if you think we have acted unreasonably in our relationship with you.
5. However, this policy can't be used to make complaints about the recommendations or advice contained in individual publications, or the methods and processes used in their development. We recognise that people may not always agree with our advice. We understand and accept this and we are happy to accept reasoned arguments that challenge our recommendations and advice. The methods and processes we use provide the opportunity for anyone who is unhappy with the recommendations and advice we publish to put their concerns to us and to see our response. Those methods and processes are themselves subject to periodic review and public consultation.
6. You should make your complaint as soon as you can. We won't be able to investigate complaints about events that occurred, or came to your attention more than 12 months ago. If there are good reasons for not having made the complaint inside this time limit, and it is still possible to

investigate the complaint effectively and fairly, we may decide to still consider your complaint.

7. This policy does not cover complaints relating to the Freedom of Information Act or the Re-use of Public Sector Information Regulations for which we have separate policies and procedures.

## **Making a complaint**

8. Whenever possible it's best to try and resolve a complaint by talking to us informally. However, if it isn't possible to resolve it in this way, you can make a formal complaint.
9. To make a formal complaint you should write (letter or e-mail) to us setting out your concerns as clearly as you can. Providing any relevant supporting information at this stage can help us make as quick a response as possible.
10. You might not want your identity known to those to whom we will need to talk to investigate your complaint. If so, please let us know at the start.
11. If you don't tell us who you are, we will investigate your complaint but we won't provide you with a response.
12. Your complaint should be sent to:  
  
David Coombs  
Associate Director, Corporate Office  
National Institute for Health and Care Excellence  
10 Spring Gardens  
London  
SW1A 2BU  
Email: [complaints@nice.org.uk](mailto:complaints@nice.org.uk)
13. If you're not able to put your concerns in writing, you can ask for a meeting (or telephone call) with the Associate Director, Corporate Office, who will make a record of the complaint for you.

## **Role of the Corporate Office**

14. 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 your complaint is resolved as quickly as possible

- that a record is kept of the way your complaint has been handled.
15. To ensure accurate monitoring, all our correspondence with you will be dealt with through the Corporate Office.

## **How we will deal with complaints**

### **Stage 1**

16. The Associate Director, Corporate Office will make an initial judgement on whether your complaint falls within the remit of the complaints policy. If the complaint would best be considered by a different NICE process, we will let you know.
17. You will be sent an acknowledgement of the complaint. This will usually be within 5 working days, but may be longer if consideration is required as to whether what you tell us falls within the complaints policy. We may ask you for more information if we're not sure about what you've told us. If we do ask you for more information but we don't hear from you within 20 working days, the case will be closed.
18. Once we have all the information we need, the Associate Director, Corporate Office, will investigate your complaint and will send you a full reply as soon as possible, usually within 20 working days. This investigation and response may be delegated to another senior member of staff depending on the nature of your complaint.
19. If your complaint can't be resolved within the 20 working days period, we will let you know why and how long we think it will take.
20. We hope that you will be happy with our response, but if you're not, you can take your complaint to the next stage (stage 2), as long as you do so within 20 working days of receiving our response.

### **Stage 2: Review by Chief Executive, senior manager, or Non-Executive Director panel**

21. A stage 2 complaint will be logged by the Corporate Office and forwarded to the Chief Executive.
22. The Chief Executive will then choose one of the following options to complete the stage 2 review:
  - Undertake the review personally;
  - Ask another senior manager to do so on her or his behalf;

- Convene a panel of two of NICE's non-executive directors (members of our Board who are not employees).
23. The Chief Executive will take account of the nature and complexity of the complaint when deciding who will undertake the stage 2 review. Considerations include the seniority of the staff about whom you have complained, whether or not the stage 1 investigation was undertaken by a director, and the potential for the complaint to escalate to the Parliamentary and Health Service Ombudsman.
  24. Stage 2 complaints will be acknowledged in writing within 5 working days of receipt. We will send you a written reply as soon as possible and normally within 20 working days of the receipt of the stage 2 complaint, giving a full response to the issues raised.
  25. If a full response is not possible within 20 working days, we will let you know as soon as possible and we will give you an anticipated response date.
  26. When we reply we will let you know that this is the final stage of the internal complaints procedure and that if you are dissatisfied with the outcome that you can apply for a review of your case by the Parliamentary and Health Service Ombudsman.
  27. The [Parliamentary and Health Service Ombudsman](#) can be contacted at:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP

Helpline: 0345 0154033

Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

### **Complaints about the Senior Management Team and Board**

28. The Associate Director, Corporate Office will not review complaints about members of the Senior Management Team and NICE Board, and different arrangements apply:
  - the Chief Executive will respond to any complaints about members of the Senior Management Team
  - the Chair of the NICE Board will respond to any complaints about the Chief Executive

- NICE's Senior Independent Director (who is a non-executive director) will respond to any complaints about the Chair of the NICE Board.
29. The response from the Chief Executive, Chair or Senior Independent Director will be final. Given the level of seniority of the initial respondent, the arrangements for a stage 2 investigation outlined above will not apply. If you remain unhappy with the outcome of the complaint investigation, you can refer your concerns to The Parliamentary and Health Service Ombudsman.
  30. All other aspects of the complaints process outlined in paragraphs 16 to 19 above, including timescales, will apply.

### **Monitoring, evaluation and reporting**

31. The Corporate Office maintains a record of all complaints so that we are able to monitor the number and frequency of complaints, to help see if there any trends in the number and nature of the complaints received over time and how they have been dealt with, including any lessons learnt.
32. This information will be reviewed annually by the Audit and Risk Committee.

## Appendix - 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	
3.0	September 2018	Elaine Repton	Complaints policy v2.2	