



Enable Ireland

COMPLAINTS POLICY

- **Current Version Date:** 21.12.2022
- **Current Version Number:** V.6

TABLE OF CONTENTS

Policy Context: Enable Ireland’s policy framework is cognisant of Progressing Disability Services for Children & Young People (PDS)	3
1.0 Purpose	3
1.1 Scope.....	3
1.2 Definitions	4
2.0 Our Commitment to Effective Management of Complaints	5
2.1 How to Provide Feedback.....	6
3.0 Roles and Responsibilities	6
4.0 The 5 Principles Governing Enable Ireland’s Management of Stakeholder Feedback	7
4.1 Principle 1: Enabling Feedback	7
4.2 Principle 2: Listening and Responding to Feedback	7
4.3 Principle 3: Supporting Stakeholders in Providing Feedback	7
4.4 Principal 4: Supporting Staff to Manage Feedback	8
4.5 Principal 5: Learning Improvements and Accountability.....	8
5.0 Advocacy Services	9
5.1 Accessibility in Meeting the Needs of all Service Users/Owners	9
5.2 Anonymous Complaints	9
5.3 Managing Unacceptable Behaviour.....	9
5.4 Redress.....	9
5.5 Confidentiality/ Data Protection.....	10
5.6 Record Retention Storage and Timeline.....	11
6.0 Staff Training – Complaints Management	12
7.0 Complaint Management Process	12
7.1 Stages of Managing a Complaint.....	12
8.0 Annual Report to the HSE and Internal Audit	20
Appendix 1 Policy Exemptions	21
Appendix 2 Advocacy Services	22
Appendix 3 List of Complaints Officers	24
Appendix 4 Role and Responsibilities	25
Appendix 5 Enable Ireland Feedback Form	27
Appendix 6 Point of Contact Complaint Resolution Form	28
Appendix 7 Point of Contact Complaint Escalation Form	29
Policy Reference	30

Policy Context: Enable Ireland's policy framework is cognisant of Progressing Disability Services for Children & Young People (PDS).

PDS has changed the way services are provided across the country to make it equitable and consistent for all. Through the deployment of PDS in Enable Ireland, services provided to children and young people by interagency teams, called Children's Disability Network Team (CDNT), have been established.

A CDNT is an interdisciplinary team comprising of a number of professionals from different disciplines who work with the child and family, sharing information, decision-making and goal-setting. They have common procedures and policies and frequent opportunities for communication ([Policy Framework for Children's Disability Network Teams](#)¹, 2020:10).

With reference to the application of the HR process in relation to staff employed by other agencies through the PDS framework, this policy is applied in accordance with the:

- [National Policy on the Lead Agency Model](#)² (2019:4),
- **Interagency Agreement**, together with any new policy or guideline documents arising from PDS.

1.0 Purpose

The purpose of this Complaints Policy is to provide a framework for the guiding principles and statutory requirements of the management of stakeholder feedback for comments, compliments & complaints in Enable Ireland. It allows for the comments, compliments & complaints of each service user/owner, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public to be listened to and acted upon in a timely and cost-effective way that can lead to service improvement and strengthen confidence in the organisation.

This policy is drawn from the HSE Complaints Framework for Enable Ireland's potential complaints of every aspect of our service and business. The *HSE Your Service Your Say (YSYS) – The Management of Service User Feedback for Comments, Compliments and Complaints Policy and Procedure 2017*. This policy has been adapted by Enable Ireland and made specific to our organisational setting and context. Exclusions to the application of the Complaints Policy under Part 9 of the Health Act 2004 are documented in **Appendix 1**.

1.1 Scope

This policy is for use by service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public. It is not for use by staff who have a concern or grievance as this is dealt with through the Enable Ireland Grievance Policy & Procedure. It is not for use either by students whose complaints can be addressed under the Secondary School Transition Year Placement Policy or the Third Level Student Placement Policy. In the event that a person is unable to make a complaint themselves, they have the right to appoint an advocate who can assist them in making a complaint.

¹ <https://www.hse.ie/eng/services/list/4/disability/progressing-disability/pds-programme/documents/policy-framework-for-children-s-disability-network-teams.docx>

² <https://www.hse.ie/eng/services/list/4/disability/progressing-disability/pds-programme/documents/national-policy-on-the-lead-agency-model.pdf>

1.2 Definitions

Complaint: The Health Act 2004 defines a complaint as:

“A complaint means a complaint made about any action of the Executive, or a Service Provider that, it is claimed does not accord with fair or sound administration practice and adversely affects the person by whom, or on whose behalf, the complaint is made”.

In addition, as outlined in the “Policy Framework for Service Delivery of CDNT”:

“A complaint may be made about something not done correctly or omitted, or may concern an employee. Each complaint should be viewed as an opportunity to review a service or an aspect of the service and where indicated support development or change”.

Advocate: An advocate is somebody who can act on the complainant’s behalf when dealing with Enable Ireland. An advocate can represent the views of those seeking information or making complaints when required.

Complainant: Person(s) making the complaint

Complaints Officer: A National Services Forum (NSF) member designated by Enable Ireland for the purpose of dealing with complaints in accordance with the Health Act 2004 and HSE Your Service Your Say Policy 2017 (see **Appendix 3 List of Complaints Officers**).

Complaints Manager: A person assigned by Enable Ireland for the purpose of processing feedback to include routine monitoring and review of same. The Complaints Manager will appoint a review officer as and when required.

Enable Ireland Complaints Manager Contact Details:

Theresa Compagno

Director HR & Corporate Affairs

Enable Ireland Lavanagh Centre, Curraheen Road, Carrigrohane, Co. Cork, T12 D768

Email: tcompagno@enableireland.ie

‘Point-of-Contact’ Complaint: This is a complaint which can either be verbal or written that has the potential to be resolved at Stage 1 of the complaints process.

Review Process: A Review Process for complaints is one which gives the complainant an opportunity to have the recommendations made after the investigation of their complaint reviewed either internally by Review Officers or externally by the Ombudsman or Ombudsman for Children.

Feedback: Feedback consists of the views and opinions of service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public on the service they have experienced. This may include a comment, compliment or a complaint.

Compliment: An expression of praise, commendation or admiration

Comment: A verbal or written remark expressing an opinion or reaction.

2.0 Our Commitment to Effective Management of Complaints

Enable Ireland commits to safeguarding the rights and dignity of service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public in the implementation of this policy by ensuring that:

- The feedback process is accessible, flexible and responsive to the needs of our service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public.
- Through a 'no wrong door' approach i.e. it is the relevant staff member who is responsible for routing the complaint to the appropriate stage for resolution rather than the complainant.
- An environment which encourages and enables our complainants to give feedback is provided and promoted.
- An environment which safeguards the rights of complainants and where those who provide feedback are listened to and treated with dignity, courtesy and empathy is provided and promoted.
- A culture is promoted in which both the complainant and Enable Ireland have an equal voice and are considered of equal importance in the feedback process.
- Feedback is responded to and complaints are investigated thoroughly in an open, honest and transparent manner.
- Communication with complainants is maintained during the feedback process.
- Complainants are involved in and informed of the outcomes of their feedback.
- When failures are identified, these are acknowledged to the complainant, an apology is provided and action taken where appropriate.
- Complainants and staff members involved in complaints are provided with support throughout the complaints management process.
- Management and staff have the knowledge and skills to effectively manage feedback.
- Learning from feedback is identified and appropriate action is taken to share this learning and to reduce the likelihood of a reoccurrence of the same event(s). This learning is shared with the complainant and staff.
- The learning from feedback informs service planning and quality improvement programmes within Enable Ireland.
- The feedback process complies with obligations in relation to confidentiality, Data Protection and Freedom of Information.

2.1 How to Provide Feedback

You can provide feedback (comment, compliment or complaint) in the following manner:

- Talk to a member of staff who will be able to manage your feedback directly or pass the feedback onto the relevant Complaints Officers, see **Appendix 3** for list of complaints officers in your area.
- Complete the Enable Ireland Feedback Form (see **Appendix 5**) available onsite in our reception areas or online via the '[Feedback and Complaints](#)'³ section of Enable Ireland's website.
- You can write a letter to our Complaints Manager at the following address: Ms Theresa Compagno, Director – HR & Corporate Affairs, Enable Ireland HR & Corporate Affairs Department, Lavanagh Centre, Curraheen Road, Carrigrohane, Co. Cork, T12 D768, who will forward to the relevant Manager/Complaints Officer to be addressed.

3.0 Roles and Responsibilities

Roles and responsibilities underpin the effective implementation of this policy. It is the role and duty of all management and staff to:

- Comply with this policy.
- Ensure that this policy is implemented and adhered to by all staff and that the rights and legitimate interests of service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public are protected.
- Promote a culture and attitude that welcomes feedback and supports the effective and timely resolution of complaints received.
- Ensure that information on how to provide feedback and on how to make a complaint is accessible and made widely available throughout Enable Ireland.
- Provide an efficient, effective, fair and accessible system for handling feedback from service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public feedback.
- Support stakeholders in the implementation of the Complaints Policy and supporting guidance.
- Collect data and monitor feedback for the purpose of improving the quality of service delivery.

Please see Appendix 4 for a detailed description of individual roles and responsibilities.

³ <https://www.enableireland.ie/feedback-and-complaints>

4.0 The 5 Principles Governing Enable Ireland's Management of Stakeholder Feedback

Feedback will be guided and managed by five key principles as follows:

1. Enabling feedback.
2. Listening and responding to feedback.
3. Supporting Stakeholders i.e. service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public in providing feedback.
4. Supporting staff to manage feedback.
5. Learning, improvement and accountability.

4.1 Principle 1: Enabling Feedback

- Feedback from stakeholders is encouraged.
- Information is made widely available to service users/owners explaining how to provide feedback. There are multiple referral points which are actively promoted to service users/owners and which are user friendly.
- The feedback process is easy for all service users/owners to use and the necessary supports provided to assist them within this process.
- The complaints process is overseen by the Complaints Manager: **Ms Theresa Compagno, Director HR & Corporate Affairs** (contact details noted in Sections 1.2 and 2.1 of this policy).
- Positive feedback i.e. compliments, are also encouraged and recorded so that Enable Ireland can capture good practice.
- Staff are empowered to receive complaints and to view them in a positive ways and as a means of improving relationships, learning and making positive changes which will contribute to safer, better service delivery.

4.2 Principle 2: Listening and Responding to Feedback

- Enable Ireland encourages a culture of responsiveness.
- Open Disclosure is adopted within the organisation.
- Staff have a positive attitude towards dealing with feedback.
- Feedback is dealt with in a timely manner.
- Communication with complainants is open, honest, transparent and responsive to their needs.
- Each complaint is received and investigated on its merit.
- The needs of both stakeholders and staff are considered within the complaints management process.
- Stakeholders are involved in the complaint management process.
- Stakeholders are informed of the outcome of a complaint, and of subsequent agreed actions which may arise.

4.3 Principle 3: Supporting Stakeholders in Providing Feedback

- Stakeholders are given whatever help and support they require to provide feedback.
- A clear process in relation to the management of feedback is communicated to service users/owners.
- Stakeholders are treated with dignity and respect.
- Stakeholders are supported throughout the complaints management process.
- Ongoing communication with the stakeholder during the complaint management process is maintained.

- Stakeholders are updated on (i) the learning established, (ii) the actions planned/undertaken by the organisation to prevent a reoccurrence of the issues raised, and (iii) quality improvement initiatives.

4.4 Principal 4: Supporting Staff to Manage Feedback

- A clear process for managing feedback is communicated to staff.
- Staff across all levels of the organisation are trained in this policy and able to deal with complaints at the first point of contact.
- Staff are supported throughout the complaints management process.
- Staff are treated with dignity and respect, compassion and empathy.
- Staff are afforded the right of reply to a complaint against them.
- The practical, professional, psychological, emotional and social needs of staff involved in, or affected by, feedback are identified and addressed.

4.5 Principal 5: Learning Improvements and Accountability

- Staff responsible for investigating and resolving complaints are trained in complaints handling.
- Information from feedback including complaints is routinely reported to senior management via the Complaints Manager.
- Information on trends identified through feedback is publicly available.
- Lessons learned from complaints are used for system wide learning and improvements.
- Findings from complaints are regularly communicated to staff via team meetings.
- Recommendations made and accepted following the investigation of complaints are implemented fully and all relevant persons are informed of this.

The implementation of these five principles will create a culture where feedback is encouraged and allows for stakeholders to make positive comments as well as complaints. These principles are incorporated as a core component of Enable Ireland's way of work and service delivery.

5.0 Advocacy Services

An advocate is somebody who can act on the complainant's behalf when dealing with Enable Ireland. An advocate can represent the views of those seeking information or making complaints when required. If you wish to provide feedback and would like to avail of advocacy services, further information and guidance is available in **Appendix 2**.

5.1 Accessibility in Meeting the Needs of all Service Users/Owners

It is the policy of Enable Ireland to support all service users/owners when making decisions in relation to their health and social care including maximising a person's capacity to make such decisions. All service users/owners should be given the time and support(s) they need to maximise their ability to make decisions for themselves including the right to make a complaint.

5.2 Anonymous Complaints

Enable Ireland values all complaints and also treats anonymous complaints seriously and takes action to consider them, wherever this is appropriate.

- Anonymous complaints will be considered where there is sufficient information provided to enable us to investigate the case.
- Where there is not sufficient information provided, Enable Ireland may decide not to take further action but will record the complaint in case it becomes clear that action is required at a later date.

5.3 Managing Unacceptable Behaviour

The behaviour of a service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and/or member of the public will not be regarded as unacceptable just because he/she may be forceful or determined. In addition, service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public who display difficult behaviour may still have a legitimate complaint which will be dealt with in accordance with this policy.

- If the behaviour of a stakeholder causes a problem, they must be clearly told what the unacceptable behaviour is and what problem it is causing, in terms of rudeness and/or aggression.
- Enable Ireland does and will continue to take steps to protect staff in circumstances where the behaviour of service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public is unacceptable. This may include informing the relevant stakeholder that a decision has been taken to restrict their access and contact. In such circumstances, Enable Ireland will provide a brief statement to the relevant stakeholder outlining the reasons for this.

5.4 Redress

Enable Ireland's complaints process provides a range of timely and appropriate remedies to complainants, who have a justified complaint, to meet the needs of the complainant. This includes:

- An explanation
- Correcting the error
- A sincere and meaningful apology

Where service/customer care failings have been identified, Enable Ireland will attempt, if possible, to put the complainant back in the position they were in before the error or omission occurred. If this is not possible, then other forms of redress will be considered such as providing an explanation and/or an apology.

5.5 Confidentiality/ Data Protection

Maintaining privacy and confidentiality of the information of services users/owners, parents/guardians, carers, customers, volunteers, other agencies and members of the public is a basic principle of managing complaints and stakeholders. It is the role of all Enable Ireland staff to ensure that privacy and confidentiality is maintained.

The Data Protection Act and the GDPR 2018 place an obligation on Enable Ireland and staff to safeguard the right of individuals in relation to the processing of their personal data. This applies to both personal data of our service users/owners and staff. Under the Data Protection legislation, personal information should only be used or disclosed for the purpose for which it was collected, or another directly related purpose. Feedback information required for reporting and statistical purposes will be anonymised and all identifiable data will be removed.

However, the principles of natural justice and fairness require that any persons directly affected by a complaint be;

- i. informed of the complaint and provided with an opportunity to respond
- ii. informed of the conclusions reached following investigation of the complaint and of the findings which informed these conclusions, and
- iii. afforded the opportunity to respond to any adverse findings.

5.6 Record Retention Storage and Timeline

Files must be stored as follows, and retained in accordance with the following:

- **Hard copy:** Locked cabinet with defined need to know access and responsibility for key with provision to deal with leave absences
- **Soft copy:** stored on shared drive with restricted access

Files created in response to requests for information or complaints under Part 9 of the Health Act. (HSE, 2013, p.45)		
<p>Complaint files FOI requests</p> <p>Data Protection requests Ombudsman / Information Commissioner requests</p>	<p>It is recommend that a retention period of a maximum of 7 years applies to files created under; the Freedom of Information Acts, the Data Protection Acts the HSE complaints procedures following engagement with the Ombudsman, the Ombudsman for Children, the Information Commissioner</p> <p>*Where possible electronic copies of files should be created, therefore avoiding the need to keep the paper copies for the 7 year period</p> <p><u>other than</u></p> <p>-those files created under the Child Care Act 1991 which shall be held in perpetuity -cases still ongoing -cases that involved legal action -cases that create a precedent</p> <p>(It is recommended that a similar policy is applied to non-personal records of this nature)</p>	<p>Destroy under confidential conditions</p>

6.0 Staff Training – Complaints Management

The Complaints Officers are responsible for ensuring all staff are aware of and compliant with the Complaints Policy and the accompanying training awareness pack which is available on the [forms section](#)⁴ of Inform.

Additional training for all staff is available via HSeLanD in:

- HSE Effective Complaints Handling

Additional training specific to Complaints Officers is available via HSeLanD in:

- HSE Effective Complaints Investigation

7.0 Complaint Management Process

7.1 Stages of Managing a Complaint

- Stage 1- Frontline Informal Resolution at Point of Contact
- Stage 2- Formal Complaint
- Stage 3- Enable Ireland Internal Complaints Review
- Stage 4- Ombudsman/Children’s Ombudsman review

Stage 1- Frontline Informal Resolution

Enable Ireland seeks to resolve complaints as early as possible and ideally at the first point of contact. A complaint should be raised with the person the complainant is dealing with. They will try to resolve the complaint immediately.

The issue of dissatisfaction should be discussed with a view to achieving early resolution. This will happen by way of dialogue with the complainant and Enable Ireland personnel as relevant, e.g. support worker, shop manager, therapist, key worker, service co-ordinator etc. Where the relevant support worker, shop manager, therapist, key worker, service co-ordinator etc. is not able to address the complaint at the point-of-contact, the relevant line manager **must** be contacted prior to the complaint being escalated to the Complaints Officer.

However, more time may be required to review the complaint and a maximum timeframe of **2 working days** is allowed for this.

- Enable Ireland staff should always respond positively and appropriately to anyone who provides feedback, be it, comment, compliment or complaint. They should acknowledge the feedback in an open and honest way, thanking the stakeholder for their comment or compliment and demonstrate empathy and understanding if a complaint.
- **Establish what the stakeholder expects from providing their feedback.**
- If staff are unable to deal with a complaint personally they should, at point of contact, provide reassurance that it has been listened to, understood and then outline how this complaint will be handled beyond this point.
- Provide an apology/explanation where possible and avoid apportioning blame, being argumentative or defensive.

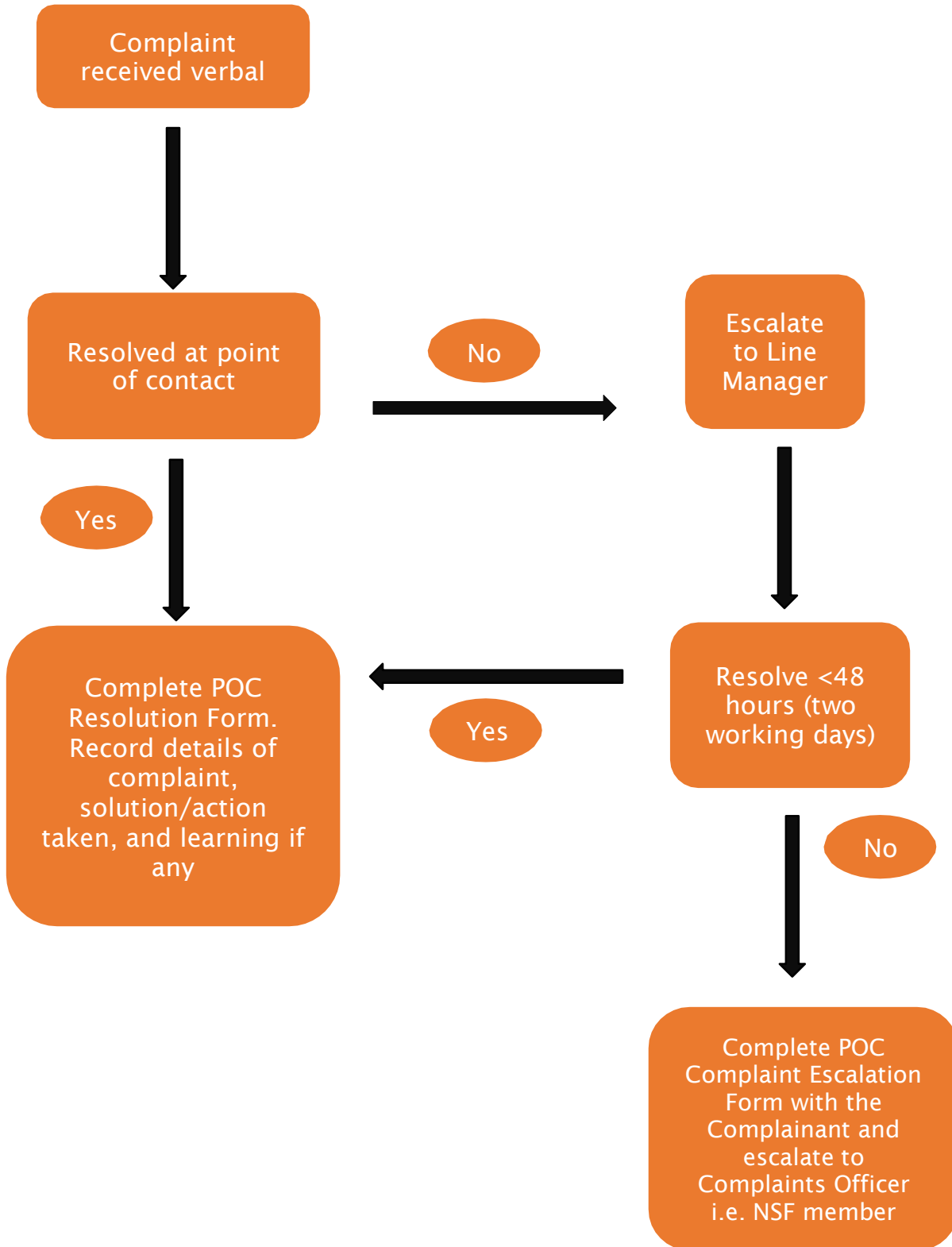
⁴The link can be accessed by clicking on the highlighted blue words ‘forms section’ when it is open in soft copy. Alternatively it can be accessed on the intranet by searching <http://inform/policies/Pages/Forms.aspx>

- Staff should only attempt to manage complaints received at the point of contact if due care has been taken to establish that **all issues** can be addressed appropriately at the point of contact.
- Where staff have resolved all issues of a complaint at Point of Contact then a **Point of Contact Complaint Resolution Form** (see **Appendix 6**) must be completed and forwarded to their Line Manager.
- Staff who are the subject of a complaint should not handle or respond to the complainant.
- Staff should advise service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public, that, following attempts at frontline resolution, they can progress their complaint onto the formal stage if they are not satisfied with the outcome.

If it is not possible to resolve the complaint to the satisfaction of the complainant at the first point of contact, they must escalate to their line manager prior to the complaint being escalated to the relevant Complaints Officer. The person receiving the complaint must advise the complainant:

- Of the reasons why the complaint cannot be resolved at the point of contact;
- That they will be escalating the verbal complaint to their line manager, who must resolve within (< 48 hours) two working days;
- If the line manager cannot resolve the verbal complaint, they should **complete a Point of Contact Complaint Escalation Form with the Complainant** (see **Appendix 7**) and escalate the matter to the relevant Complaints Officer;
- If requested by the complainant, the staff member or Line Manager may provide assistance to the complainant to make a written complaint.

Figure 7.1- Stage 1 – Frontline Informal Resolution



Stage 2- Formal Complaint

Step 1- Complaint Officer Assessment of Complaint

In keeping with the Enable Ireland policy of resolving complaints to the stakeholder's satisfaction as quickly as possible, the Complaints Officer should first attempt to resolve the complaint by informal means before commencing a formal investigative process.

The Complaints Officer should endeavour to contact the Complainant within **<48 hours (two working days)**. Where appropriate the Complaints Officer should offer to meet the Complainant at a mutually agreed appropriate location.

If the matters are resolved following this initial consultation with the complainant (either by phone and/or meeting in person, **within <48 hours**), the following actions should be managed by the Complaints Officer:

1. Provide summary letter to complainant which may include recommendations
2. Record the outcome and learning as a result of the feedback and provide an update to staff via team meetings.

If the complainant is not satisfied or unwilling to meet with the Complaints Officer the complaint is formally investigated.

Step 2- Investigation

Every complaint is different so the approach to resolving it will differ depending on the nature of the complaint and the issues raised. A complex complaint may require an investigation. Investigations will be conducted in a way that is proportionate to the nature and degree of seriousness of the complaint. All complaints, which are not resolved at frontline resolution will be thoroughly and objectively reviewed. The relevant Complaints Officer or the specifically named authorised delegate is responsible for carrying out the formal investigation of the complaint at Stage 2 and may draw on appropriate expertise, skills as required.

The types of issues appropriate to an investigation stage include:

- Frontline resolution was attempted but the service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and member of the public remains dissatisfied.
- The service user/owner/customer refuses to engage with the frontline resolution process.
- The issues raised are complex and will require detailed review.
- The complaint relates to issues that have been identified as serious or high risk to stakeholders or the organisation.

The following process must be adhered to within Stage 2:

- The service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and member of the public will be provided with the name and contact details of the person dealing with their complaint as soon as possible.
- The Complaints Officer will acknowledge receipt of the complaint in writing within **five (5) working days** advising that the complaint has been received.
- The Complaints Officer will assess the complaint and aim first to establish the facts. The extent of any investigation will depend on how complex and how serious the issues are.

- The Complaints Officer is responsible for establishing what information is required and for gathering that information. He/she has a clear remit to investigate effectively and is authorised to resolve complaints or have access to the person who has the authority to do so (see **Appendix 3 List of Complaints Officers**).
- Staff who are the subject of the complaint will not investigate the complaint.
- In some cases, serious complaints may need to be investigated by someone independent of Enable Ireland.
- The acknowledgment will outline the process to be undertaken in investigating the complaint and the time limits for the completion of the investigation.
- When investigating the complaint, we will look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to the complaint. If necessary, we will talk to the staff member or others involved and look at our policies and relevant Enable Ireland documentation for guidance.
- 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 Complaints Officer 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 Complaints Officer 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 staff member must be updated **every twenty (20) working days**.
- If the original timescale cannot be met, the Complaints Officer who commissioned the investigation must be informed and the reason outlined in writing to the complainant.
- If, in exceptional circumstances, the response will be delayed, the service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and member of the public will be told of this within 30 working days of receipt and will be given a revised timescale for bringing the investigation to a conclusion as well as an explanation for the delay. An update will be provided every **20 working days** thereafter.
- If we formally investigate the complaint, we will prepare a report outlining the findings, any appropriate recommendations, reasons for findings and recommendations to the complainant.

Summary of Deadlines for Dealing with Complaints

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 Complaints Officer, 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/owner 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.

Post Investigation- Feedback to Complainant

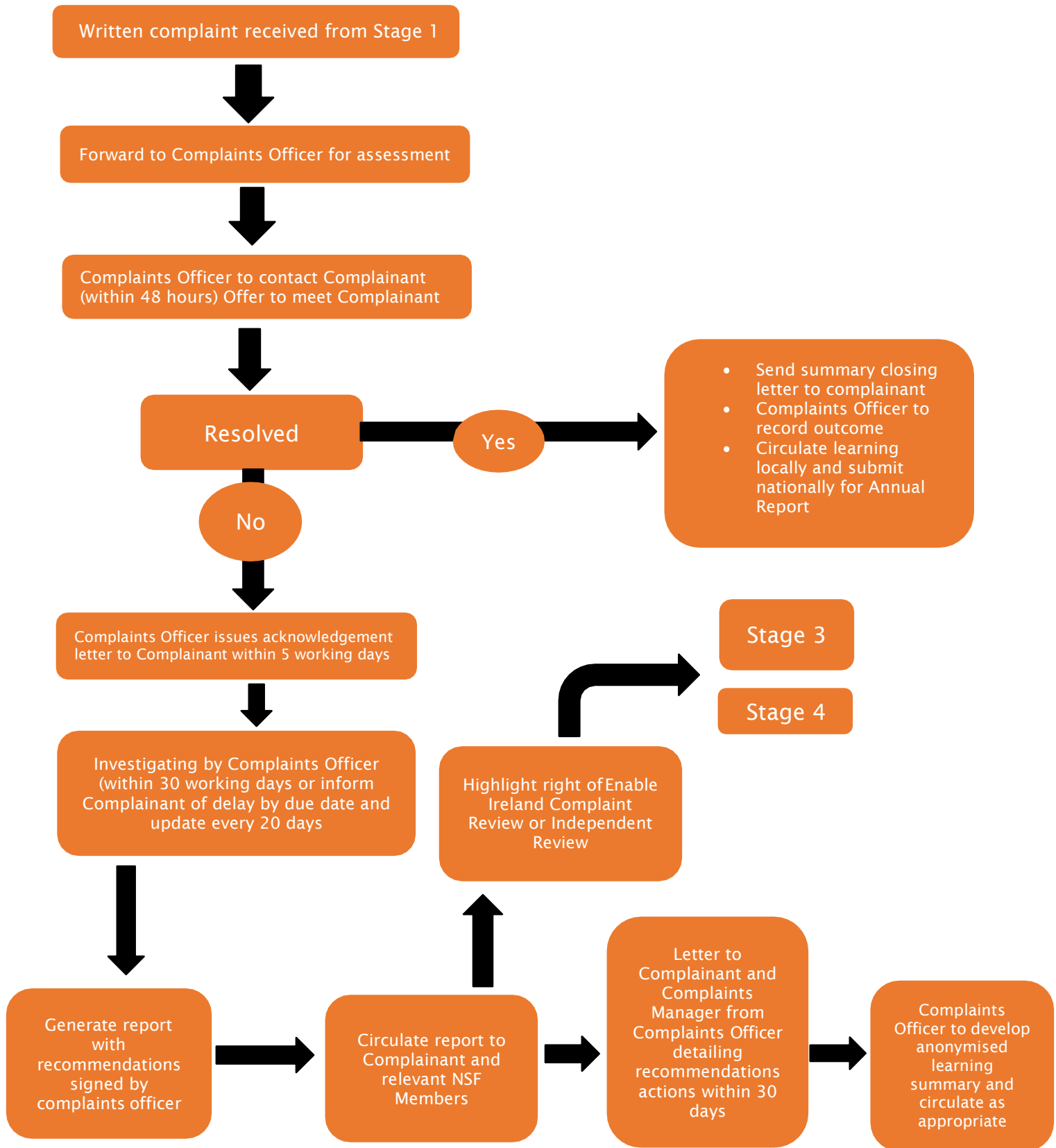
All issues raised in the complaint will be comprehensively responded to. All points raised by the services user/owner, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public and agreed at the start of the investigation will be properly considered and fully addressed in the response. Any areas of disagreement or varying accounts can be acknowledged without dismissing what the service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and member of the public has said.

- Enable Ireland's decision will be formally communicated to the complainant using his/her preferred means of communication and confirmed in writing.
- In cases where a complaint is upheld, the appropriate Complaints Officer/Manager will ensure that an action plan is drafted setting out how the recommendations will be implemented and who will be responsible for implementing them.
- The response will tell the service user/owner, parent/guardian, carer, advocate, customer, volunteer, other agencies and member of the public about their right to an Enable Ireland Internal Complaint Review and the right to complain to the Ombudsman (or the Ombudsman for Children, where appropriate) if they are dissatisfied with the outcome of their complaint. Contact details for the Ombudsman (or the Ombudsman for Children, where appropriate) are outlined in **Stage 4** below.

If we find that we made a mistake we will tell you what and why it happened. If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again.

If we made a mistake, we will always apologise. See **Section 5.4 –Redress**.

Stage 2 Figure 2- Informal/Formal Investigation Process



Stage 3- Enable Ireland *Internal Complaint Review*

These are complaints where the complainant is dissatisfied with the outcome of the complaint investigation at Stage 2. A written review request is submitted to the Complaints Manager, Ms. Theresa Compagno Director HR & Corporate Affairs (contact details noted in Section 1.2 and 2.1 of this document).

The Complaints Manger will appoint a Review Officer. The Review Officer(s) must endeavour to conduct and conclude the review **within 20 working days** of the request being received. However, where the review cannot be concluded within this timeframe, the Review Officer must inform the complainant of this fact and indicate the additional time necessary to complete the review. Upon conclusion of a review, the Review Officer shall prepare a signed and dated report on the review. A Review Officer will not make a finding in their report adverse to a person, without first having afforded the person concerned with the opportunity to consider the finding or criticism and to make representations in relation to it.

The Review Officer is responsible for carrying out the formal review investigation of the complaint at Stage 3 and may draw on appropriate expertise, skills, etc., as required.

Stage 4- Independent Review

Ombudsman/Children's Ombudsman Review

If we do not succeed in resolving a complaint, the complainant may submit the complaint to the Ombudsman (or Ombudsman for Children, if appropriate).

The Ombudsman expects a complainant to bring a complaint to the attention of Enable Ireland in the first instance. You can contact the Ombudsman by:

- Email: ombudsman@ombudsman.ie
- The website: www.ombudsman.ie
- Writing to: The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773

Ombudsman for Children Office

Millennium House
52-56 Great Strand Street
Dublin 1
D01 F5P8
Phone: 01 865 6800

8.0 Annual Report to the HSE and Internal Audit

Enable Ireland will provide quarterly returns as part of the agreed local Service Level Agreements (SLA) to the HSE. All services will utilise the standardised spreadsheet available locally.

All other sites within Enable Ireland must log complaints using the following standardised log available via the forms page on [Inform⁵](#). All logs must be submitted to the Complaints Manager on a quarterly basis.

Enable Ireland will provide the HSE with a general annual 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.

Enable Ireland will audit records of complaints on an annual basis and outline learning from same.

⁵This link can be accessed by clicking on the highlighted blue word 'Inform' when it is open in soft copy. Alternatively it can be accessed on Enable Ireland's intranet by searching: <http://inform/policies/Pages/Forms.aspx>



Appendix 1

Policy Exemptions

A complaint is excluded under Part 9 of the Health Act 2004 if it is in relation to any of the following matters;

- 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 judgment by a person acting on behalf of either the Executive or a service provider,
- an action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgment,
- a matter relating to the recruitment or appointment of a staff member by the Executive or a service provider,
- 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 (includes terms or conditions relating to superannuation benefits, disciplinary procedures or grievance procedures),
- a matter relating to the Social Welfare Acts,
- 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 being undertaken by An Garda Síochána,
- a matter that has been brought before any other complaints procedure established under an enactment (e.g. Complaints made under Part 2 of Disability Act, 2005 or the Mental Health Act 2001).

In accordance with Part 9 of the Health Act 2004 a Complaints Officer shall not investigate a complaint if;

- a) the person who made the complaint is not entitled under Section 46 to do so either on the person's own behalf or on behalf of another,
- b) the complaint is made after the expiry of the period specified or any extension of that period allowed. Further information is detailed under 8.1 Timescales for making a complaint.

A Complaints Officer may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that officer is of the opinion that;

- a) the complainant does not disclose a ground of complaint as outlined in Section 46, Part 9 of the Health Act 2004,
- b) the subject-matter of the complaint is excluded by Section 48 of the Health Act 2004,
- c) the subject-matter of the complaint is trivial, or
- d) the complaint is vexatious (see [HSE Policy](#) on Vexatious Complaints⁶) or not made in good faith, or
- e) is satisfied that the complaint has been resolved.

⁶This link can be accessed by clicking on the highlighted 'HSE Policy' when it is open in soft copy. Alternatively it can be accessed on internet by searching: <https://www.hse.ie/eng/about/qavd/complaints/ncglt/toolkit/reviewtoolkit/vexatious.pdf>



Appendix 2

Advocacy Services

Irish Patients' Association

Providing Independent Patient Advocacy since 1995

24 Church Road, Ballybrack, Co. Dublin

Web: <http://www.irishpatients.ie>

Phone: 01 272 2555

Phone: (emergency) 087 659 4183

Email: info@irishpatients.ie

Irish Advocacy Network

Peer advocacy services for people who have experienced mental health difficulties

c/o The Health Care Unit, Rooskey, Monaghan, Co. Monaghan

Phone: 047 38918

Email: admin@irishadvocacynetwork.com

Cairde

Community development organisation, working to tackle inequalities among ethnic minority communities

19 Belvedere Place, Dublin 1

Web: <http://www.cairde.ie>

Phone: 01 855 2111

EPIC

An independent association that works throughout the Republic of Ireland with and for children and young people who are currently or who have experienced living in community care settings

7 Red Cow Lane, Smithfield, Dublin 7

Web: <http://www.epiconline.ie> Phone:

01 872 7661

Dental Complaints Resolution Service

The Dental Complaints Resolution Service aims to assist dental patients and participating dentists resolve complaints about dental services. The service is an independent dental complaints service provided by the Irish Dental Association.

Web: <http://www.dentalcomplaints.ie> Phone: 094 902 5105

Patient Focus

Independent Patient Advocacy Group

Sky Business Centre, Plato Business Park, Damastown, Dublin 15

Web: <http://www.patientfocus.ie>

Phone: 01 885 1611

support@patientfocus.ie

Pavee Point

Non-governmental organisation committed to the promotion and realisation of Travellers Human Rights

46 North Great Charles St., Dublin 1

Web: <http://www.paveepoint.ie>

Phone: 01 878 0255

Email: info@paveepoint.ie

National Advocacy Service for People with Disabilities

The National Advocacy Service for People with Disabilities provides an independent, confidential and free, representative advocacy service. The service is funded and supported by the Citizens Information Board.

Hainault House, Tallaght, Dublin 24

Web: http://www.citizensinformationboard.ie/services/advocacy_services/

Phone: 0761 07 3000

Email: info@advocacy.ie

Sage – Support and Advocacy Service for Older People

Sage provides information and advice on how to access independent support and advocacy services. Their mission is to promote the rights, freedoms and dignity of older people by developing support and advocacy services wherever ageing poses a challenge for individuals.

Contact Details:

24-26 Ormond Quay, Dublin 7

Phone: (01) 5367330

Email: info@sage.thirdageireland.ie

Web: <http://www.thirdageireland.ie/sage>

Inclusion Ireland

Inclusion Ireland is a national organisation advocating for the rights of people with an intellectual disability. It provides an independent advocacy service to people with an intellectual disability and their families.

Unit C2, The Steelworks, Foley St, Dublin 1

Web: <http://www.inclusionireland.ie>

Phone: 01 855 9891

Email: info@inclusionireland.ie

Also visit: <http://www.healthcomplaints.ie>

Healthcomplaints.ie provides information to service users/owners on how to make a complaint or give feedback about health and social care services in Ireland. This website has been developed for people who use health and social care services in Ireland, as well as for their families, care-givers and advocates. Healthcomplaints.ie directs service users/owners to find the right place to give their feedback.



Appendix 3

List of Complaints Officers*

**Complaints Officer: A National Services Forum (NSF) member designated by Enable Ireland for the purpose of dealing with complaints in accordance with the Health Act 2004 and HSE Your Service Your Say Policy 2017.*

Name:	Title/Region/Department:
Mary Fox	National Director of Services
Frankie Barrett	Director of Services Dublin South West/Kildare/West Wicklow
Clare Lenehan	Director Of Services Galway/Mayo
Gillian Darrer	Director of Services Cork/Kerry/Kilkenny
Tony Murphy	Director of Services Mid-West
Anelle Marynowski	Director of Services North East & Dublin South Services
Fidelma Murphy	National Director Adult Services
Siobhan Long	National AT Training & SeatTech Manager
Ed Meagher	National IT Manager
Gillian Murphy	Communications & Marketing Manager
Claire McKenna	HR Manager
Donal Kitt	National Fundraising Manager
Oonagh O'Connor	Head of Commercial
Linda Brady	Finance Manager
Noreen Dempsey	Director of Finance & IT



Appendix 4

Role and Responsibilities

Responsibilities of Enable Ireland Staff

- Each staff member must understand and comply with the guidelines in the handling of complaints as set out in this policy.
- Each staff member must respond in a courteous manner to anyone raising a concern or making a complaint.
- Each staff member must treat any concerns or complaints brought to them in an appropriate and confidential manner.
- If a staff member receives a complaint about a peer or colleague, the complainant should be referred to the relevant manager.
- A record of all complaints must be maintained. The receiving manager has responsibility for this.
- Each complaint must be reviewed retrospectively to the Complaints Officer to allow the organisation to identify any trends and support appropriate service development as indicated.

Role of Complaints Officers

'Complaints Officers' refers to all National Service Forum members who are responsible for their own regions/departments in regards to complaint management and review.

For the purpose of the implementation of this policy, the roles and responsibilities of the Complaints Officer is to:

- Ensure service user/owner-friendly information on how to offer feedback and, in particular, on how to make a complaint is widely available throughout each site/shop location.
- Ensure that the complaints management process is implemented and being adhered to in their area and that the rights and legitimate interests of service users/owners, parents/guardians, carers, advocates, customers, volunteers, other agencies and members of the public are protected.
- Support staff and stakeholders in the implementation of the complaints management process.
- Identify non-excluded matter of the complaint and investigate.
- Ensure that any risks identified as part of a complaint are assessed and immediately notify the Complaints Manager of any high risk complaints to ensure appropriate investigation and learning.
- Inform relevant parties of decision to extend or not extend time frames.
- Investigate and conclude within 30 working days or inform complainant of delay and update every 20 days.
- Advise a person if a finding in the report is adverse to that person and afford them the opportunity to consider the finding and to make representations in relation to it.
- Make recommendations, which may also support organisational learning and improvement.
- Provide complainant and relevant NSF member with a report on the complaint investigation.

- Advise the complainant that they may seek a review of the complaint by requesting an Enable Ireland Internal Complaint Review (Stage 3) or by contacting the Office of the Ombudsman/Ombudsman for Children’s Office for services only (Stage 4).
- Where a complaint is withdrawn, the Complaints Officer may bring this to the attention of the Complaints Manager to determine if the investigation should continue.
- Determine the overall effectiveness of the complaints management process within their area of responsibility.
- Generate anonymised complaints data and disseminate this information as appropriate.
- Submit reports as appropriate to the HSE and the Complaints Manager as outlined in Section 8.0 of this policy.

Role of the Complaints Manager

For the purpose of the implementation of this policy, the role of the Complaints Manager, Ms Theresa Compagno, Director - HR & Corporate Affairs is to:

- Be a champion for the feedback process including the complaints management process through an active and visible leadership role with key involvement in education, training and reporting arrangements.
- Be responsible for the routine monitoring and review of the organisation’s feedback process including the complaints management process which is necessary to ensure and assure that the system works.
- Promote a process of assurance through the generation of case books following Stage 3 Enable Ireland Internal Complaint Reviews and publish reports on the management of complaints by their area and the learning achieved as a result of same
- Ensure processes are in place to support clinicians and staff to understand how complaints are handled.
- Upon receipt of a request for a review, appoint a Review Officer to review the recommendations made by the Complaints Officer.
- Upon notification from a Complaints Officer ensure that any risks identified as part of a complaint are notified to the relevant Head of Department to ensure high risk complaints are appropriately assessed and investigated and that learning is achieved.
- Provide an overview and update on the management of service user/owner feedback to Senior Management Teams, in relation to key performance indicators in line with national feedback data returns.
- Ensure that the lessons learned from feedback including complaints are used to improve the service and are implemented.



Appendix 5

Enable Ireland Feedback Form

If you wish to make a comment, compliment or complaint, then please complete this form

Name: _____

Address: _____

Tel. no: _____

Email Address: _

Date: _____

Signature: _

I am making/providing a..... Comment Complaint Compliment (Please circle)

Name of service/site about which you want to make a comment, compliment or complaint:

Date of experience giving rise to comment, compliment or complaint:

Please give full details of your comment, compliment or the nature of your complaint in the space provided below



Appendix 6

Point of Contact Complaint Resolution Form

Name: _____

Address: _____

Tel. no: _____

Email Address: _____

Is the complainant a (Please circle):	Service User/ Owner	Parents/Guardians	Carers	Advocates	Customers	Volunteers	Other Agencies	Member of the Public
---------------------------------------	---------------------	-------------------	--------	-----------	-----------	------------	----------------	----------------------

Brief overview of Complaint:

Date and time of complaint: ____/____/____ (please use 24 hour clock)

Who was involved? (Please list all persons involved including service user/owner or staff member details)

Briefly describe how complaint was addressed and resolved.

Complainant Signature:

Name: _____ Signature: _____ Date: _____

Staff Member Details:

Staff Member Name: _____

Location: _____

Contact Telephone: _____

Email: _____

Signature: _____

Date: _____



Appendix 7

Point of Contact Complaint Escalation Form

Name: _____

Address: _____

Tel. no: _____ Email Address: _____

Is the Complainant a (Please circle):	Service User/ Owner	Parent/Guardian	Carer	Advocate	Customer	Volunteer	Other Agency	Member of the Public

Brief overview of Complaint:

Date and time of complaint: ____/____/____ (please use 24 hour clock)

Who was involved? (Please list all persons involved including service user/owner or staff member details)

What outcome would the complainant wish to result from their complaint?

Line Manager:

Briefly describe why complaint was not resolved at point of contact:

Manager Name: _____

Location: _____

Telephone: _____

Email: _____

Date: _____

Signature: _____

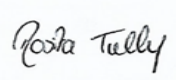


POLICY REFERENCE

Title of Policy: Complaints Policy
Current Version Number: V.6
Current Version Date: 21.12.2022
Next Review Date: 20.12.2025

Note:

This policy was reissued on 21.12.2022 as authorised by Theresa Compagno, Policy Group Chair.

Reference Completed by:	Rosita Tully
Print Name:	
Signed:	
Job Title:	Project Officer
Date:	21.12.2022