



COMPLAINTS POLICY

1.0 Introduction

Enable Ireland is committed to providing high quality services to children and adults with disabilities. This policy is provided for in the Health Act 2004 which stipulates that everyone who accesses our services has a right to make comments about the services they receive. The right to complain also applies to customers of our shops and commercial enterprises.

This policy is for use by services users, parents, carers, customers, other agencies, students and members of the public. It is not for use by employees who have a concern or grievance as this is dealt with through the Enable Ireland Grievance Policy & Procedure. Should a person be unable to make a complaint him/herself, he/she has the right to appoint an advocate who can assist him/her in making this complaint. Exclusions to the Application of the Complaints Policy is outlined in **Appendix 3**.

We invite all those who avail of our services and business to tell us about their experience.

A complaint may be made about something not done correctly, or something that should have been done but was not, or concerning an employee. Complaints are useful to the organisation. Each complaint is viewed as an opportunity to review our services and business. This policy emphasises that we must work to resolve complaints as quickly and as close to the point of contact as possible.

This policy has been developed in partnership with the Health Service Executive to ensure compliance with our obligations under the Health Act 2004 (Complaints) Regulations 2006. Cognisance has also been taken of the Office of the Ombudsman.

The principles upon which this policy are based include:

- Accessibility
- Simplicity
- Speed of response
- Fairness

Complaint Procedures and the Ombudsman

If, as a complainant, you have complained to us on a service issue and you are not satisfied with our decision on your complaint it is open to you to request a review by the Health Service Executive (HSE) under Your Service Your Say. This is regardless of whether the complaint is in relation to our Services or Commercial Division. It is also open to you to contact the Office of the Ombudsman. The Ombudsman provides an impartial, independent and free service. By law the Ombudsman can examine complaints about any of our administrative actions or procedures as well as delays or inaction in our dealings with you.

Contact details are as follows:

The Office of the Ombudsman

18 Lower Leeson Street

Dublin 2

Phone: LoCall 1890 22 30 30 or (01) 639 5600

Email: ombudsman@ombudsman.ie

You can also make a complaint online using the complaint form on www.ombudsman.ie

Ombudsman for Children Office

Millennium House

52-56 Great Strand Street

Dublin 1

Phone: 01 865 6800

2.0 Responsibilities of Enable Ireland Employees

- Each employee is expected to understand and comply with the guidelines in the handling of complaints as set out in this policy.
- Each employee is expected to respond in a courteous manner to anyone raising a concern or making a complaint.
- Each employee is expected to treat any concerns or complaints brought to him/her in an appropriate and confidential manner.
- If an employee receives a complaint about a peer or colleague he/she should explain that he/she is not the appropriate person to deal with the complaint. The complainant should be referred to the relevant manager.
- An employee must not to engage in debate or give a personal opinion about the action(s) of any other colleague.
- A record of all complaints must be kept including verbal complaints. The receiving manager has responsibility for this.
- Each complaint should be reviewed retrospectively to allow the organisation to identify any trends and support appropriate service development as indicated.

3.0 Application of this Policy

3.1 Internal Complaints Management Process

Timelines for dealing with complaints is outlined in **Appendix 4**.

Stage 1: Local resolution of verbal complaints at point of contact

- (a) Employees must have clear delegations to resolve verbal complaints at first point of contact wherever possible
- (b) A record of the complaint must be made by the employee and passed to his/her relevant manager. (Appendix 2)
- (c) Where the complaint is resolved at the point of contact, the complaint must be examined to identify any quality improvements that should be implemented as a result
- (d) Where complaints cannot be resolved at the first point of contact, due to their seriousness or complexity, these complaints must be referred to the relevant manager and record the complaint on the form shown at Appendix 2.

Stage 2(a): Informal resolution or Stage 2(b): Formal Investigation

- (a) Complaints that either cannot be resolved at Stage 1 or should not be resolved at the first point of contact, due to their seriousness or complexity, are then passed to the relevant Manager for resolution by informal means or through formal investigation. Where informal resolution or mediation was not attempted or not successful, the relevant manager will initiate a formal investigation of the complaint.
- (b) The Manager is responsible for carrying out the investigation at this stage but may draw on appropriate expertise, skills etc. as required. Employees have an obligation to participate and support the investigation on any complaint where requested.

The investigation process

- Every complaint is different so the approach to investigation and resolution will differ, depending on the nature of the complaint and issues raised. Any investigation will be proportionate to the nature and degree of seriousness of the complaint.
- The complaint will have a clear remit to resolve the complaint or have access to the person who has authority to do so.
- The manager may investigate the complaint directly or appoint an individual (investigating officer) or team to carry out an investigation on his/her behalf, as appropriate.
- Any investigation within Enable Ireland will be undertaken within the framework of all relevant Enable Ireland policies and procedures.
- Any investigation within Enable Ireland will respect the privacy and confidentiality of all concerned.
- All investigations will be approached in a fair and impartial manner.
- The manager/investigating officer shall, where appropriate, make personal contact with the complainant to clarify and request the complaint in writing, if not previously received.

- All evidence will be fully documented. The content of any meetings will be contemporaneously recorded. In the event of no agreement on the record, the work will proceed with available records.

Internal Review by Enable Ireland

- Should the complainant not be satisfied with the response to a complaint he/she may contact the manager to discuss the matter further.
- If the complainant remains unsatisfied, an appeal can be lodged in writing within ten (10) working days of the formal notification of the outcome of the investigation of the complaint. All correspondence and information relating to the complaint and its investigation will be forwarded to a named senior manager.
- The senior manager will review the information available and may seek further clarification. He/she may contact the complainant to discuss the matter further and will then decide on an appropriate course of action.
- This action will be confirmed in writing to the complainant within fifteen (15) working days of the receipt of the written appeal. The complainant will also be advised of his/her right to refer their complaint to the Director – HR & Corporate Affairs and his/her right to request a review of a service-related complaint by the HSE and/or the Ombudsman.

Stage 3

Where the investigation at Stage 2 fails to resolve a service-related complaint, the complainant must be advised of his/her right to seek a review of his/her complaint under the HSE Review Process at Stage 3.

Process for HSE Review (HSE) for Services complaints only

- The HSE has designated a review officer for this purpose. All requests for reviews must be addressed to

Head of Consumer Affairs,
Health Service Executive,
Oak House,
Millennium Park,
Naas,
Co. Kildare.

- A request for review must be lodged in writing within thirty (30) working days of the date on which the report of the outcome of the investigation of the complaint was signed and dated by the manager.
- Where the request for review is received beyond thirty (30) working days, the HSE may decide to extend the time limit for requesting a review if it determines that special circumstances make it appropriate to do so. The complainant will be notified of this decision within five (5) working days.
- A review will be conducted and concluded within twenty (20) working days of the complaint being received. Where the review officer is unable to complete the review within this timeframe he/she will notify the HSE and complainant indicating the additional time required to complete the review.

- The review will be conducted in private and all information obtained will be deemed confidential.
- The review officer will issue his/her findings and recommendations in a report to the HSE, the complainant and the manager. The manager will notify the complainant within thirty (30) days of the steps being taken as are reasonable to implement the all or some of the recommendations of the review. Reasons for not implementing some recommendations will be set out in writing to the complainant.

4.0 Redress

Redress is consistent and fair for both the complainant and the department against which the complaint was made. Enable Ireland will 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:

- A sincere and meaningful apology
- An explanation
- An admission of fault
- A change of decision
- A replacement
- A repair /rework/refund
- A correction of misleading or incorrect record
- A recommendation to make a change to a relevant policy

A manager may not make a recommendation, the implementation of which would require or cause Enable Ireland and the HSE to make a material amendment to an arrangement under the Health Act 2004.

5.0 Trivial or Vexatious Complaints and Anonymous Complaints

- Vexatious complaints are excluded under Part 9 of the Health Act 2004. A manager may cease to investigate a complaint on the grounds that it is trivial or vexatious or that it does not come within the scheme.
- Anonymous complaints will be considered where there is sufficient information provided to allow Enable Ireland investigate the complaint.
- Where there is not sufficient information provided, Enable Ireland may decide to take no further action but will file the complaint in case it becomes clear that action is required at a later date.

6.0 Annual Report to the HSE

Enable Ireland will provide the HSE with a general report on the complaints received during the previous year indicating:

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

Appendix 1

Definitions

“Complaint” (as per the Health Act 2004) means a complaint made about any action of the Health Service Executive (HSE) or a service provider that 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.

“Complainant” refers to the party or individual that is making the complaint.

“Manager” means a person designated by Enable Ireland for the purpose of dealing with complaints made in accordance with procedures established under this policy. This function will be undertaken by the;

- Director of Services in respect of complaints regarding services,
- Relevant Head of Department in respect of Head Office and National Services.

“Investigating Officer” means an appropriately trained person or persons appointed by the manager for the purpose of investigating a complaint.

“Advocate” means a trusted person, appointed to assist complainants in making their complaint and to support them in any subsequent processes in the management of that complaint. An employee may also act as an advocate if it is possible to do so within the principles of advocacy as set out in The Comhairle Act (2005).

APPENDIX 2

Enable Ireland Complaint Report Form

A: Your details

Surname: _____

Forename(s): _____

Title: Mr/Mrs/Miss/Ms/if other please state: _____

Address: _____

Your email address: _____

Daytime phone number _____

Mobile number _____

Please state by which of the above methods you would like us to contact you:

Your requirements

If our usual way of dealing with complaints makes it difficult for you to use our service, please tell us so that we can discuss how we might assist you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

B: Making a complaint on behalf of someone else: Their details

Their name in full: _____

Their address _____

What is your relationship to them?

Why are you making a complaint on their behalf?

[Form continued on next page]

C: About your complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

What do you believe we did wrong or failed to do?

Describe how you personally, or the person you are representing, has been affected

What do you think should be done to put things right?

Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so.

If you have any documents to support your concern/complaint, please attach them with this form.

Signature: _____

Date: _____

When you have completed this form, please send it to:

Theresa Compagno, Director – HR & Corporate Affairs (Complaints Officer)

Enable Ireland HR & Corporate Affairs Department

8 Russet Court

Churchyard Lane

Ballintemple

Cork

Email: hrcorporateaffairs@enableireland.ie

Tel: 021 429 0434

APPENDIX 3

Exclusions to the Application of the Complaints Policy

Under the specific procedures and circumstances set out in the Health Act 2004, a person is not entitled to use the procedures/make a complaint about any of the following matters:

- A matter that is or has been subject to legal proceedings before a court or tribunal.
- A matter solely relating to the exercise of clinical judgement.
- Actions taken solely on the advice of a person exercising clinical judgement.
- A matter relating to the recruitment or appointment of employees.
- A matter relating to or affecting the terms or conditions of a contract of employment.
- A matter relating to the Social Welfare Acts.
- A matter relating to the registration of births, marriages and deaths that could be the subject of an appeal.
- A matter that could prejudice an investigation being undertaken by an Garda Síochána.
- A matter that has been brought before any other statutory complaints procedure (e.g. Disability Act, Health and Social Care Professional Act 2005)

Where a complaint relates to an excluded matter, the manager, to the greatest extent possible, will advise the person where the complaint might be more properly referred.

Appendix 4

Timelines for Dealing with Complaints

- The Manager will acknowledge receipt of the complaint in writing within five (5) working days advising that the complaint has been received
- The acknowledgment will outline the process to be undertaken in investigating the complaint and the time limits for the completion of the investigation
- The target date for resolution of complaints is thirty (30) working days. Where the thirty (30) working days' time frame cannot be met despite every best effort, the manager must endeavour to conclude the investigation of the complaint within six (6) months of the receipt of the complaint.
- If this timeframe cannot be met, the manager must inform the complainant that the investigation is taking longer than six (6) months, give an explanation why and outline the options open to the complainant.
- The complainant and relevant employee must be updated every twenty (20) working days.
- If the original timescale cannot be met, the manager who commissioned the investigation must be informed and the reason outlined in writing to the complainant.

Section 47, Part 9 of the Health Act 2004 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 time limit for making a complaint may be extended if, in the opinion of the manager, special circumstances make it appropriate to do so. These special circumstances may include but are not exclusive to the following:

- If the complainant is ill or bereaved.
- If new relevant, significant and verifiable information 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.

The manager must notify the complainant within 5 working days of a decision to extend or not extend the time limits.