



Complaints Policy for Service Users/Concerned Individuals

Offaly Traveller Movement

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1.Responsibility for approval of policy	<i>Board of Management</i>
2.Responsibility for implementation	<i>Managing Director</i>
3.Responsibility for ensuring review	<i>Managing Director</i>
4.Applicable to	<i>Board of Management, Employees & Volunteers</i>



Policy Statement

OTM is committed to taking seriously any complaint that concerned individuals have about the service

Purpose

This policy is intended to ensure that all complaints are taken seriously and addressed in an appropriate and professional manner.

Scope

- 1) This policy covers all actions to be taken in respect to a complaint by a concerned individual. Complaints can be made against any aspect of OTM service delivery
- 2) This policy applies to all staff members and representatives from other agencies conducting in-reach services

Glossary

- 1) Complaint: In line with the Health Act 2004, “complaint” means a complaint about any action of the organisation that
 - a. it is claimed, does not accord with fair or sound administrative practice, and
 - b. adversely affects the person by whom or on whose behalf the complaint is made
- 2) For the avoidance of doubt, complaints may only be made in respect of actions which have already been taken.
- 3) Concerned individuals: Includes anyone who is directly affected by the actions of the organisation, but excludes anyone who works for the organisation either in a paid or voluntary capacity, such as staff members or volunteers. These groups should use internal management structures and / or the organisation’s grievance procedure in the event that they wish to complain about a decision affecting them.
- 4) Staff member: Should be construed broadly, and includes, for the purposes of this policy, staff members, volunteers and students
- 5) Service User: Includes any individual who uses or avails of OTM’s services
- 6) Executive: The Health Service Executive (HSE)

Roles and Responsibilities

The Board are responsible for:

- Ensuring all staff members are aware of this policy and are able to advise concerned individuals on same.
- Ensuring that all complaints received are handled in line with this policy.
- Regularly monitoring the number, nature and outcome of complaints as part of the continuous quality improvement process.



Staff members are responsible for;

- Ensuring that all service users are informed of the complaints policy as part of their introduction to the service
- Ensuring that any other concerned individual is made aware of the complaints policy as appropriate
- Assisting concerned individuals to make a complaint as outlined in this policy when requested to do so.
- Following all other steps regarding complaints as outlined in this policy
- Ensuring they keep themselves informed in relation to this policy

Principles

- a. All complaints should be dealt with promptly, and within the timescales outlined.
- b. As far as possible all complaints should be resolved as quickly and efficiently as possible.
- c. Complainants should be supported and given appropriate assistance throughout the procedure. They should be given the opportunity to be supported by an advocate. For the purposes of this policy an advocate is taken as being anyone who has the complainant's written permission to complain on their behalf, excluding staff members.
- d. The complaints procedure should be well publicised. A template is included in appendix 2 of this policy document and should be displayed prominently in the project. All new service users will be given a brief explanation of the complaint's procedure as part of their induction.
- e. All complaints must be properly recorded and circulated to the board within 7 days.
- f. All complaints should be kept on file.

Basic Information

Who can make a complaint?

- Anyone who is a concerned individual
- An advocate may also complain on a concerned individual's behalf provided they have the concerned individual's written consent.
- A parent/guardian may complain on behalf of a child.

What can they complain about?

Any action of the organisation that has directly affected them. This might include:

- The manner in which the organisation has treated them
- Being denied a service
- A change in service provision
- The actions of a specific member of staff
- Partly associated with the service



How can complaints be made?

- Verbal complaints will be addressed and every effort will be made to resolve the issue locally
- Formal complaints must be recorded in writing. Complainants may, if required, be supported to put the complaint in writing

Acknowledgement of written complaints

OTM will notify the complainant in writing within 7 working days of a written complaint being received:

- An outline of the steps that the organisation proposes to take in investigating the complaint
- A proposed time limit for the completion of the investigation
- A contact person for the complainant

Complaints involving staff

If the complaint is about a member of staff, the complainant should immediately be referred to a more senior person than the person about whom they wish to complain¹.

In the event that the complaint cannot be resolved locally, the complainant:

- may be supported to put the complaint in writing
- will be told that the staff member will be notified of the complaint against them
- will be told that their complaint will be acknowledged

What are the time limits for complaints?²

Time limits for complaints are 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.
- The Board may decide to extend the time limit for making a complaint if in the opinion of the Board special circumstances make it appropriate to do so.

Special circumstances may include but are not limited 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

¹ Or to the staff liaison sub-group team in the event of the complaint being against the Managing Director

² Guidelines for Voluntary Organisations and Hospitals in Drafting Complaints Procedures. 2015. HSE.



- Diminished capacity of the service user at the time of the experience e.g., mental health, critical/long-term illness

The manager/complaints officer must notify the complainant of the decision to extend /not extend the time limits within 5 working days

Are there any matters excluded from the complaints process³?

According to Section 48(1), Part 9 of the Health Act 2004 a person is not entitled to make a complaint about any of the following matters:

1. A matter that is or has been the subject of legal proceedings before a court or tribunal;
2. A matter relating solely to the exercise of clinical judgement by a person acting on behalf of either the Executive or a service provider;
3. An action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgement in the circumstance described in 7.9.2;
4. A matter relating to the recruitment or appointment of an employee by the Executive or a service provider;
5. 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 advisor that the Executive proposes to enter into under Section 24;
6. A matter relating to the Social Welfare Acts;
7. A matter that could be the subject of an appeal under Section 60 of the Civil Registration Act 2004;
8. A matter that could prejudice an investigation being undertaken by the Garda Síochána;
9. A matter that has been brought before any other complaints' procedure established under an enactment

Redress⁴

According to HSE guidelines on complaints,

Redress should be consistent and fair for both the complainant and the service against which the complaint was made.

OTM should 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

^{3,4} Guidelines for Voluntary Organisations and Hospitals in Drafting Complaints Procedures. 2015. HSE



- 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

The Board may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause

- a) The Executive to make a material amendment to its approved service plan, or
- b) A service provider and the Executive to make a material amendment to an arrangement under section 38.
- c) If, in the opinion of the relevant person, such a recommendation is made, that person shall either-
 - Amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
 - Reject the recommendation and take such other measures to remedy, mitigate or alter the adverse effect of the matter to which the complaint relates as the relevant person considers appropriate

Complaints Management

There are three stages to the complaints procedure:

Stage 1 Local resolution at the point of contact

Stage 2 Managing a written complaint

Stage 3 HSE review

Stage 1 Local resolution at the point of contact

- If a complainant has a problem with an aspect of the service, they should inform a staff member. The staff member will make every effort to resolve the problem locally at first point of contact. The staff member may seek assistance from management at this stage in resolving the problem.
- In the event that the problem cannot be resolved locally it must be recorded as a formal complaint to be progressed further.

Stage 2 Managing a written complaint

Informal resolution of a complaint



- 1) The Board taking into account the nature and circumstance of the complaint, may seek the consent of the complainant and any third party to whom the complaint applies to finding an informal resolution of the complaint by the parties concerned.
- 2) Where an informal resolution is not applicable or not successful, the Board will initiate a formal investigation.

Formal resolution of a complaint

1. The complaint should be reviewed by the Board, to confirm that they are in possession of a written record of the complaint, which is signed and dated by the complainant and clearly sets out the nature of the complaint, why the initial response was unsatisfactory
2. The Board will write to the complainant to confirm receipt
3. The Board will investigate the complaint and may draw on appropriate expertise, skills etc. as required
4. The complainant and any third parties involved will be given the opportunity to discuss the complaint with the Investigation Team individually in private.
5. The Investigation Team will complete investigation of the complaint within 30 working days of acknowledging the complaint. If this is not possible, within 30 working days of acknowledging the complaint, the complainant must be informed of the delay and given an indication of the time it will take to complete the investigation.
6. Where the investigation passes the 30 working days timeframe, the complainant must be informed of the delay and the Investigation Team must endeavor to complete the investigation within 3 months.
7. Where deadlines are not met, the complainant must be informed that they can choose to move to stage 3 (if relevant) of the complaints management process
8. The Investigation Team will inform the complainant and any relevant third parties of the outcome of the investigation in writing. The letter must state whether the complaint has been upheld, and whether any further action will be taken.
9. If the complainant is not satisfied with the outcome of the investigation, they should be informed of Stage 3

Stage 3 HSE Review

1. Service providers who have entered into a Service Level Agreement (SLA) or Grant Aid Agreement with the HSE under Section 38 or Section 39 of the Health Act 2004 are obliged to report to the HSE on complaints. Where a complainant is not satisfied with the outcome of an investigation in OTM, the complainant may request a review of the complaint by the HSE.
2. All requests for reviews should be addressed to Director of Advocacy, National Advocacy Unit, Quality and Patient Safety Directorate, HSE, Oak House, Millennium Park, Naas, Co. Kildare. Email: yoursay@hse.ie Tel: 045 880400.
3. The Director of Advocacy will examine the request for review and appoint a Review Officer if appropriate, to carry out the review of the complaint.
4. Review Officer(s) will review the processes used to carry out the investigation of the complaint and the findings and recommendations made post-investigation.



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

Anonymous Complaints

- 1) In the event that an anonymous complaint is received OTM will note the issues raised and, where necessary try and resolve them appropriately. An anonymous complaint may be referred for investigation:
- 2) If the allegation can be properly investigated either by talking to a third-party witness, or with evidence provided with the complaint, and where there is no need for further contact with the anonymous complainant, it will be investigated
- 3) In the case that a complaint cannot be fully investigated, the complaint will not be referred to in the staff file or will not in any other way impact upon working process or roles etc., except where this has been agreed by all involved including the person named in the complaint.
- 4) If the complaint relates to the general service delivery this will be referred to the Board and remedial action will be implemented if appropriate.
- 5) A record of all complaints will be retained on file.
- 6) The organisation will continue to promote the complaints procedure and ensure appropriate supports are in place to facilitate complaints.

HSE Referral process can be kept separate

Reporting to the HSE⁵ (if applicable)

Service providers who have entered into a Service Level Agreement (SLA) or Grant Aid Agreement with the HSE under Section 38 or Section 39 of the Health Act 2004 are obliged to report to the HSE on complaints as requested and, on the templates/format provided by the HSE. The report should include

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

Complaints Process – Information for Service Users

Who can complain?

- 1) Anyone who is a user of the service.
- 2) An advocate may complain on the service user's behalf provided they have the service user's written consent.
- 3) A parent / guardian may complain on behalf of a child.

⁵ Guidelines for Voluntary Organisations and Hospitals in Drafting Complaints Procedures. 2015. HSE



What can you complain about?

- 1) Any part of the service that you have received
- 2) A decision made about you that affects you
- 3) Being denied a service
- 4) A change in service provision
- 5) A member of staff

Important things to note:

- 1) You have the right to complain when you are unhappy with the service.
- 2) If staff cannot address your issue, then they will help you write down your complaint so it can go to the manager.
- 3) If you make a complaint then you will not be treated differently following the complaint. The service sees complaints as a way to improve what we do.

Complaints involving staff:

If you wish to make a complaint about a staff member

- Tell one of the team and you will be referred to a manager, who will help you follow the process.
- Note that the staff member will be informed that a complaint has been made against them.
- If you want to complain about the manager then the complaint can go to someone more senior, again let a member of staff know.

Complaint Process

- All complaints will be taken seriously.
If you tell a staff member about a complaint, the staff member will try to resolve the issue with you. If this does not happen and you are still unhappy then the staff member will help you complete a Complaints Record Form or write a complaint letter, which will be given to the manager.
- Once you have written down the complaint the manager will investigate the problem and get back to you in 30 working days with a response.
- If you are unhappy with the response, let the manager know and a meeting can be set up with someone more senior in the organisation within four weeks.
- You can bring a family member or other advocate to this meeting. Following this meeting you will be informed of an outcome after three days.



Complaints record form

Date of complaint: _____

Complaint made by: _____

Complaint received by: _____

Complaint made by: Telephone

Letter (attached)

Email

In person

Other

Complainant details

Name of complainant(s): _____

Address of complainant/s:

Contact phone number of complainant/s:

If a complaint is being made on behalf of someone else:

1. Who is the complaint on behalf of? _____

2. Who is making the complaint: _____



3. What is their relationship _____

4. Does the representative have the complainant's written consent to represent their interests? Yes No

Details of the complaint (If insufficient space, attach extra pages)

Signed

Complainant: _____ Date: _____

Staff Member: _____ Date: _____

Referred to: _____ Date: _____

Details of investigation (To be completed by Board Director/Investigation Team Member)



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Signed: _____ Date: _____

Outcomes (to be reported by Board Director/Investigation Team Member)

Signed: _____ Date: _____