

**Complaints and Feedback Procedure for Service
Users, Families and Advocates**

Signed: _____

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1. STATEMENT OF POLICY

The Brothers of Charity Southern Services aim to provide as responsive a service as is possible to service users and their families. The Complaints and Feedback Procedure is designed to enable those who use our Services to bring to our attention any comments that they may have. We welcome all feedback, both positive and constructive, as a chance for us to improve the quality of our services and to learn lessons from any mistakes made. .

In some instances our ability to respond to needs will be constrained by resources. We will endeavour to respond promptly and to seek other ways of addressing/resolving the issues where possible.

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

Some service users may find it difficult to articulate grievances or complaints. In such cases we encourage families and friends to voice concerns on their behalf. We also encourage and support the use of advocates or self-advocacy groups. (See Appendix 2 – Useful Names and Addresses)

At all stages of the process, complainants must be made aware of how we handle complaints and their right to seek a review of the complaint to the Head of Consumer Affairs in the HSE or the Ombudsman/Ombudsman for Children. (See Appendix 2 – Useful Names and Addresses),

This Policy and procedure has been developed having regard to the Health Acts 2004 to 2007 and is consistent with the HSE Complaints process.

2. COMPLAINTS/FEEDBACK - General Information

(a) Comments/compliments

In order to learn more about improving our services, it is important to be aware of what we are doing well and what works for our Service Users. In recognition of this, we will record any positive feedback or comments and acknowledge the good practice of staff teams, across the organisation. Positive feedback will be noted in the local log.

(b) What is a complaint and what can a complaint be about?

A complaint is an expression of dissatisfaction which needs a response

A complaint can be made about any action of the Brothers of Charity Southern Services that the complainant considers to be unfair and that negatively affects the complainant or has affected the complainant in the past.

This could mean any action that is:

- taken without proper authority,
- taken on irrelevant grounds,
- the result of negligence or carelessness,
- based on erroneous or incomplete information,
- improperly discriminatory
- based on undesirable administrative practice, or
- In any other respect, against fair or sound administration.

(Health Act 2004)

(c) Who can make a complaint?

Any person who has received, is currently receiving, or seeking a service from the Brothers of Charity Southern Services can make a complaint under this procedure.

A complaint can also be made on someone's behalf by a family member, legal representative or advocate.

(d) Anonymous Complaints

To enable us to examine complaints, we encourage every person offering feedback to give their name and contact details, .

All anonymous complaints will be examined by relevant Manager and will be treated initially as an informal complaint.

If a person has a serious concern and is reluctant to give their name and contact details, they should consider using the HSE's Review of Protected Disclosures legislation (see Appendix ?).

(e) How can a complaint be made?

A complaint can be made:

- in person,
- by phone,
- by letter,
- by email or
- by completing a complaints form. (Appendix 1).

All complaints received by email will be treated as informal complaints unless the sender clearly states that it is a formal complaint or wishes it to be treated as a formal complaint.

All written complaints should include:

- Who was involved
- What happened and when
- What you are concerned about
- Have you done anything else to resolve this matter
- What do you want to happen now

It will also assist the Complaints Officer if any extra information and/or copies of other relevant documents are attached to your written complaint.

(f) Concerns –v- Complaints

Concerns can be raised with any member of staff. All staff members have the responsibility to listen carefully to concerns and to respond in an appropriate manner. All concerns will be logged in the local Concerns/Complaints & Compliments Log (CC&C Log). The staff will ask if the person wishes to make a complaint about the matter.

A clear desire to make a complaint must be indicated in order for something to be classed as a complaint. Where the situation is uncertain the question “Do you wish to make a complaint?” should be asked and the staff member should support the complainant to make an informal or formal written complaint if they wish.

(g) Complaints dealt with under other procedures.

It is important that the Services hear about concerns/complaints. However, there are a number of issues that are more appropriately dealt with in another forum/procedure and are therefore outside the scope of this procedure. (*see Appendix 3*)

3. HOW DO WE HANDLE COMPLAINTS (Complaints Procedure)

1. Acknowledgements/Logging Process

- (a) Once a complaint is received locally the local manager/clinician/head of department will acknowledge it in the same format in which it is received i.e. verbal, email, letter, phone call, etc. The complaint will be logged in the local complaints log.

Should a complaint become a formal written complaint, the Complaints Officer will normally acknowledge the complaint in writing within five working days of receiving it.

If a complaint is received directly by the Complaints Officer, he/she will acknowledge it in the same format in which it is received i.e. verbal, email, letter, phone call, etc. and advise the local manager of the complaint requesting that it is logged in the local CC&C Log.

- (b) In residential services, certain complaints are required to be notified to the Health Information and Quality Authority (HIQA) within set timeframes. The local manager will ensure that such notifications are progressed.
- (c) The area manager will review the complaints log regularly to ensure that all complaints are appropriately responded to and the resident is not adversely affected by reason of the complaint being made.
- (d) Records are retained for a period of not less than 7 years after the complaint has been examined.

2. **Informal Resolution:-** Complaints will be responded to promptly and, wherever possible, will be resolved locally and quickly. An immediate response to all complaints may not always be possible, as some will require careful consideration.

If a complaint cannot be resolved locally or if the complainant is not satisfied with the informal response, the staff member will support the complainant to make a formal complaint in writing.

3. Depending on the nature of the complaint, the Complaints Officer, with the consent of the people involved, may consider if an informal resolution might be appropriate. As part of the informal resolution the Complaints Officer may arrange a meeting between the parties concerned or use a mediation service. If informal resolution is not appropriate or is unsuccessful, the Complaints Officer will start a formal investigation of the complaint.
4. **Formal Resolution:** All formal complaints are dealt with by the Complaints Officer. who will acknowledge receipt of the formal complaint normally within five working days.
5. **Timeframe for the Investigation of the Complaint:** The Complaints Officer will ensure a complaint is investigated within 30 working days of acknowledging the complaint. All relevant staff will be requested to assist with the investigation.

If the complaint cannot be investigated within 30 working days of the acknowledgment of the complaint, the Complaints Officer will tell the complainant this before this timeframe passes. They will also outline the estimated timeframe it will take to complete the investigation and update the complainant every 20 working days until the matter is resolved.

Investigations into complaints will be completed within six months of receipt of the complaint. If this deadline cannot be met, the Complaints Officer must inform the complainant that the investigation is taking longer than six months, why it is delayed and outline the plan of action for the complaint.

- 6. Report of Findings and Recommendations;** The Complaints Officer will coordinate the Services' response to the complaint in liaison with senior Services managers and will include recommendations to resolve the matter where required. A copy of the report will be issued to the complainant, local manager and the staff, where appropriate.

The Complaints Officer will be available to clarify any queries on the report

The Complaints Officer, on issuing the report, will follow-up with the complainant to establish if he/she is satisfied with the outcome and recommendations, If the complainant advises that they are requesting an appeal, the Services may need to defer the implementation of recommendations and will advise the complainant accordingly.

- 7. Appeal Process:** On issuing the Report by the Complaints Office, the complainant will be advised of the appeals process – i.e. his/her right to a HSE external Review of the entire complaint and how it has been handled. The complainant must request a Review of the complaint within 30 days of the investigation report being issued.

If the complainant is not satisfied with the outcome of the HSE Review or response, the complainant has a right to request a Review of the complaint by the Ombudsman or the Ombudsman for Children's Office.

- 8. Implementation of the Recommendations of the Investigation Report:** Within 30 working days of receiving the report from the Complaints Officer, an action plan must be put in place to implement the recommendations with the lead person/s as identified in the report. The action plan will outline who will be responsible for implementing the recommendations and the timelines. If for any reason these recommendations cannot be implemented, the reasons must be outlined to the complainant by the Complaints Officer.

COMPLAINTS FORM
Brothers of Charity Southern Services
(For complaints which cannot resolved locally)

To be completed at local level: _____ Ref No _____

DETAILS OF PERSON MAKING COMPLAINT

Name: _____

Contact address/s: _____

Contact Details: Home _____ Mobile: _____

Connection with the Service, (e.g. parent, staff, advocate, volunteer, friend, social worker, neighbour):

THE COMPLAINT (Details overleaf)

Date Received: _____

Has the complaint been previously discussed with any staff member at Brothers of Charity Southern Services?: YES NO

Has any prior attempt at informal resolution been made? YES NO

If YES please give details of:

Date	Time	Name of	Name of Staff	Method of Communication
_____	_____	_____	_____	_____

FORM COMPLETED BY:

Name: _____ Date _____

Signature _____

Please tick as appropriate: I am the person making the complaint []

I am completing the form on behalf of the complainant []

(Details of complaint overleaf)

COMPLAINT DETAILS

Details of complaint (please ensure that you include details of all relevant dates/times/locations/correspondence/ names). Use additional sheets if required

PLEASE FORWARD PAGE 1 & 2 (along with any additional information) to the Complaints Officer

COMPLAINT FORM: ACTION AND RESOLUTION

Form received by the Complaints Officer on (date) ____/____/20____

**Briefly outline all actions taken in attempt to resolve complaint and the outcome of these actions
(ensure all relevant dates/times/locations/names are recorded)**

Signed: _____

Date: _____

Complaints Officer *APPENDIX 2 - Useful Names and Addresses:*

Brothers of Charity Southern Services Complaints Officer

Ms. Rebecca Santos
Complaints Officer
Brothers of Charity Southern Services
Lota
Glanmire
Co. Cork
Email: complaintsofficer@bocss.org

HSE – External Review

Head of Consumer Affairs
HSE
Oak House
Millennium Park
Naas
Co. Kildare
Email: yoursay@hse.ie
Website: www.hse.ie
Telephone 1890 424 555

Office of the Ombudsman

Office of the Ombudsman
18 Lower Leeson Street
Dublin 2
Email: ombudsman@ombudsman.gov.ie
Telephone 01 639 5600 or 1890 223 030

Office of the Ombudsman for Children
Millenium House
53 – 56 Great Strand Street
Dublin 1
Email: oco@oco.ie
Telephone 01 865 6800 Or 1890 654 654

Advocacy -

National Advocacy Service (adults)

APPENDIX 3 – Complaints dealt with under other procedures.

We need you to tell us about your concerns/complaints. However, there are a number of issues that are more appropriately dealt with in another forum/procedure and are therefore outside the scope of this procedure - for example, under Part 9 of the Health Act 2004, a complaint cannot be made on the following topics:

- A matter that is or has been the subject of legal proceedings before a court or tribunal
- Any allegation or concern about abuse must follow the Brothers of Charity National Policy, Procedure and Guidelines on Reporting Abuse and in all such instances staff must adhere to these policies and procedures.
- A matter relating solely to the exercise of clinical judgment (a decision about diagnosis or treatment) by a person acting on behalf of the Brothers of Charity An action taken by the Brothers of Charity solely on the advice of a person exercising clinical judgment
- A matter relating to the recruitment or appointment of an employee by the Brothers of Charity. A matter relating to a contract of employment that the Brothers of Charity proposes to enter into.
- A matter relating to the Social Welfare Act
- A matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004
- A matter that could prejudice an investigation by the Gardaí
- A matter that has been brought before any other complaints procedure established under legislation

APPENDIX 4 – Compliance Checklist for Complaints

Health Act 2007 Complaints Procedures - Compliance Checklist for Complaints Procedures under S 39 of the Health Act 2007

The Brothers of Charity Services Complaints Procedures are designed to ensure compliance with the Health Acts 2004 to 2007.

Requirement	Compliance
39. (1) The registered provider shall ensure that the designated centre has written operational policies and procedures relating to the making, handling and investigation of complaints from any person about any aspects of service, care and treatment provided in, or on behalf of a designated centre.	
(2) The complaints procedure shall contain an independent appeals process, the operation of which is included in the policies and procedures detailed in article 39(1) above.	
(3) The registered provider shall ensure that each resident is made aware of the complaints procedure as soon as is practicable after admission.	
(4) The registered provider shall ensure that the complaints procedure is displayed in a prominent position in the designated centre.	
(5) The registered provider shall ensure that a nominated person is available in a designated centre to deal with all complaints.	
(6) The registered provider shall ensure that all complaints are investigated promptly.	
(7) The registered provider shall ensure that the nominated person maintains a record of all complaints detailing the investigation and outcome of the complaint and whether or not the resident was satisfied.	
(8) The registered provider shall ensure that the complainant is informed promptly of the outcome of their complaint and details of the appeals process.	
(9) The registered provider shall ensure that all complaints and the results of any investigations into the matters complained and any actions taken on foot of a complaint are fully and properly recorded and that such records shall be in addition to and distinct from a resident's individual care plan.	
(10) The registered provider shall ensure that a nominated person, independent to the person nominated in article 39(5) above, is available in a designated centre to ensure that: (a) all complaints are appropriately responded to; and (b) the person nominated under article 39(5) above maintains the records specified	

under article

(11) The registered provider shall ensure that any resident who has made a complaint is not adversely affected by reason of the complaint having been made.

(12) Records kept under article 39 shall be retained for a period of not less than seven years after the complaint has been investigated and the complainant is informed of the outcome of, and of the outcome of any appeal arising from, this investigation or seven years after the resident(s) to whom they relate cease(s) to be resident in the home, whichever is the longer.

APPENDIX 5 - Protected Disclosures

Protected Disclosures of Information



Do you have a concern?

If you have a workplace concern, don't turn a blind eye. The **Procedures on Protected Disclosures of Information** (commonly referred to as "Whistleblowing") can help you.

The aim of these procedures is to enable health service employees to report concerns without fear of penalisation. In the normal course of events you should report your concerns to your line manager or another manager within the workplace. If you are reluctant, for whatever reason, to report concerns in this manner then you should contact the **Authorised Person for Protected Disclosures of Information**.

You should report concerns where:

- the health or welfare of patients/clients or the public may be at risk
- your employer is not meeting their legal obligations
- there is misuse or substantial waste of public funds.

To receive further information on Protected Disclosures of Information or to contact the Authorised Person, please call: **01 6626984** or write to: **PO Box 11571, Dublin 2.**

