2019 No. 2

Directions to the Health and Social Care Board on procedures for dealing with complaints about family health services practitioners and pilot scheme providers (Amendment No. 3) (Northern Ireland) 2019

The Department of Health(a), in exercise of the powers conferred by section 8(1)(b) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(b) directs as follows:

Citation, commencement and interpretation

1.—(1) These Directions, which may be cited as the Directions to the Health and Social Care Board on procedures for dealing with complaints about family health services practitioners and pilot scheme providers (Amendment No. 3) (Northern Ireland) 2019, shall come into operation on 1st April 2019.

(2) In these Directions, “the principal Directions” means the Directions to the Health and Social care Board on procedures for dealing with complaints about family health services practitioners and pilot scheme providers, which came into operation on 1st April 2009.

Amendment of the principal Directions with respect to Interpretation

2.—(1) In paragraph 2(1) (Interpretation) of the principal Directions—
   (a) for the definition of “NI Commissioner for Complaints” substitute the following—
   “Northern Ireland Public Services Ombudsman” means the Northern Ireland Public Services Ombudsman appointed in accordance with the Public Services Ombudsman Act (Northern Ireland) 2016;”(c);
   (b) after the definition of “relevant terms of service” insert—
   “Serious Adverse Incident” (SAI) means any incident falling within any of the criteria currently set out in paragraph 4.2 of the HSC Board’s “Procedure of the reporting and follow up of Serious Adverse Incidents” of November 2016 or as revised from time to time.”;

(2) In paragraphs 6(1)(c) (General duty to co-operate), 9(1)(j) (No investigation of complaint) and 18(d) (Response) of the principal Directions for “NI Commissioner for Complaints”, at each place it occurs, substitute “Northern Ireland Public Services Ombudsman”.

Amendment of the principal Directions with respect to the scope of the arrangements

3. In paragraph 9 (No investigation of complaint) of the principal Directions—

(a) Formerly the Department of Health, Social Services and Public Safety (DHSSPS) remained by virtue of the Departments Act (Northern Ireland) 2016; see 2016 c. 3 (N.I.), s. 1(5)
(b) 2009 c. 1 (N.I.) as amended by 2014 c. 5 (N.I.)
(c) 2016 c. 4 (N.I.)
(1) in sub-paragraph (1)(f) for “a complaint which has led to the protection of vulnerable adults policy or procedures having been activated” substitute “a complaint which has led to the adult safeguarding procedures or protocol having been activated”;

(2) after sub-paragraph (1)(j) add the following head—
   “(k) a complaint that has been escalated to a Serious Adverse Incident (SAI).”;

(3) After sub-paragraph (4) insert—
   “(4A) Where the investigation of a matter which is the subject of a complaint is not commenced, or has ceased, in accordance with sub-paragraph (1)(k), investigation shall be commenced, or resumed in relation to any matter which is not the subject of the Serious Adverse Incident investigation.”.

Amendment of the principal Directions with respect to who may make a complaint

4. In paragraph 11 (Person who may make a complaint) of the principal Directions, omit sub-paragraph (6).

Amendment of the principal Directions with respect to referring a complaint

5. In paragraph 12 (Referring a complaint) of the principal Directions, for sub-paragraph (5)(b) substitute—
   “(b) The HSC Board Complaints Manager acts impartially as “honest broker” to the complainant and Practice/Practitioner in the resolution of the complaint.”.

Amendment of the principal Directions with respect to the handling of complaints under paragraph 11(6)

6. In paragraph 15 (Handling of complaints under paragraph 11(6)) of the principal Directions, omit sub-paragraphs (1) and (2).

Amendment of the principal Directions with respect to monitoring

7. In paragraph 21 (Monitoring) of the principal Directions—
   (1) omit sub-paragraph (2)(b);
   (2) in sub-paragraph (3) for “the Department of Health, Social Services and Public Safety” substitute “Department of Health”.

Sealed with the Official Seal of the Department of Health on 22nd March 2019

Dr Paddy Woods
A senior officer of the Department of Health