



LSA National Forum (UK)
Guidelines for the statutory supervision of midwives

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**PROCESS FOR THE NOTIFICATION AND MANAGEMENT
OF COMPLAINTS AGAINST A SUPERVISOR OF MIDWIVES
OR AN LSA MIDWIFERY OFFICER, INCLUDING APPEALS**

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NB: *This guidance should not be confused with any employment/HR procedures.*

Paper copies of this guideline may not be the most recent version. The definitive version is held at www.midwife.org.uk

LSA National Forum (UK)
Guidelines for the statutory supervision of midwives

1. Introduction

This guideline describes the process to be followed should there be cause for complaint against the performance within the framework of statutory supervision of any LSA Midwifery Officer (LSAMO) or Supervisor of Midwives (SOM).

Nursing & Midwifery Council (NMC) Midwives Rules and Standards (2004) – Rule 15 states:

Each Local Supervising Authority will publish: The procedure by which it will deal with complaints or allegations against its midwifery officer or supervisors of midwives within its area.

The Local Supervising Authority Standard indicates that in order to confirm the mechanisms for the notification and management of poor performance of an LSAMO or SOM the LSA will:

- *Publish the process for notification and management of complaints.*
- *Ensure the LSAMO or SOM is informed of the outcome of any LSA investigation of poor performance.*

Rule 14 states that where there are concerns about LSAMOs and SOMs meeting the standards these may be discussed with the Council.

The guidance states there should be open and transparent processes in place for complaints to be reported and managed. Service users, midwives, SOMs and employers should all be able to access the published details of how, when, why and to whom a complaint should be made.

2. Making a complaint against a Supervisor of Midwives

- 2.1 Midwives, NHS bodies and the public should have access to information about how to raise concerns about a SOM.
- 2.2 Complaints should be addressed to the LSA Midwifery Officer.
- 2.3 The LSAMO will require a detailed description of the allegations. If the complaint is from an NHS body, details of what investigation has taken place to substantiate the allegations would be expected.

3. Implementation Process

- 3.1 Information about how and to whom a complaint should be made, must be within the public domain. This may take various forms and differ from area to area:

LSA National Forum (UK)
Guidelines for the statutory supervision of midwives

- Leaflets for stakeholders.
- Verbal or written information to client group of childbearing women.
- Information on LSA and Trust websites.

4. Process of Investigation

- 4.1 The LSAMO will inform the SOM of the complaint and the allegations being made.
- 4.2 Dependent on the nature of the complaint and evidence available, the LSA may consider suggesting the SOM take leave of absence from their supervisory duties and, if appropriate, from midwifery practice until the full investigation is complete.
- 4.3 The SOM should be offered support and advice by her own named SOM.
- 4.4 If, for a valid reason, it is inappropriate for the LSAMO to investigate the allegations, an LSAMO from another LSA (Investigating Officer) or an experienced SOM will be appointed.
- 4.5 A response should be sent to the complainant in writing within five (5) working days, informing them that the complaint is being investigated.
- 4.6 The SOM will have the right of representation by a professional body, trade union or anyone acting in a non-legal capacity.
- 4.7 During the course of the investigation, if other concerns or allegations are made, these will be considered separately. Anecdotal information will not be taken into account.
- 4.8 At any point considered appropriate, advice may be sought from the NMC.
- 4.9 Role of the Investigating Officer

- Gather documentary evidence and statements.
- Arrange interviews in appropriate venues with relevant parties, ensuring they have information in writing prior to the interview.
- Organise the recording of interviews by either audio/written methods.
- Provide a detailed, clear, concise report written in an unbiased manner.

LSA National Forum (UK)
Guidelines for the statutory supervision of midwives

5. Conclusion of the Investigation

- 5.1 The LSAMO, having concluded the investigation, will decide whether there is a case to answer.
- 5.2 If another LSAMO or SOM has carried out the investigation (Ref. 4.4) then a report will be forwarded to the LSAMO who has requested the investigation with recommendations about whether there is a case to answer.
- 5.2 The report will refer to evidence which either supports or refutes the complaint and any factors that may be used in mitigation.
- 5.3 If there is no case to answer all parties will be informed in writing.
- 5.4 The SOM will be offered de-briefing and support for the future.
- 5.5 If the allegations are proven, the LSAMO will determine a course of action, for example:
- A development programme with written objectives and specified timeframe for completion. This will be monitored by the LSAMO
 - Removal from the role of SOM either permanently or for a specified time (if there have been mitigating circumstances, e.g., health problems).
- 5.6 The SOM would have the right of appeal to the LSAMO within 28 days of the decision who will arrange for the appeal to be heard by a panel which may include an LSAMO from a different LSA and an experienced SOM.

6. Making a complaint against a LSAMO

- 6.1 Stakeholders should have access to information about how to raise concerns about the performance of a LSA Midwifery Officer,
- Information in public domain using written and electronic means.
- 6.2 A complaint may be raised by members of the public, supervisors of midwives, midwives, NHS bodies or peers.
- 6.3 Complaints or concerns should be addressed to the designated officer within the LSAMO's employing authority who will decide the appropriate method of investigation.
- 6.4 The Complaints procedure of the employing authority will be followed to investigate the complaint.

LSA National Forum (UK)
Guidelines for the statutory supervision of midwives

- 6.5 Following the investigation, the LSAMO would have the right of appeal in accordance with the employing authorities Appeals Procedure.
- 6.6 The LSAMO will be offered a de-briefing and support for the future.

References:

LSA Standard in relation to NMC Midwives rules and standards (2004) Rule 14 and 15

Local Employing Bodies Complaints Procedure