

Annex H

Serious allegations (against or about healthcare staff in England)

Serious allegations about a member of healthcare staff, such as allegations of sexual assault, sexual abuse or violence, should be dealt with in line with existing NHS processes for handling this type of incident, involving the police as appropriate. Such issues will not be handled as a complaint. Should a complaint investigation identify serious professional misconduct issues, these will be actioned in line with NHS processes with the relevant local healthcare team and responsible professional body notified.

If safeguarding issues are identified as part of a complaint, they should also be handled in line with existing processes (for example, DSO 03/2015 includes guidance on how immediate issues should be considered and escalated). Once any immediate risk has been dealt with, or a historical risk has been shared with the appropriate organisation, the complaint should be taken forward as appropriate.

Handling complaints making serious allegations

A serious allegation made against a member of healthcare staff identified during the handling of a complaint will be highlighted to the appropriate NHS England commissioning team. It will then be investigated by the relevant professional body such as the General Medical Council (GMC), Nursing and Midwifery Council (NMC), etc.

The NHS complaint can and will continue to be handled by the NHS England complaints team unless agreement is reached to place this on hold pending the outcome of any criminal or other investigations.

The NHS England commissioning team will receive updates about the investigation and will update the DS CSU. The outcome of investigations carried out by professional bodies will be shared with the NHS England commissioning team where appropriate, and will include details of any recommendations or action taken. This will in turn be shared with DS CSU by the NHS England commissioning team.

As a general rule, any complaint involving an allegation of serious misconduct against a member of staff will be led by the agency responsible for that element of the complaint (Home Office in all instances other than allegations against healthcare staff). In some instances there will need to be a co-ordinated approach (for example a complaint about use of force by an IRC contractor at the same time as a complaint about the conduct of a member of healthcare staff during or after the incident). In rare cases, some multi-agency incidents will require liaison between the specialist teams investigating misconduct allegations against healthcare and those investigating other elements (Home Office

Professional Standards Unit - PSU). In those instances, the lead agency will request and receive support from the other team in order to complete a full and thorough examination of what has occurred.

Notification of serious allegations

Paragraph 3.2 of the NHS England Serious Incident Framework¹ sets out guidance on alerting partner agencies, including the Department of Health, where a serious incident has or may have serious implications for the wider healthcare system, or where an incident may cause widespread public concern. A decision to inform the Department of Health will be agreed with the NHS England Health & Justice directorate lead as appropriate and communication with the Department of Health will be co-ordinated through NHS England Central Communications.

¹ <https://www.england.nhs.uk/patientsafety/wp-content/uploads/sites/32/2015/04/serious-incident-framework-upd2.pdf>