



Brothers of Charity Services Ireland - West Region

The Management of Complaints Local Procedures

ORIGINAL POLICY NO: 2003/06

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Signed:

Director of Services BOCSI West Region

Linked to:

This procedure is underpinned by the following national policies, legislation and regulations:

- Health Act 2004 Part 9
- Health Act 2004 (Complaints) Regulations 2006
- Health Act 2007 Part 13
- Health Act 2007 (Care and Support of Residents in Designated Centres for persons (Children and Adults) with Disabilities) Regulations 2013
- National Standards for Residential Services for Adults and Children with disabilities
- Freedom of Information Acts 2014
- Data Protection Acts 2018
- Ombudsman's Act 1980-1984
- Ombudsman for Children's Act, 2002

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1.0 Procedure Statement.

The BOCSI – West Region recognises that people may have complaints about the services they receive. Complaints will be taken seriously, handled promptly, appropriately and sensitively. We will facilitate those who may require support to articulate any grievance or complaints, and the complaints procedures will be readily accessible.

We are committed to safeguarding the rights and dignity of people who use our Services, their families, and staff members in the implementation of this policy and procedures, and it is the policy of the Services that:

- 1.1** The Complaints Management Process will comply with the obligations as defined by the Health Act 2004, the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities Regulations 2013, and the National Standards for Residential Services for Children and Adults with Disabilities (HIQA 2013);
- 1.2** It is the responsibility of all staff in the BOCSI – West Region to listen carefully to any concern or issues raised and to respond to and resolve complaints at the first point of contact wherever possible;
- 1.3** The Services commits to learn from complaints and use this learning to inform organisational planning and development, the improvement of the services and supports provided;
- 1.4** Information relating to the Complaints Management Process will be widely distributed, clearly stated and readily available to service users and families in a range of accessible formats;
- 1.5** Complaints Procedures will be clearly stated;
- 1.6** The Complaints Procedures will outline:
 - Roles and responsibilities
 - Processes
 - Time Frames
 - Referral Mechanisms
 - Review Mechanisms
- 1.7** The Complaints Process will be fair, transparent, and impartial; and the complaints handling process will be implemented without fear, favour, or prejudice towards the complainant, or the person, or service about which the complaint was made;
- 1.8** Staff will be enabled and empowered to appropriately handle complaints, and attempts will be made to resolve complaints to the satisfaction of the complainant at a local level;
- 1.9** The Services will communicate with the complainant throughout the process and endeavour to resolve the complaint to their satisfaction;

- 1.10 Complaints that are vexatious, malicious or frivolous will not be investigated;
- 1.11 People supported will be supported to understand the complaints process through the accessible version of the policy and procedure – I’m Not Happy. An accessible version of the Complaints Form will be available.
- 1.12 Support will be provided to people supported who may not be able to make a complaint independently;
- 1.13 There will be identified Complaints Officers who will be independent in their role;
- 1.14 Managers and Team Leaders will be responsible to ensure compliance with the Complaints Management Process in their area; will support the investigation of a complaint; will monitor and keep records of complaints related to their area of responsibility, and act according to the results of the findings and recommendations arising from a complaint investigation;
- 1.15 The Manager will ensure the Log of Complaints is maintained in accordance with the agreed procedures
- 1.16 The Team Leader/Manager will escalate any repeated complaints to the Complaints Officer for discussion and agreement on an approach to resolution;
- 1.17 There will be an effective system for recording, monitoring and evaluating complaints received;
- 1.18 All information obtained through the course of complaint management will be treated in a confidential manner and in line with the Data Protection Act 1988 and 2003 and the Freedom of Information Act 2014. The complaints process will facilitate the gathering of essential and appropriate information to ensure the effective management of the complaint and the education of the organisation without compromising the rights to confidentiality of both the complainant and the service about which the complaint was made;
- 1.19 A report on complaints received and the outcome of the complaints processed will be presented to the West Region Services Management Team on an annual basis by the Complaints Administrative Officer;
- 1.20 Reports will be submitted to the HSE on the complaints received in accordance with the terms of the Service Arrangement;
- 1.21 The review process will be available to people who have made complaints;
- 1.22 Complainants will be informed of their right to the review of their complaint by the Director of Consumer Affairs in the HSE or the Ombudsman / Ombudsman for Children if they are unhappy with the outcome of the Brothers of Charity Services Complaints Management Process;
- 1.23 The HSE Procedures on Protected Disclosure of Information notice should be displayed in each service area / Designated Centre;

1.24 Complaints Officers may not make recommendations that will require the Organization to make a material amendment to its approved Service Plan.

2.0 Purpose

The aim of this procedure is to outline how people can make a complaint and to ensure that any complaints received are dealt with in a fair way and to the satisfaction of the complainant where at all possible.

The policy document states clearly what the responsibilities of the Services are in relation to the response by the Services and the staff of the Services to any complaints raised. The associated procedures and guidelines for staff give clear direction on the management of complaints.

3.0 Scope

This policy and associated procedures are applicable to all staff working in the Services. Any person who has received, is currently receiving, or seeking a service from the BOCSI - West Region can make a complaint. Complaints may also be received from members of the general public.

The Health Act 2004 mandates that the person may complain in accordance with the procedures established under this policy about any action of the Service that

- (a) it is claimed, does not accord with fair and sound administrative practice and
- (b) adversely affects or affected that person

An action does not accord with fair and sound administrative practice if it 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 contrary to fair or sound administration.*

However, in addition to the requirements of the Health Act, the BOCSI – West Region wishes to know if people are dissatisfied with the service they receive or any aspect of how that service is delivered.

If a person is unable to make the complaint independently because they do not use words to communicate, the complaint may be made on their behalf by:

- A close relative or carer of the person (parent, guardian, son, daughter, spouse or partner of the person);
- Any person who legally has the care of the affairs of that person;
- Any legal representative of that person;
- Any other person with the consent of that person;

- An agreed advocate of that person;
- If the person who would otherwise have been entitled to make a complaint is deceased, a complaint may be made by a close relative or carer of that person.

A complaint can be made to any member of staff. All staff have the responsibility to listen carefully to the person making the complaint and to respond in an appropriate manner. This may involve attempting to resolve the issue locally, bringing the complaint or issue to the appropriate person, Team Leader, Manager, or Complaints Officer, and / or supporting the person to make the complaint in writing.

While any member of staff can receive a complaint, certain members of staff are identified as Complaints Officers. If the Team Leader/Manager cannot resolve the complaint locally it can be escalated to the Complaints Officer. They can arrange to have an investigation carried out as required and make recommendations following the investigation of the complaint. They may not make recommendations that would require the organisation to make a material amendment to its approved Service Plan.

Complainants who are unable to make a complaint independently have the right to appoint an advocate who can assist them in making the complaint and to support them in any subsequent processes in the management of that complaint. Staff or a trusted person may be advocates for people supported wishing to make a complaint if it is possible to do so in accordance with the principles of advocacy.

All complaints will be received and considered by the BOCSI – West Region however, the Health Act 2004 details a number of complaints that are not included under Part 9 of the Health Act (Appendix 1).

4.0 Accountability

All managers are responsible for the dissemination of the Complaints Policy and associated procedures.

All staff are responsible for the implementation of the policy.

Complaints Officers have a particular responsibility to ensure that they process complaints referred to them in accordance with the policy and associated procedures.

The Complaints Administrator is responsible for reporting complaints to the HSE in accordance with the terms of the Service Arrangement with the HSE and is also responsible for the annual report on complaints received to the West Region Services Management Team.

The Director of Services is responsible for reviewing the management of complaints, including whether the complaint has been resolved to the satisfaction of the complainant, and reporting on complaints to the Board of Directors and the National Chief Executive.

5.0 Procedures for the Management of Complaints

5.1 Responding to a Complaint

The BOCSI – West Region aim to provide as responsive a service as is possible to people supported and their families. The following procedure is designed to enable those who use our Services to bring to our attention any complaints that they may have. A complaint is an expression of dissatisfaction that needs a response. We welcome such complaints and view them as opportunities to learn and to improve our services. We endeavour to work in a spirit of partnership and openness, and we wish to assure people supported and their families that if they have any concerns or complaints, we wish to know these in detail, and will seek to resolve the issues locally to the satisfaction of the complainant. Accordingly, each Team Leader and Manager has the responsibility of bringing the Complaints Procedure to the attention of staff and of informing people supported and their families.

In some instances, our ability to respond to needs will be constrained by resources, but we will endeavour to respond as best we can and to seek alternative ways of addressing the issues if appropriate. We will identify and include such issues in our Service Plans and work with the statutory authorities to gain the necessary resources.

Some people supported may require support to communicate grievances or complaints. In such cases we encourage and support the use of advocates or self-advocacy groups.

We are aware of the importance of responding to issues as quickly as possible and of the importance of handling any complaints as sensitively as possible. The manner in which the Service responds to complaints is important in maintaining and restoring the confidence of people supported and their families who may feel aggrieved because of their particular complaint. We expect that a large proportion of complaints can and will be resolved at local level either directly with a staff member, or with his or her Team Leader or Manager. When this is not possible the person supported, family or advocate may wish to use the more formal complaints procedure.

Some categories of complaint cannot be dealt with by this procedure. Any allegation or concern about abuse must follow the Safeguarding Vulnerable Persons Policy and Procedures and the organizational procedures on Reporting Abuse. In all such instances staff must adhere to these policies and procedures.

It is the responsibility of all staff members who have an issue or complaint raised with them to listen attentively and to endeavour to resolve the issue as satisfactorily as possible, in a timely manner and in accordance with these guidelines.

In some cases, a complaint may not be resolved at a local level and the issue may have to be referred to the identified Complaints Officers associated with each service area who are independent in their role. The names of the Complaints Officers are listed in the appendices.

At all stages of the process, the complainants must always be made aware of their right to make a formal complaint to the Brothers of Charity Services Complaints Officers or to the Head of Consumer Affairs in the HSE or the Ombudsman / Ombudsman for Children.

5.2 Definition of a complaint

*The Health Act 2004 states that a **Complaint** means a complaint made about any action of the Executive (HSE) or a Service Provider that, it is claimed, does not accord with fair or sound administrative practice, and adversely affects the person by whom, or on whose behalf, the complaint is made.*

5.3 Making a Complaint

Good communication is the cornerstone of our relationships with people supported and their families / advocates. The best way to work out and resolve an issue is as far as possible to communicate directly with the people who are concerned with the complaint.

We encourage any person with a concern or complaint to bring up the issue directly with the individual staff member concerned or the Team Leader of the particular service involved with the complaint. We will endeavour to facilitate an atmosphere that supports direct communication and seeks to address issues directly as soon as they arise. People who wish to complain often feel they are not taken seriously and are just given excuses, or staff don't follow through on promises. They can feel that nobody takes ownership and no action is taken. They may fear that their complaint will have negative repercussions for their relative in the Services, that they will be perceived as 'difficult' or that a staff member will get into trouble. It is the responsibility of all staff to assure anybody who makes a complaint that their concerns will be taken seriously and acted upon in a timely manner.

It is not always easy to directly approach an individual with whom one might have a concern or a complaint. The person making the complaint may find it easier initially to approach another staff member with whom the person supported or family has a good relationship and ask their assistance in raising the issue with the person or service concerned. In many instances this may be the key worker or the social worker for the individual concerned. The staff member that is approached will assist the person supported or their family to raise the issue with the appropriate staff member or service.

A complaint can be made in a number of ways including:

- In person
- By telephone
- By letter
- By email

A complaint can be made to any staff member, Manager or Director of the BOCSI – West Region. Staff will seek to resolve the matter as speedily as possible in an informal manner to the satisfaction of the complainant.

If a complaint is being made about a particular person and the complainant is naming the person, the complaint must be in writing, giving details such as dates and locations so that the person dealing with the complaint can check the facts of the complaint.

Complainants must provide contact details when making a complaint to enable appropriate validation and investigation of that complaint.

If a complainant makes a complaint in confidence, the identity of the complainant will only be made known to the recipient of the complaint, the Complaints Officer, and in some cases the Director of Services. However, in order to carry out a full and proper investigation of the complaint, the complainant may have to give consent to have their identity disclosed.

Each service area / designated centre must display the name of the Complaints Officer for that area.

The HSE Procedures on Protected Disclosure of Information notice should be displayed in each service area / designated centre.

A complaint must be made within 12 months of the date of the event concerned, or within 12 months of becoming aware of the event.

Children can make a complaint about any aspect of their service. Children also have the right to complain to The Ombudsman for Children who can accept complaints directly from children under the age of 18 years old.

The welfare of the child is a priority at all times. When a complaint is received that leads to concern regarding a child's safety and well-being the BOCSI – West Region will liaise with Tusla services to ensure the Children's First Guidelines on child protection is enacted.

5.4 Acknowledgement of a complaint

When a complaint has been received, the BOCSI – West Region will endeavour to deal with the complaint effectively and efficiently. Complaints being dealt with formally will be acknowledged within 5 working days and the person dealing with the complaint will outline to the complainant the steps to be taken in investigating the complaint and the time limits for the completion of the investigation.

The Services will endeavour to resolve complaints to the satisfaction of the complainant in strict accordance with the process for managing complaints in the BOCSI – West Region.

5.5 Stages in the Complaints Process

There are 4 stages to the Complaints process as follows:

1. Local Resolution at the point of contact
- 2 (a) Informal Resolution
- 2 (b) Formal Investigation and Resolution
3. HSE Internal Review
4. Independent Review

STAGE 1 Local Resolution of a complaint at the point of contact.

On receipt of a verbal complaint, the staff member will respond to it promptly and do their best to resolve the complaint locally. The staff member may consult with their Manager to agree how best to quickly resolve the complaint. (Appendix 2: The Listen Approach)

The staff member may support the person to complete the complaints form (Appendix 7: 'I am not happy') and send it to the relevant Team Leader/Manager. The staff member will record the complaint on the complaints log in the service.

Each house / service area / department will maintain a Complaints Log.

The staff member / Team Leader will strive to achieve local resolution. Local Resolution is reached when the complaint has been resolved to the satisfaction of the complainant, at the point of contact.

If the complaint is unresolved the Team Leader will escalate the complaint to the relevant Manager (Area Manager, Service Coordinator, Children's Services Programme Manager or Head of Department). They will then complete the Complaint Form and forward to the Complaints Officer. (Appendix 3: Complaints Form)

The Team Leader will record the actions taken to resolve the complaint in the Complaints Log.

The Team Leader will discuss repeated 'local resolution' complaints with the Manager to decide at what point they should be escalated to the Sector Manager / Complaints Officer for further investigation/informal resolution.

STAGE 2 (a) Informal Resolution

The relevant Manager reviews the Complaints Form received and decides how to manage the complaint in consultation with the Complaints Officer and relevant others. This will include checking its validity and how to proceed with the complaint as follows:

If the complaint cannot be dealt with using this Complaints Policy:

- It should be dealt with through an alternative Brothers of Charity Services policy, for example, Trust in Care, Grievance & Disciplinary Procedures, Safeguarding Policy;
- It should be referred to the appropriate body for investigation;
- It should be returned to the complainant with an explanation as to why the complaint cannot be investigated through this process.

If the complaint is anonymous, it will be recorded as such.

Where the complaint can be managed informally, the relevant Manager will seek the consent of the complainant and any other person to whom the complaint relates, to find an informal resolution of the complaint.

The Manager works to seek informal resolution by communicating with the relevant parties, this may involve meeting with both parties together to resolve the matter.

A complaint may also be brought directly to the Complaints Officer who may also seek to resolve the issue informally to the satisfaction of the complainant.

If both parties agree, mediation by a mutually agreed 3rd party may be used to attempt resolution of the complaint at this stage.

Where there is Informal Resolution of a complaint to the complainant's satisfaction the outcome will be reported to the Complaints Officer.

If Informal Resolution is not reached the Manager will inform the Complaints Officer, who will manage the complaint thereafter as a formal complaint.

STAGE 2 (b) Formal Investigation and Resolution

The Complaints Officer will acknowledge the formal complaint to the complainant in writing and within 5 working days.

Where the Complaints Officer determines that the complaint does not meet the criteria for the investigation of complaints, the Complaints Officer will inform the complainant in writing, within 5 working days of making the decision / determination, that the complaint will not be investigated and the reasons for it.

The Complaints Officer may deal directly with the complaint or work with relevant others to appoint a team to carry out a formal investigation of the complaint and agree the Terms of Reference for the investigation.

Where the complaint will be investigated, the Complaints Officer must endeavour to have the investigation concluded within 30 working days of acknowledgment of receipt of the complaint.

Where the investigation cannot be investigated and concluded within 30 working days, the Complaints Officer must communicate this to the complainant and the relevant service / staff member within 30 working days of acknowledging the complaint, and give an indication of the time it will take to complete the investigation.

The Complaints Officer must then update the complainant and the relevant staff / service member every 20 working days.

Where the 30 working day's timeframe cannot be met despite every best effort, the Complaints Officer must endeavour to conclude the investigation of the complaints within 6 months of the receipt of the complaint.

If this timeframe cannot be met, the Complaints Officer must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant.

He / she should encourage the complainant to stay with the complaints management process while also informing them that they may seek a review of their complaint by the HSE.

The complaints investigation process will involve:

- Interview/s with the complainant giving them an opportunity to give their version of events and to provide evidence/explanations in relation to their actions;
- Interview/s with other relevant parties giving them an opportunity to give their version of events and to provide evidence/explanations in relation to their actions;
- Informing all parties interviewed of their right to be accompanied by a support person, an advocate or a third party;
- Giving the complainant the opportunity to identify what they would like to happen as a result of making the complaint;
- Managing the expectations of the complainant and being clear with complainant about what can and cannot be achieved through the investigation;
- Determining the sequence of events leading to the complaint and the root causes of the complaint;
- Ensuring any conclusions about the complaint are based on a logical flow to the evidence supporting the complaint.

When the investigation of the complaint is complete the Complaints Officer or Investigation Team will produce a draft report which will include:

- Background information on the complaint;
- Sequence of events;
- Findings of the investigation;
- Recommendations which they consider appropriate.

If an Investigation Team has been appointed to carry out the investigation they will finalise the report and forward it to the complainant and the Complaints Officer.

The Complaint Officer meets the complainant to discuss the report and any recommendations in the report.

The Complaints Officer meets the Manager to discuss the report and any recommendations in it.

The Manager works with relevant others to develop an action plan based on any recommendations in the report.

The Manager ensures that the Complaints Log is updated in regard to the outcome of the investigation and any action plan.

If the complainant does not accept the report/is dissatisfied with the outcome, he / she may apply to the HSE for a review.

The Manager oversees the implementation of the Action Plan in the agreed time frames and reports on progress to the relevant Sector Manager.

The Complaints Officer collects and files all relevant records relating to the complaint and records the outcome of the complaints process.

STAGE 3

HSE Internal Review

If the complainant is not satisfied with the outcome of the Complaints Process, he / she may seek a review of the outcome of the investigation by the HSE Internal Review Process through the Head of Consumer Affairs within 30 days.

All requests for a HSE internal review should be forwarded to:
The Head of Consumer Affairs,
HSE, Oak House, Millennium Park, Naas,
Co. Kildare.

The Head of Consumer Affairs will appoint a Review Officer to carry out the review of the complaint.

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

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

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

The complainant will be informed of any decision of the Review Officer and may accept the recommendations made or can seek a review of the complaint by the Ombudsman / Ombudsman for Children.

STAGE 4

Independent Review

If the complainant is not satisfied with the outcome of the HSE Complaints Management process, he / she may seek a review of the complaint by the Ombudsman / Ombudsman for Children.

The HSE must inform the complainant that they have a right at all times to have their complaint reviewed by the Ombudsman / Ombudsman for Children. However, they must be made aware that the Ombudsman / Ombudsman for Children will, in most cases, require that the HSE complaints management process be exhausted before they will initiate a review of the complaint.

Office of the Ombudsman
18 Lr. Leeson Street
Dublin 2
DO2 HE97
Tel +353-1-639 5600
Lo-call: 1890 223030
Fax: 01 639 5674
Website: www.ombudsman.ie

Ombudsman for Children's Office
Millennium House
52-56 Great Strand Street
Dublin 1
DO1 F5P8
Tel 01-8656800
Website: www.oco.ie

5.6 Time Limits for making a complaint

In commencing any investigation of a complaint, the Complaints Officer must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that a complaint must be made within 12 months of the date of the action giving rise to the complaint, or within 12 months of the complainant becoming aware of the action giving rise to the complaint.

The Complaints Officer may extend the time limit for making a complaint if they are of the opinion that special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

- *If the complainant is ill or bereaved;*
- *If new relevant, significant and verifiable information relating to the action becomes available to the complainant;*
- *If it is considered in the public interest to investigate the complaint;*
- *If the complaint concerns an issue of such seriousness that it cannot be ignored;*
- *Diminished capacity of the person supported at the time of the experience e.g. mental health, critical/long term illness;*
- *Where extensive support was required to make a complaint and this took longer than 12 months.*

The Complaints Officer must notify the complainant of a decision to extend / not extend time limits within 5 working days.

5.7 Anonymous Complaints

With the exception of a complaint which refers to the abuse of a person supported by the services, the BOCSI – West Region will not investigate anonymous complaints made against any member of staff. If the complaint is made by phone or by person, the member of staff being spoken to should encourage the person to provide a name and contact details.

If a complainant makes a complaint in confidence, the identity of the complainant will only be made known to the recipient of the complaint, the Complaints Officer and, in some cases the Director of Services. If the investigation of the complaint requires the identity of the complainant to be disclosed, the consent of the complainant should be obtained to disclose this information. The complainant must be informed that failure to disclose the identity of the complainant may hinder a full and proper investigation of the complaint being carried out.

All anonymous complaints, both written and verbal, should be documented and brought to the attention of the relevant Manager for a decision as to whether quality improvements are required on the basis of the complaint. Anonymous complaints must be reported to the relevant Sector Manager.

The Complaints Officer is responsible for identifying trends in any anonymous complaints within his / her area of responsibility and to provide this information to the Director of Services.

5.8 Vexatious or Malicious complaints

The complaints handling process will provide protection and support to a person or service where it is deemed that a complaint has been made without sufficient grounds or with the conscious desire to cause harm to that person or service.

The BOCSI – West Region views the making of a malicious or vexatious complaint against any staff member with the utmost seriousness. Any such complaints, found to be malicious or vexatious may be referred to the Garda Authority.

Complaints that are believed to be vexatious, malicious or frivolous will not be investigated.

5.9 Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to people who are supported and their families. It will have a positive effect on staff morale and improve relations with the general public. It will also provide useful feedback to the BOCSI – West Region and enable management to review current processes and procedures which may be giving rise to complaints.

Redress will be consistent and fair for both the complainant and the Brothers of Charity Services Ireland.

The Services 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:

- Apology
- An explanation
- Admission of fault
- Change of decision
- Correction of misleading or incorrect records
- Technical assistance
- Change in procedure
- Recommendation to make a change to a relevant policy or law

5.10 Learning from Complaints

The BOCSI – West Region is committed to learning from complaints and will view each complaint as an opportunity for quality improvement.

Managers will monitor the complaints received in their area and ensure that complaints are discussed at staff meetings as appropriate for the purpose of learning and service improvement.

The West Region Senior Management Team (WRSMT) will review complaints received on an annual basis with a view to informing quality and service improvements.

The BOCSI – West Region will report complaints to the HSE as required in the Service Arrangement.

The Director of Services is responsible for reviewing the management of complaints, including whether the complaint has been resolved to the satisfaction of the complainant, and reporting on complaints to the Board of Directors and the National Chief Executive.

The Director of Services is the person nominated to be available to residents to ensure that all complaints are appropriately responded to and that the Complaints Officers maintain records of complaints appropriately in accordance with regulations.

6.0 Review

This Procedure will be reviewed every three years or earlier if deemed necessary.

Appendix 1

Matters excluded (As per Part 9 of the Health Act)

48. – (1) A person is not entitled to make a complaint about any of the following matters:
- (a) a matter that is or has been the subject of legal proceedings before a court or tribunal.
 - (b) a matter relating solely to the exercise of clinical judgement by a person acting on behalf of either the Executive or a service provider.
 - (c) an action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b):
 - (d) a matter relating to the recruitment or appointment of an employee by the Executive or a service provider;
 - (e) a matter relating to or affecting the terms or conditions of a contract of employment that the Executive or a service provider proposes to enter into or of a contract with an adviser that the Executive proposes to enter into under section 24:
 - (f) a matter relating to the Social Welfare Acts;
 - (g) a matter that could prejudice an investigation being undertaken by the Garda Síochána.
 - (i) a matter that has been brought before any other complaints procedure established under an enactment.
- (2) Subsection (1) (i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.

In the instance where complaints fall into the categories above the BOCSI will either proceed to investigate the complaint using the appropriate procedures as outlined in the procedure or will inform the complainant of the appropriate channels through which their complaint should be referred.

Appendix 2 The Listen Approach

Use the LISTEN approach to assist you when receiving a verbal complaint

Listen:

- Listen carefully to the issues being raised by the complainant

Identify:

- Identify if there are multiple issues relevant to the complaint and separate each issue. Attempt to identify any hidden or underlying issues that may exist.
- Summarise the issues to clarify and check that you understand what the person is telling you.
- Ask the complainant to confirm that they agree with your interpretation of their complaint.
- Find out from the complainant what they want to happen as a result of their complaint.

Summarise:

- Summarise the issues to clarify and check that you understand what the complainant is telling you.
- Ask the complainant to confirm that they agree with your interpretation of their complaint

Thank the person

- Thank the complainant for taking the time to make the complaint

Empathise and Explain:

- Empathise and acknowledge the feelings of the complainant.
- Explain to the complainant that there will be no negative repercussions
- Explain what will happen next e.g. you may need to contact your manager

Expression of regret or apology:

- An early expression of regret or apology can minimise the possibility of a verbal complaint becoming a formal written complaint
- Training for staff must deal with the area of expression of regret and apology. Staff must also be given the skills to recognise when a complaint can or cannot be resolved at first point of contact and when the complaint needs to be referred to Complaints Officer for appropriate management.

Now Act:

- Assess the verbal complaint
- Once a verbal complaint is received, the person receiving the complaint must ensure that they get as much information as possible about the complaint to assist them in assessing the seriousness and/or the complexity of the complaint. This in turn assists staff in determining if the complaint should be resolved at the point of contact or if the complaint should be referred to the Complaints Officer for management at Stage 2 of the complaint management process.

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.

Appendix 3

COMPLAINT FORM

To be completed by the Team Leader/Manager who receives the complaint from the staff member at a local level (Complaints may be received verbally in person or by telephone, in writing, or email).

If the complaint cannot be resolved locally this Record Form should then be forwarded to the Complaints Officer.

Name of Complainant:
Address:
Phone Number:

NATURE OF COMPLAINT

(Please describe the complaint in as much detail as possible giving names/dates etc where appropriate – use additional pages if necessary. Record the complaint objectively, note all discussions with people in relation to the complaint including telephone calls, meetings etc.)

Signature of Team Leader/Manager who received the complaint:

Date:

Purpose: The purpose of the Complaints Log is to create a record of all complaints, regardless of their perceived importance, received by the house / local service. This record will allow staff to have a 'full' picture of the nature of the complaints received and to identify any particular trends which may require follow up.

Complaints should be recorded and managed as follows:

- 1 All complaints should be recorded in the Complaints Log.
Note: The Complaints Log should not be used to record allegations of abuse to people supported by the Services which have been reported through the Client Protection Procedure or Trust in Care.
- 2 The staff member receiving the complaint tries to resolve the matter with the individual raising it immediately, if appropriate and possible.
- 3 The staff member receiving the complaint records the matter on the Complaints Form in as much detail as possible and sends it to the Team Leader / Manager who records it on the Complaints Log.
- 4 If the staff member is unable to resolve the complaint locally he/she refers the complaint to the local Team Leader / Manager as soon as possible. The Manager may try to resolve the complaint or may decide it needs to be referred on to the Complaints Officer.
- 5 The Team Leader / Manager discusses complaints at staff meetings, particularly in relation to repeated/ongoing issues and agrees actions required to resolve the issue.
- 6 The Team Leader/Manager monitors all complaints entered on the Complaints Log for patterns and agrees any actions required.
- 7 The Manager / Person-in-Charge maintains a copy of each Complaints Log in the Designated Centre or Day Service.
- 8 The Sector Manager maintains a log of complaints for the Sector.

Appendix 5

COMPLAINTS LOG

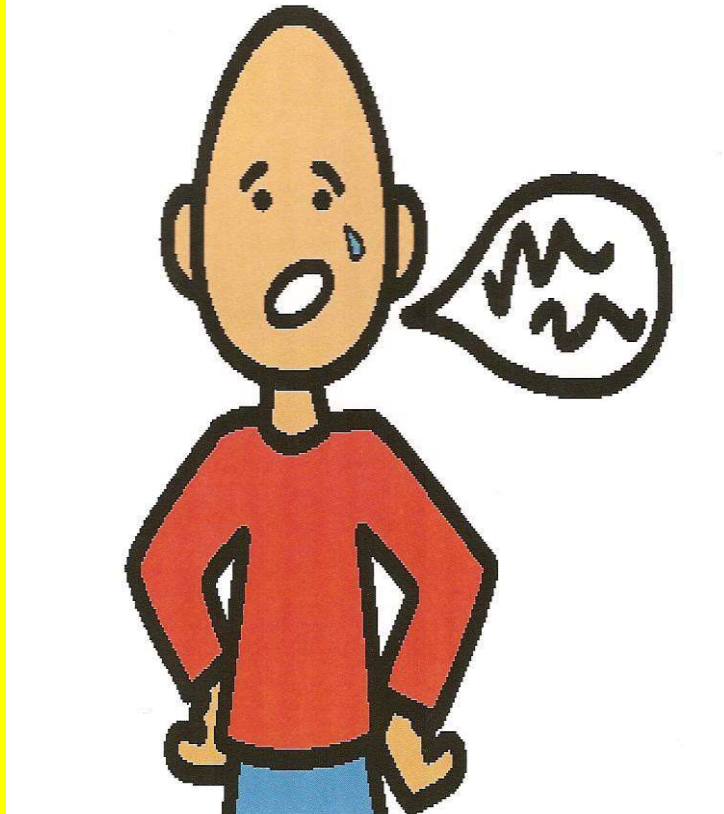
SERVICE AREA	
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Date complaint received	Complaint	Complainant	Action	Outcome (resolved/unresolved. Give details.)	Complaint resolved to complainant's satisfaction Yes / No / Partially- give details	Date of completion

Appendix 6



I AM HAPPY / I'M NOT HAPPY



COMPLAINTS/COMPLIMENTS

FORM

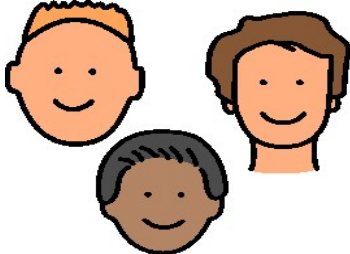
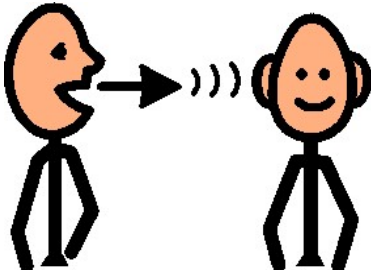




When you have a problem, you can tell someone you trust. That person will help you make a complaint. Also, that person can help you tell someone when you are happy.

	<p>What's good.</p> <p>This is a compliment.</p>
	<p>What's not good.</p> <p>This is a complaint.</p>

Who do you talk to?

	<p>You can talk to a staff member, your social worker, your key worker, someone in your family, a friend or your self-advocacy group. They will listen to you. They will help you solve the issue.</p>
	<p>If they cannot solve it, they will help you talk to the manager of your area.</p> <p>If the manager cannot solve your issue they will speak to the Complaints Officer. You will always get feedback from your issue.</p>

Form

I would like to make a: (please tick)



Compliment



Complaint



My name is _____



My address is _____



My telephone number is _____



I would like to tell you about



What would I like to happen?



Signed _____



Date _____

This document was put into an assessable format by the Brothers of Charity Galway Advocacy Services. The document was tested through focus groups with people who use our services.



Appendix 7

COMPLAINTS OFFICERS – BOCSI – WEST REGION ROSCOMMON & GALWAY SERVICES

The following staff are the Complaints Officers for their respective areas.

Area	Name	Contact Details	
		Phone:	Email:
Children's Services incl. CDCs and Respite	Jenny Joyce	091 - 721408	Jenny.Joyce@bocsi.ie
Roscommon Services Manager	Jodie Healy	090 - 6628500	Jodie.Healy@Bocsi.ie
East Galway Sector Manager	Sean Conneally	091- 721470	Sean.Conneally@bocsi.ie
West Galway Sector Manager	Marina Moore	091- 721438	Marina.Moore@bocsi.ie
Head of Quality, Enhancement & Development	Anna Nolan Fitzmaurice	090 - 6628500	Anna.Nolan@bocsi.ie
Consultant Psychiatrist	Dr. Evan Yacoub	091 - 721415	Evan.Yacoub@bocsi.ie
Head of Occupational Therapy	Anne Yore	091 - 721488	Anne.Yore@bocsi.ie
Head of Physiotherapy	Katie Hughes	091 - 721406	Katie.Hughes@Bocsi.ie
Head of Psychology	Dr Mary Davis - Galway	091 – 721423	Mary.Davis@bocsi.ie
	Dawn Hunt - Roscommon	090 - 6628500	Dawn.Hunt@bocsi.ie
Head of Social Work	Nicola Crosbie – Roscommon	090 – 6628500	Nicola.Crosbie@bocsi.ie
	Michael Flood (acting) Galway	091- 721400	Michael.Flood@Bocsi.ie
Head of Speech & Language Therapy	Margaret McCormack	091 721413	Margaret.McCormack@bocsi.ie
Head of Human Resources	Kieran Foley	091 721500	Kieran.Foley@bocsi.ie
Head of Finance	Seamus Durkin	091 721500	Seamus.Durkin@bocsi.ie

Director of Services: Eamon Loughrey – 091 721500 E: Eamon.Loughrey@bocsi.ie