Directions to the Regional Agency for Public Health and Social Well-Being on procedures for dealing with health and social care complaints (Amendment) (Northern Ireland) 2019

The Department of Health(a), in exercise of the powers conferred by section 6(1)(c) of the Health and Social Care (Reform) Act 2009(b), and having consulted the Regional Agency for Public Health and Social Well-being, directs as follows:

Citation, commencement and interpretation

1.—(1) These Directions, which may be cited as the Directions to the Regional Agency for Public Health and Social Well-being on procedures for dealing with health and social care complaints (Amendment) (Northern Ireland) 2019, shall come into operation on 1st April 2019.

(2) In these Directions, “the principal Directions” means the Directions to the Regional Agency for Public Health and Social Well-being on procedures for dealing with health and social care complaints, which came into operation on 26th July 2010.

Amendment of the principal Directions with respect to Interpretation

2.—(1) In paragraph 2 (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 person” but before the definition of services, 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 for the reporting and follow up of Serious Adverse Incidents” of November 2016 or as revised from time to time;”;

(2) In paragraphs 5(1)(b) (General duty to co-operate), 7(1)(m) (No investigation of complaint), 14(5) (Response) and 15(2) (Monitoring) 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 7 (No investigation of complaint) of the principal Directions—

(1) 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”;

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(a) Formerly the Department of Health, Social Services and Public Safety (DHSSPS) renamed by virtue of the Departments Act (Northern Ireland) 2016; see 2016 c. 5 (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)
(2) after sub-paragraph (1)(m) add the following head—

“(n) 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)(n), 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 responding to a complaint

4. In paragraph 14 (Response) of the principal Directions omit sub-paragraph (7).

Amendment of paragraph 17 (Annual Reports) of the principal Directions

5. In paragraph 17(a) (Annual Reports) of the principal Directions for “the Department of Health, Social Services and Public Safety” substitute “the 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