



## Brothers of Charity Services Clare

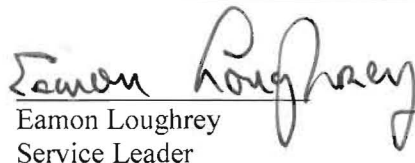
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### Comment, Compliment and Complaint Procedures

#### Policy Statement No. 2012-11

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Signed:

  
Eamon Loughrey  
Service Leader

Date: 22<sup>nd</sup> November, 2012

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**Vision**

Love and Respect for All towards a Full and Valued Life.

**Policy Review Group Members**

Colette Geoghegan, Senior Human Resources Officer

Jo Rynne, Principal Social Worker

**Purpose of this Policy**

This policy document sets out the procedures for making comments, compliments and complaints.

**Scope of this Policy**

This document applies to people who avail of our Service and their families/guardians.

**Policy Status**

Year/No	Type	Description	Status
2009/02	Policy	Comment, Compliment and Complaint Procedures for People who use our Service	Obsolete
2011/02	Policy	Comment, Compliment and Complaint Procedures for People who use our Service	Obsolete
2012/11	Policy	Comment, Compliment and Complaint Procedures	Current

This policy will apply retrospectively to all issues that occurred prior to its introduction.

**References to other Policies/Documents**

Comments, Compliments and Complaints Leaflet

Complaints Procedure for People who are Supported by our Service (Easy to Read)

HSE Guidelines for Voluntary Organisations and Hospitals in Drafting Complaints Procedures

**Policy Approved By**

This policy (and Appendices) have been agreed and approved by the Service Leader and the Management Team.

**Policy Review**

This policy will be reviewed on a yearly basis. More frequent reviews may take place if deemed warranted. This policy will be reviewed in line with current legislation and standards of good practice.

## 1. Definition of a Complaint

A complaint means any action of the Brothers of Charity Services Clare that:

- it is claimed, does not accord with fair or sound administrative practice; and
- adversely affects the person by whom or on whose behalf the complaint is made.

An action does not represent fair or sound administrative practice if it is:

- taken without proper permission or authority;
- taken for unnecessary reasons;
- the result of negligence or carelessness;
- based on incorrect or incomplete information;
- discriminatory;
- based on bad administrative practice.

**A complaint is an expression of dissatisfaction which needs a response**

## 2. Our Commitment to Providing a Quality Service

The Brothers of Charity Services Clare is committed to providing a high quality service to all. People who use the service are recognised as stakeholders in our services and their views are solicited in the preparation of national, regional and local strategies, policies and plans. Individuals and families also give feedback on their experience of care; this is a right and is welcome, as it helps the Brothers of Charity Services Clare to improve continuously. The National Health Strategy 'Quality and Fairness' includes in its vision "A Health System that encourages you to have your say, listens to you, and ensures that your views are taken into account".

We are aware that sometimes people who use the service may wish to make a comment or compliment about the service that they have received. Equally they may also wish to make a complaint if they feel that they did not receive as good a service as they expected. As a result, and in keeping with our open policy we have introduced a procedure that facilitates people to make comments, compliments or complaints about the service we provide

## 3. Brothers of Charity Services Feedback Policy

We have a feedback policy in place in all our services. We welcome all comments, compliments and complaints from service users, carers, visitors and the community about the service we provide.

#### **4. Making a Comment or Compliment**

How can I make a comment or pay a compliment?

You can make comments or pay compliments in a number of ways:

- You can telephone your local Regional Manager
- You can write to your local Regional Manager

Contact details listed below in Point 6.

You can choose whether to include your name and contact details with your comment or compliment.

#### **5. What happens to my Comment or Compliment?**

The services will use comments and suggestions to identify any improvements that are needed in that service. Compliments that mention an individual staff member will be sent to that staff member.

#### **6. Making a Complaint**

You can make a complaint by:

- telephone;
- letter;
- in person;
- email or fax;
- completing the Brothers of Charity Services Feedback Form.

The following people are the Complaints Officers for their respective areas:-

Eamon Finn  
Regional Manager  
Brothers of Charity Services Clare, Gort Road, Ennis, Co Clare  
Tel: 065 682 3123

Martina Rynne  
Regional Manager North & West Clare  
Brothers of Charity Services Clare, 14 Cluain Laig Ard, Miltown Malbay, Co Clare  
Tel: 065 708 5989

Richard Collins  
Regional Manager East Clare & Shannon  
Brothers of Charity Services Clare, Banner House, Clare Road, Ennis, Co Clare  
Tel: 065 684 9400

Theresa Tonna  
Co-Ordinator Children's Services  
Brothers of Charity Services Clare, Banner House, Clare Road, Ennis, Co Clare  
Tel: 065 684 9400

**7. How long do I have to make a Complaint?**

You must make a complaint within twelve months of the date of the event concerned or within twelve months of becoming aware of the event. There may be exceptions to this where there are extenuating circumstances.

**8. What can I make a Complaint about?**

You can make a complaint about any service or action of the Brothers of Charity Services Clare that you consider unfair and that negatively affects you or has affected you in the past. This could mean any action that is an instance:

- where a person did not receive the quality of service from the services to which he/she felt they are entitled to;
- where a person felt he/she were unfairly treated;
- where people feel the service or individuals did not uphold the Ethos of the Brothers of Charity Services;
- where people feel their agreed personal development plan is not being followed.

**9. Who can make a Complaint?**

The following people can make a complaint:-

- people who have received a service from the Brothers of Charity Services Clare;
- people who are currently receiving a service;
- close relatives or carers of a person or someone who has the consent of that person to act on their behalf.

**10. Can a Child make a Complaint?**

Yes. Children can make a complaint about any aspect of the service they have received from the Brothers of Charity Services Clare. Children also have the right to complain to the Ombudsman for Children who can accept complaints directly from children under the age of 18 years.

The welfare of the child is our priority at all times. When we receive a complaint that leads to concern about a child's safety and well-being, we must ensure that we act in the best interests of the child and that we implement the Children First Guidelines on child protection if necessary.

**11. Can I make an Anonymous Complaint?**

You can choose whether to make an anonymous complaint or give your name and contact details. We encourage you to give your details if you make a complaint so that we can investigate and let you know the outcome. In general we cannot investigate anonymous complaints against a named member of staff. However, all anonymous complaints will be passed to the relevant service manager who will decide if they need to taken any further action.

If you make a complaint by phone or in person, the member of staff taking the details of the complaint will encourage you to give your name and telephone number. They will tell you that unless you give a name and contact details, it may not be possible to investigate the complaint properly.

**12. If I need help to make a Complaint**

The Brothers of Charity Services Clare will do all it can to support people who wish to make a complaint about a service or a staff member. It will also include giving you:-

- Any help needed to complete forms or make your complaint;
- Information about advocacy services (see below);
- Regular and prompt feedback and updates about the progress of your complaint;
- Opportunities to take part in managing your complaint; and
- Information about mediation.

**13. What is an Advocacy Service?**

An advocacy service is one that offers advocates to work with you. An advocate is a person who can assist you to make a complaint. A staff member or a trusted person may also act as advocate for people wishing to make a complaint. They help by supporting you to put forward your views, claim your entitlements and where necessary represent you and negotiate on your behalf.

Anyone who is an advocate must however uphold the principles of advocacy:

- Empowerment of the person where possible.
- Respect for the person and their wishes.
- Acting in the person's best interests.
- Acting independently.
- Maintaining confidentiality.
- Acting with diligence and competence.

You can contact advocacy services through Citizens Information Boards. There are also local advocacy services in each area.



The Independent Advocacy Service can be contacted at Citizen Information Centre, Bindon Lane, Bank Place, Ennis, Co. Clare.  
Tel: 065 684 1221 or 087 969 7404

#### **14. What about Privacy & Confidentiality**

We are committed to keeping private and confidential any information you give when making a complaint. All of our staff are responsible for ensuring that your privacy and confidentiality are maintained.

Under the Data Protection Acts, the Brothers of Charity Services Clare should only use or disclose information for the purpose for which it was gathered or for another directly related to that purpose. In other words, any personal information you give when making a complaint will only be used to investigate that complaint.

From time to time, we require complaints information for compiling reports and figures. In this case, we will remove all data that could help identify the person who complained (such as names and addresses) to make the information anonymous.

#### **15. Acknowledgements**

What does the Brothers of Charity Services Clare do once I have made my complaint?

##### **Stage 1 – Management of a Verbal Complaint**

In the case of a verbal complaint made to the Brothers of Charity Services Clare, we will do our best to resolve the complaint locally and quickly. In the case of a written complaint (or a verbal complaint that becomes a formal written complaint) the complaints officer will normally acknowledge the complaint in writing within five working days of receiving it. An immediate response to all complaints may not be possible as some will require formal and careful consideration.

##### **Stage 2(a) – Informal Resolution**

The complaints officer will be informed of all verbal complaints that could not be resolved at the first point of contact and will receive a copy of all written complaints. Depending on the nature of the complaint, the complaints officer with the consent of the people involved may consider if an informal resolution would be appropriate. As part of the informal resolution the complaints officer may arrange a meeting between the parties concerned or use mediation services.

If an informal resolution is not appropriate, or turns out unsuccessful, the complaints officer will start a formal investigation of the complaint. A complaint officer from a different work location within Clare may be involved.

**Stage 2(b) – Formal Investigation**

The complaints officer will investigate a complaint within thirty working days of the acknowledgement of the complaint. They may call on other staff, witnesses, and experts and so on to assist in the investigation. Staff have an obligation to participate and support the investigation of any complaint where requested. If the complaint cannot be investigated within thirty days of acknowledging the complaint, the complaints officer will tell you this before the timeframe passes and update you every 20 working days. The Complaints Officer must endeavour to conclude an investigation within 6 months of the receipt of a complaint.

The complaints officer will write a report of their investigation and give a copy to the Service Leader. The Regional Manager/Complaints Officer will give feedback to the complainant. The final report will include any recommendations needed to resolve the matter, and the recommendations of this report will be made available to you.

**Stage 3 – HSE Review Process**

Where the investigation at Stage 2 fails to resolve the complaint, the complainant may seek a review of their complaint by the HSE Review Process.

All requests for a HSE review should be forwarded to:

Director of Advocacy, 'Request for Review', National Advocacy Unit, Quality & Patient Safety Directorate, HSE, Oak House, Limetree Avenue, Millennium Park, Naas, Co. Kildare.

Tel: 045 880400  
Fax: 1890 200 894

The Director of Advocacy will examine the request for review and appoint a Review Office if appropriate to carry out the review of the complaint.

Review Officer(s) will review the processes used to carry out the investigation of the complaint and the findings and recommendations made post investigation.

The Review Officer(s) will either uphold, vary or make a new finding and recommendation.

The Review Officer may carry out a new investigation of the complaint or recommend that a local re-investigation of the complaint be carried out by a Complaint Officer independent of the initial investigation team.

**Stage 4 – Independent Review Process**

If the complainant is not satisfied with the outcome of the complaints management process h/she may seek a review of the complaint by the Ombudsman/Ombudsman for Children.

The complainant must be informed of their right to seek an independent review from the Ombudsman/Ombudsman for Children at any stage of the complaint management process.

Office of the Ombudsman  
18 Lr Leeson Street, Dublin 2  
Tel: +353-1-639-5600  
Lo-Call: 1890-223030  
Fax: +353-1-639-5674

Ombudsman for Children's Office  
Millennium House  
52-56 Great Strand Street  
Dublin 1  
Tel: +353-1-865-6800  
Fax: +353-1-874-7333

**16. What can the Brothers of Charity Services Clare do if the Complaint is Upheld?**

The outcome of the complaint should be fair for both the person making the complaint and the service against which the complaint is made. The Brothers of Charity Services Clare will do what it can to make up for any wrongdoing. We will offer remedies or responses that are appropriate and reasonable. These could include an apology, an explanation or a change of decision.

**17. Are there any Complaints that the Brothers of Charity Services Clare Cannot Deal with under this Policy?**

There are some complaints that this policy cannot cover. If your complaint falls into one of these categories:-

- A matter that is or has been the subject of legal proceedings before a court or tribunal.
- A matter relating solely to the exercise of clinical judgement (a decision about diagnosis or treatment) by a person acting on behalf of the Brothers of Charity Services Clare.
- A matter relating to the recruitment or appointment or contract of employment of an employee by the Brothers of Charity Services Clare.
- A matter relating to the Social Welfare Act.
- A matter that could prejudice an investigation by the Gardai.

- A matter that has been brought before any other complaints procedure established under legislation.

### **18. Timeframe Involved Once a Complaint is Received**

- A Complaints Officer will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint will not be investigated and the reasons for it.
- Where the complaint will be investigated, the Complaints Officer must endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged.
- If the investigation cannot be investigated and concluded within 30 working days then the Complaints Officer must communicate this to the complainant and the relevant service/staff member within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.
- The Complaints Officer must update the complainant and the relevant staff/service member every 20 working days.
- The Complaints Officer must endeavour to investigate complaints within 30 working days. However, where the 30 working days time frame cannot be met despite every best effort, complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.
- If this timeframe cannot be met, the Complaints Officer must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. He/She should encourage the complainant to stay with the local HSE complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/ Ombudsman for Children.

### **19. Time Limits for Making a Complaint**

The Complaints Officer must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that:

- •A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint
- A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:
  - If the complainant is ill or bereaved

- If new relevant, significant and verifiable information relating to the action becomes available to the complainant
- If it is considered in the public interest to investigate the complaint
- If the complaint concerns an issue of such seriousness that it cannot be ignored
- Diminished capacity of the service user at the time of the experience e.g. mental health, critical/ long-term illness.
- Where extensive support was required to make the complaint and this took longer than 12 months
- A Complaints Officer must notify the complainant of the decision to extend / not extend time limits within 5 working days.

## **20. Matters Excluded** (Part 9 of the Health Act)

In some cases the Brothers of Charity Services Clare will not be able to investigate a complaint. This may arise because the person making the complaint is not entitled to do so or because too much time has elapsed since the incident occurred

A person is not entitled to make a complaint about any of the following matters:

- (a) a matter that is or has been the subject of legal proceedings before a court or tribunal;
- (b) a matter relating solely to the exercise of clinical judgment by a person acting on behalf of either the Executive or a service provider;
- (c) an action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b);
- (d) a matter relating to the recruitment or appointment of an employee by the Executive or a service provider;
- (e) a matter relating to or affecting the terms or conditions of a contract of employment that the Executive or a service provider proposes to enter into or of a contract with an adviser that the Executive proposes to enter into under section 24;
- (f) a matter relating to the Social Welfare Acts;
- (g) a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
- (h) a matter that could prejudice an investigation being undertaken by the Garda Síochána;
- (i) a matter that has been brought before any other complaints procedure established under an enactment.

If the complaint falls into one of these categories the complainant will be referred to the appropriate service or department.

## **21. Redress**

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to the people who avail of our Services. It will have a positive effect on staff morale and improve the Brothers of Charity Services Clare's relations with the public. It will also provide useful feedback to the Brothers of Charity Services Clare and enable it to review current procedures and systems which may be giving rise to complaints.

Redress should be consistent and fair for both the complainant and the service against which the complaint was made. The Brothers of Charity Services Clare offer forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally. This redress could include:

- Apology
- An explanation
- Refund
- Admission of fault
- Change of decision
- Replacement
- Repair/rework
- Correction of misleading or incorrect records
- Technical or financial assistance
- Recommendation to make a change to a relevant policy or law
- A waiver of debt

## **22. Annual Report to the HSE**

Brothers of Charity Services Clare has an established complaints procedure in agreement with the HSE to provide the HSE with a general report on complaints received during the previous year indicating:

- The total number of complaint received
- The nature of the complaints
- The number of complaints resolved by informal means
- The outcome of any investigations into the complaints

In addition to the annual report, the Brothers of Charity Services Clare provide the HSE with statistics and details of complaints on a half yearly basis.