

Complaints about the Health Professional Regulators policy

1. Introduction

CHRE is an independent body accountable to Parliament. Our primary purpose is to promote the health, safety and well-being of patients and other members of the public. We scrutinise and oversee the nine health professional regulatory bodies, work with them to identify and promote good practice in regulation, carry out research, develop policy and give advice. We do not regulate the regulators.

We are often approached by members of the public, registrants and employers with complaints about regulatory bodies. This policy sets out our statutory powers and our process for dealing with the complaints that we receive about regulatory bodies.

2. Our legal powers

We are governed by the NHS Reform and Health Professions Act 2002 and the Health and Social Care Act 2008.

Section 28 of the 2002 Act was drafted to allow CHRE to deal with complaints about the regulatory bodies but this is not in force. Therefore, we do not have any legal power to investigate the complaints we receive.

However, the purpose of CHRE is to promote good practice in regulation across the nine health professional regulatory bodies. Therefore, in the absence of formal powers under Section 28 we work with the regulatory bodies informally and consensually on the complaints we receive. We use them as an opportunity, not only to try to help you where possible, but also to share with the regulatory bodies any good practice or learning points to improve their processes for the future.

We also take the complaints we receive into account in other areas of our work such as when we:

¹ The nine health professional regulators are: the General Chiropractor Council, the General Dental Council, the General Optical Council, the General Osteopathic Council, the General Medical Council, the Health Professions Council, the Nursing and Midwifery Council, the Pharmaceutical Society of Northern Ireland and the Royal Pharmaceutical Society of Great Britain.

- audit the initial stages of the regulatory bodies' fitness to practise processes
- review the regulatory bodies' final fitness to practise decisions
- carry out the performance review of the regulatory bodies
- carry out projects on health professional regulation

3. Making a complaint about a regulatory body

When you complain to us about a regulatory body, we expect that you will have already taken your complaint/concern to the regulatory body and given them the opportunity to respond. If this has not happened, we will ask you to do this, unless there are exceptional circumstances.

If you are still dissatisfied once the regulatory body has had a chance to respond to your complaint we can, with your agreement, send your complaint to the regulator and ask for its comments.

Before we do this, we will check that:

- Your complaint cannot be dealt with by another organisation
- Dealing with your complaint could help to improve health professional regulation and promote the health, safety and well-being of patients and other members of the public.

The table below provides some examples of the complaints we may and may not take forward.

Complaints we may accept	Complaints we may not accept
Delays	Financial activity or business arrangements e.g. setting of fees or charges set by the regulator
Failures in the management of a fitness to practise case	Decisions made in the initial stages of the fitness to practise processes
Customer service	Support for clinical techniques
Failures in the process of quality assuring educational institutions	Registration application decisions
Decisions by a final fitness to practise hearing which you consider to be unduly lenient. We will consider these complaints under our powers of appeal. However, they need to be dealt with within a strict legal timescale, which is 40 days from the date of the hearing or the last date on which the registrant could appeal against the decision	We cannot deal with decisions made by a final fitness to practise hearing that are too harsh

If the complaint is about the chief executive of the regulatory body we will also copy the complaint to the chair/president. We will give the regulatory body 20 working days to respond.

When we receive a response from the regulatory body we will prepare and send a response to you, including any 'learning points' for the regulatory body. We will also send the regulatory body a copy of our letter to you. If the response takes longer than 20 working days to receive, we will send you an update on the progress of your complaint.

4. How we monitor the complaints we receive

Every six months, we review the types of cases that we have received against each regulatory body to identify whether there are any trends or themes and to assess the effectiveness of our involvement with the complaint. We remain aware that the complaints we receive represent only a very small proportion of the complaints seen by the regulatory bodies and, therefore, limited inference about the state of regulation can be drawn from them.

5. Records disposal policy

Our records disposal policy states that we will keep complaints about the regulators for three years. However, there may be circumstances where we will keep the complaints for a longer period.

6. Internal complaints procedure

If you are unhappy with the way that we have dealt with your complaint, you can complain about us. Further information can be found on our website.

7. Related policies

- Unreasonably persistent contact and unacceptable behaviour policy
- How to complain about us policy