



Bord Altranais agus
Cnámhseachais na hÉireann
Nursing and Midwifery
Board of Ireland

Guide to Making a Complaint About a Nurse/Midwife

Date of publication: March 2026

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Introduction

This booklet is to assist you making a complaint about the Fitness to Practise (FTP) of a nurse or midwife. It will guide you through the process, give details of the grounds for complaints and what is likely to occur after you have made a complaint.

If you are a colleague or employer, please also refer to the [Employer's Guide to Making a Complaint booklet](#).

If an internal investigation is underway, you may wish to consider whether it is appropriate to wait for the outcome of that investigation before making your complaint to the Preliminary Proceedings Committee (PPC) or whether the nature of the complaint warrants urgent referral to us.

Our booklets do not give legal advice. If you have questions about making a complaint after reading this, please contact the PPC Division at complaints@nmbi.ie and request a call back.

Who We Are

The Nursing and Midwifery Board of Ireland (NMBI) is the regulatory body for the nursing and midwifery professions in Ireland. Our mission is to protect the public by promoting high standards of education, training and professional conduct amongst nurses and midwives.

What is a Complaint?

If you have concerns about the behaviour, health, conduct, practise of a nurse or midwife, or any issue that may risk public safety, you may wish to make a complaint. In general, we recommend that you first make your complaint directly to the individual's employer or place of work, if known. You may wish to await the outcome of that complaint, if made, before deciding if you wish to proceed with making a complaint.

Support Information

We understand the process can be difficult and stressful.

You have a right to support, guidance and information when an issue arises which may lead you to complain about a nurse or midwife. For more information about our role and functions, please visit our [website](#).

We handle complaints in a fair and impartial manner. We cannot give legal advice or represent you. However, there are support groups who may be able to assist you. A list of support groups can be found on our [website](#).

Liaison support

Our Liaison Officer is available to provide information and support. They can discuss:

- the complaints process
- specific requirements or accessibility arrangements
- other organisations that can help.

You can contact the NMBI Liaison Officer on 087 758 8369 or email liaison@nmbi.ie.

Note: The Liaison Officer is different from the Case Officer. The Case Officer manages your complaint and communicates directly with you. The Liaison Officer offers general guidance and support but cannot discuss your evidence or any details of your complaint.

Emotional support service – 1800 849 163

If you need emotional support while we look into your complaint, a free and independent emotional support service is available. This includes a freephone service, available 24/7, with access to a qualified counsellor.

The counsellor can arrange follow-up counselling sessions. More information about the service is available in this [leaflet](#) or in this short [video](#).

Can I instruct a solicitor or support person?

Yes, some complaints are made through legal representatives or advocacy services. NMBI does not pay your solicitors costs.

More information can be found on our [website](#).

Are We the Right Organisation?

We want you to raise your concerns to the right people. It is important to note that we can only consider complaints against nurses or midwives. We cannot consider complaints about anyone who is not on our Register (for example, doctors, dentists, pharmacists, healthcare assistants, hospitals, clinics or health services).

If you are concerned that a person is practising as a nurse or midwife and not registered, you should inform us urgently by email to complaints@nmbi.ie as this is an offence and we may refer the matter to An Garda Síochána.

Grounds of Complaints

Complaints can be made on one or more of the grounds that are set out under the law:

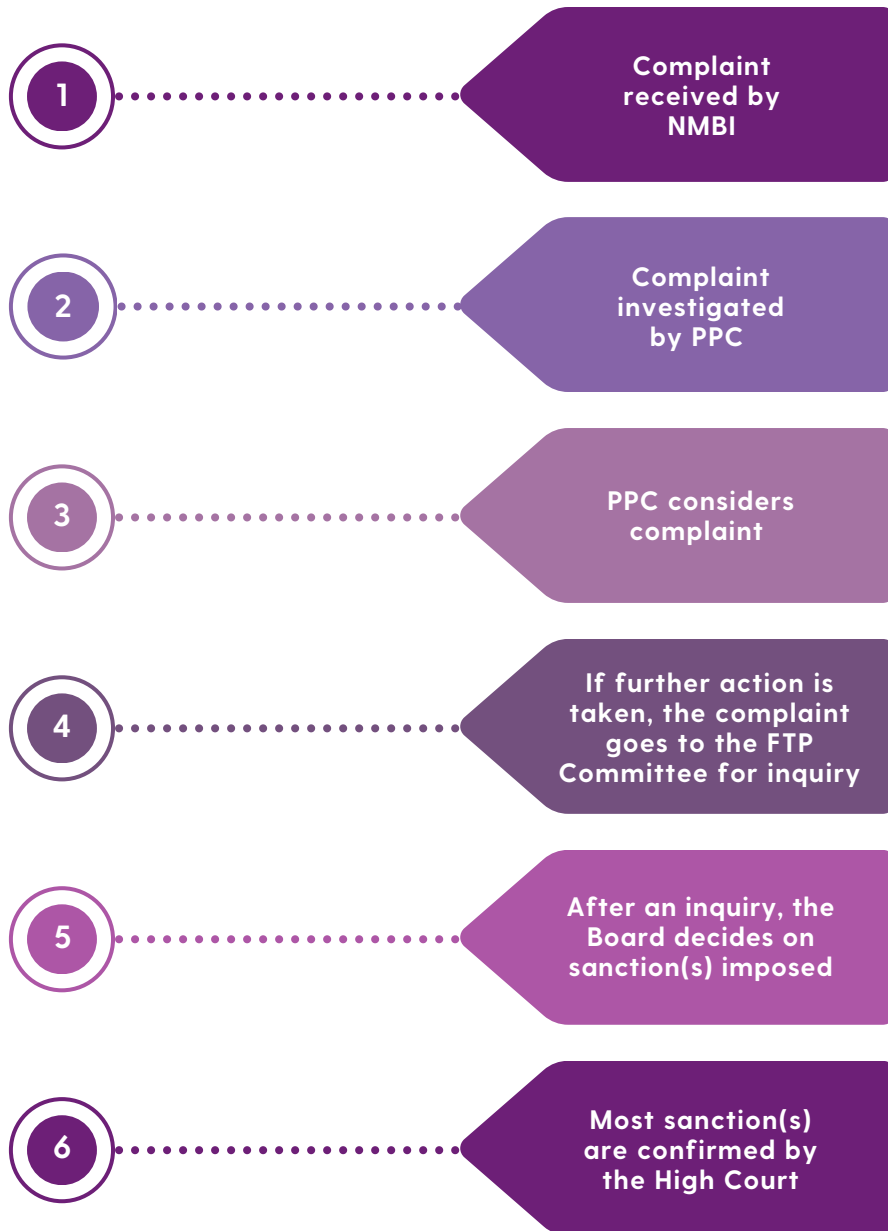
www.irishstatutebook.ie/2011/en/act/pub/0041.

Professional misconduct	<ul style="list-style-type: none">• Conduct that is infamous or disgraceful in a professional respect.• Conduct that has seriously fallen short of the expected standard of conduct expected among nurses and midwives.
Poor professional performance	<ul style="list-style-type: none">• A failure to meet the standards of competence, whether in knowledge and skill or both, that can reasonably be expected of a nurse or midwife, carrying out similar work.
Non-compliance with a Code	<ul style="list-style-type: none">• This relates to a Professional Code that was in place at the time of the alleged events.
Relevant medical disability	<ul style="list-style-type: none">• A physical or mental condition, including substance misuse, which may impair ability to practise.
Failure to comply with conditions	<ul style="list-style-type: none">• Failing to comply with any condition which was agreed during a previous fitness to practise inquiry.
Breach	<ul style="list-style-type: none">• Breach of provisions of the Act or any rules or regulations made under the Act.
Misuse of Drugs Act	<ul style="list-style-type: none">• An offence under the Misuse of Drugs Acts, 1977 or 1984.
Conviction	<ul style="list-style-type: none">• A conviction for an offence which can go before a Court other than the District Court.

Who can make a complaint

Anyone. Complaints are received from members of the public, patients, service users, relatives, employers and other healthcare staff. If necessary, the Board of the NMBI may also become the complainant. A short explanatory video is available on our [website](#).

Overview of the Complaints Process



How to Make a Complaint

1

By emailing your complaint to complaints@nmbi.ie.

2

By posting your complaint to:
PPC Division,
Fitness to Practise Department,
Nursing and Midwifery Board of Ireland,
18-20 Carysfort Avenue,
Blackrock,
Co. Dublin,
A94 R299.

If you have difficulty making a written complaint, you can phone the NMBI Liaison Officer on **087 758 8369** who may be able to help or signpost you to someone who can.

Include as much of the following information as possible:

- **Your details:** Name, address, phone number and email address.
- **Details of the nurse or midwife:** Their name, NMBI Personal Identification Number (PIN) and address, if known. You can check the Register on our [website](#). If you don't know their PIN, we may be able to find it by name.
- **Your relationship to the nurse or midwife:** For example, you are a patient/service user, relative of a patient/service user.
- **Patient/service user's details:** If the complaint is about a patient and you're not the patient/service user, include the patient's name, address, date of birth, phone number and email address. State if the patient/service user knows about the complaint. The patient/service user may be required to give their consent to a complaint being made in relation to their care.
- **Incident details:** Date, time and location of the incident(s).
- **Witnesses:** Name and details of any witnesses.
- **Internal investigation:** You are not required to await the conclusion of any internal investigation before making a complaint. You can submit relevant documents, such as incident report forms, investigation reports, CCTV footage, witness statements, policy documents, diary entries, medical records etc. with your complaint.
- **Actions taken:** Any action already taken by other organisations.

You can submit relevant documents such as medical records and diary entries. Please ensure you have consent to share or seek advice before sending any confidential documentation.

Time Limit

There is no time limit for making a complaint but it's best to do it as soon as possible. This helps us with gathering evidence for our investigation.

Next Steps After Submitting Your Complaint

Your complaint will be reviewed by the PPC Department and a Case Officer will be appointed. The Case Officer is your point of contact and will keep you informed throughout the process. The following steps will be taken:

- 1 Acknowledgment:** The Case Officer will confirm receipt and may request more information or documents.
- 2 Notification:** The nurse or midwife will receive a copy of your complaint and can respond, though they are not required to.
- 3 Investigation:** We will provide a list of proposed actions. The nurse or midwife will be informed and can respond.

What We Cannot Do

- Make the nurse or midwife apologise to you.
- Make them give a detailed explanation as to what happened.
- Order them to do something, such as provide treatment.
- Pay compensation or help you make a claim for compensation.
- Provide you with documentation obtained from third parties during the course of the investigation.

Withdrawal

You can withdraw your complaint at any time by notifying us in writing. However, if appropriate, NMBI's Chief Executive Officer (CEO) may decide to take over the complaint and continue to investigate it.

Timelines

We do our best to manage complaints as quickly as possible, but some matters may take a long time depending on how complex they are.

At times matters outside of our control can cause delays i.e. investigations by the HSE, An Garda Síochána, HIQA etc.

The Case Officer will keep you informed as much as possible on projected timelines and let you know if delays occur.

Complaints Not Made in Good Faith or Complaints Not in the Remit of NMBI

If a matter is referred to NMBI's CEO for initial consideration and the CEO is satisfied that the complaint is not made in good faith or is frivolous or vexatious, or is not within the remit of NMBI, you will be notified that the CEO will not investigate the complaint further. This notification will also be sent to the nurse or midwife.

Preliminary Proceedings Committee (PPC) Outcomes

On completion of the initial investigation the PPC will consider the matter in full and decide how to proceed. Some matters can be concluded after the PPC stage and will not require an Inquiry. Possible outcomes at PPC stage are:

1 No further action

The PPC may come to the decision that there is not sufficient cause to warrant further action. The Board will review this recommendation, it may agree or disagree.

If the Board agrees the matter will be concluded and no further steps will be taken.

If the Board disagrees, the matter will progress to an inquiry.

2 Undertakings and/or consents

The nurse or midwife may offer to give an undertaking and/or consent to censure. If the Committee agrees that this is appropriate, this would bring the matter to an end without a full Inquiry. A short explanatory video on this is available on our [website](#).

Undertakings and consents are a formal legal agreement between NMBI and the nurse or midwife.

Undertakings may include an agreement to:

- not repeat the conduct
- complete a training course
- notify future employers of the undertakings and /or a censure.

A consent to censure is an agreement to be censured by the Board. A censure is a formal warning. Undertakings are only considered if the PPC believes them sufficient to protect the public and address the concerns raised.

If appropriate, there can also be an agreement made for the nurse or midwife to engage with medical professionals for appropriate treatment or monitoring.

3 Inquiry

The case is referred to the Fitness to Practise Committee (FTPC) for further investigation and inquiry. It could take 18 to 24 months for the inquiry to take place. More complex cases can take longer.

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If Referred to Inquiry

The matter is transferred internally to another team and you will receive a letter explaining next steps.

In summary, on conclusion of any inquiry the FTPC will prepare a report on findings made in relation to both the facts and grounds. This report will be considered by the NMBI Board.

Facts and/or Grounds Not Proven

If the facts and/or grounds are not proven, the Board will dismiss the complaint.

Facts and/or Grounds Proven

If the facts and grounds are proven, the FTPC will include recommendations on the appropriate sanction in their report. The NMBI Board will consider the report and recommendations made to decide on the sanction.

In some cases the facts are proven but the grounds are not, for example the committee can make findings that the actions or omissions are proven but that they did not amount to professional misconduct or poor professional performance.

If this happens the FTPC will set out the reasons in its report.

Sanction

Depending on the outcome of the case before the FTPC, the Board's options in relation to sanction range from no sanction (if the facts and/or grounds are not proven), up to cancellation. When making their decision on sanction, it is important to note that the Board's primary purpose is to protect the public and serve the public interest, and not to punish the nurse or midwife..

Further information on sanctions is available on our [website](#).

Appeal

Under the law a person who makes a complaint cannot appeal a recommendation made by the PPC, a decision of the NMBI Board in relation to a recommendation of the PPC, or the decision of an Inquiry panel.

If you are not happy with a decision or the outcome of a PPC decision or an Inquiry you may be able to seek a Judicial Review of the decision. If you are considering a judicial review, you should seek legal advice as soon as possible.

Judicial Review

Judicial Review is a mechanism by which an application can be made to the High Court to challenge the decision making process of regulatory bodies. If you wish to commence judicial review proceedings you should contact a Solicitor as soon as possible, as strict time limits apply.

Further information is available on the [Citizens Information website](#).

Useful Links

NMBI website	Nursing and Midwifery Board of Ireland
How to find us	Contact Us
Who can help	Advocacy organisations who can help
PPC procedures	Procedures of the Preliminary Proceedings Committee
FTPC procedures	Procedures of the Fitness to Practise Committee in respect of Part 8 of the Nurses and Midwives Act 2011
FTP and PPC Privacy Policy	NMBI: Policies
Sanction guidance	Sanctions for nurses and midwives
National Advocacy Service	National Advocacy Service for People with Disabilities
Patient Advocacy Service	Patient Advocacy Service
Sage Advocacy	Sage Advocacy

Nursing and Midwifery Board of Ireland (NMBI),
(Bord Altranais agus Cnáimhseachais na hÉireann)
18/20 Carysfort Avenue,
Blackrock,
Co Dublin,
Ireland

Website: www.nmbi.ie



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