

## Complaints & Compliments Procedures

<b>PCI/ Peacehaven Policy Document</b>				
<i>Previous policy name: Managing Resident's Complaints Policy</i>				
<b>Linked with the following internal documents</b>		<b>Complaints Flow Diagram</b>		
<b>Rev. No.</b>	Approved PHT Management Team	Approved by PHT Board	Launched Staff Members	Operational Period
1 June 2017	6 <sup>th</sup> July 2017	28 <sup>th</sup> August 2017	31 <sup>st</sup> August 2017	3 years
2 January 2021	26 <sup>th</sup> January 2021	22 <sup>nd</sup> January 2021	28 <sup>th</sup> January 2021	3 Years

### **Background to this Policy**

This policy was developed to meet PCI/ Peacehaven's responsibility to ensure that residents, their families, and members of the public are aware of their right to make a complaint and their rights throughout the complaints management process.

### **Aim of this Policy**

The purpose of this document is to detail the policy and process of PCI/ Peacehaven in relation to the handling of complaints as defined by Section 38 of the Health Act 2004 and the Health Act 2004 (complaints) Regulations 2006. This document is in accordance with the policy for the management of complaints in the Health Service Executive.

The policy also allows for the receiving of compliments from residents, their families and other interested parties.

### **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 (Peacehaven) 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.***

### **Scope of this Policy**

Any person who is being or was provided with a service from Peacehaven, or who has sought provision of such service 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 line up with fair and/or sound administrative practice if it is:*

- *taken without proper authority,*
- *taken on inappropriate grounds,*

- *the result of negligence or carelessness,*
- *based on inaccurate or incomplete information,*
- *improperly discriminatory,*
- *based on undesirable administrative practice, or*
- *in any other respect contrary to fair or sound administration.*

All complaints will be received and considered by PCI/ Peacehaven however, the Health Act 2004 details several complaints that are not included under Part 9 of the Health Act. (appendix 1)

It is important to note that this Policy has been developed to compliment all relevant policies, procedures and guidelines already in use in PCI/ Peacehaven and that matters appropriate for these other procedures will continue to be treated in the same manner and in accordance with these agreed procedures.

## **Policy Statements**

### **General Policy**

PCI/ Peacehaven commits to safeguarding the rights and dignity of residents, their families and staff members in the implementation of this policy and associated supporting documents.

PCI/ Peacehaven has designated the Director of Services as the Complaints Officer for the purpose of dealing with complaints made, in accordance with Part 9 of the Health Act 2004.

The work of the Complaints Officer is externally monitored by the Presbyterian Church in Ireland's (PCI) Head of Disability and Safeguarding Champion. The Head of Disability and Safeguarding Champion will quarterly review each complaint to ensure that proper process and time lines are adhered to according to this policy; that all participants in the complaint are effectively communicated with; and that all resolutions are fair and equitable and in accordance with the principles of natural justice, and the remit of this policy.

Complaints and Compliments shall be notified monthly to the Head of Disability via both the Monthly Monitoring Report and also the PCI Managers report.

The Disability Manager will publish a report of their findings, within the six monthly and annual reports of Peacehaven.

All information obtained through the course of complaint management will be treated in a confidential manner and in line with the General Data Protection Regulations (2018). 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.

PCI/ Peacehaven commits to providing education and training to all staff to enable them to effectively implement the complaints management policy.

A written copy of the complaint's management process will be available to all, through Peacehaven's website.

It is the responsibility of all staff in PCI/ Peacehaven to respond to and resolve complaints at the first point of contact wherever possible.

### **Making a Complaint**

A complaint can be made in a few ways:

In person

- By telephone
- By letter
- By email

A complaint can be made to any staff member, manager, or board member of Peacehaven, or the Head of Disability Services Manager of the Presbyterian Church in Ireland/Council for Social Witness.

If a complaint is being made about a person and **the person's name is being given, the complaint must be written**, giving details such as **dates** and **locations** so that the person dealing with the complaint can check the facts of the complaint

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.

### **Acknowledgement of a complaint**

When a complaint has been received, the Complaints Officer will endeavour to deal with the complaint effectively and efficiently. Complaints being dealt with formally will be acknowledged within 5 working days and 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 Complaints Officer will endeavour to resolve complaints to the satisfaction of the complainant in strict accordance with the process for managing complaints in Peacehaven.

Complaints, criticisms or suggestions, whether oral or written will be taken seriously and handled appropriately and sensitively.

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.

PCI/ Peacehaven trusts that responding effectively to complaints and learning from them is fundamental in providing a high quality service of care.

### **Stages of Managing a Complaint**

PCI/ Peacehaven Complaints process as follows:

1. Local Resolution
2. Informal Resolution
3. Formal Resolution
4. Independent Review

### **Timeframes involved once a complaint is received by the Complaints Officer in Peacehaven.**

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

Where the complainant will be investigated, the Complaints Officer must endeavour to have the investigation concluded within 30 working days of it being acknowledged.

Where the investigation cannot be investigated and concluded within 30 working days then 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 update the complainant and the relevant staff/service member every 20 working days.

The Complaints Officer must endeavour to conclude the investigation within 30 working days. However, where the 30 working day time-frame cannot be met despite every best effort, the Complaints Officer must make every effort 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 them. He/she should encourage the complainant to stay with the local HSE complaints management process while informing them that they may seek a review of their complaint by the Ombudsman.

### **Time Limits for making a complaint**

The Complaints Officer in PCI/ Peacehaven 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 limited to the following:

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

### **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.

PCI/ Peacehaven views the making of a malicious or vexatious complaint against any staff member with the utmost seriousness and any such complaints, found to be malicious or vexatious may be referred to the Garda.

If a complaint is found to be vexatious or malicious, PCI/ Peacehaven will not pursue the complaint any further.

Anonymous complaints will not normally be investigated as there is always a possibility, that they are vexatious or malicious and the anonymity of the complainant does not enable, the principles of natural justice and procedural fairness to be upheld. Anonymous complaints about an employee of Peacehaven, cannot be investigated as this is contrary to the rights of the employee concerned.

Complainants must provide contact details when making a complaint against PCI/ Peacehaven 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 known to the recipient of the complaint and the Complaints Officer, 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.

Details of anonymous complaints will be forwarded to the Director of Services for recording and for appropriate consideration.

### **Making a Compliment**

A compliment can be made in a few ways:

In person

- By telephone
- By letter
- By email

A compliment can be made to any staff member, manager, or board member of Peacehaven, or the Head of Disability Services of the Presbyterian Church in Ireland/Council for Social Witness.

If a compliment is being made verbally, the staff member receiving the compliment should record same in the resident's Progress Notes – under the Compliments section.

When the Director of Services or a Care Manager completes the monthly monitoring report, at least one resident's representative should be contacted to seek their opinion of the service.

### **Advocacy**

Citizen Information (Comhairle 2005), defines advocacy as a means of empowering individuals by supporting them to assert their views and claim their entitlements and where necessary, representing and negotiating on their behalf.

All complainants have a right to appoint an advocate to assist them in making their complaint and to support them in any subsequent processes in the management of that complaint.

Advocacy services will be offered by PCI/ Peacehaven for residents who wish to make a complaint and who otherwise would find it difficult or impossible to make such a complaint or to source advocacy services themselves. Information from the National Advocacy Service will be made available in all houses on an on-going basis.

### **Redress**

An effective complaints system which offers a range of timely and appropriate remedies, will enhance the quality of service to the residents/families of PCI/ Peacehaven staff. It will have a positive effect on staff morale and promote positive PCI/ Peacehaven relations with the public. It will also provide useful feedback to PCI/ Peacehaven and enable it to review current processes and procedures which may be giving rise to complaints.

Redress will be consistent and fair for both the complainant and PCI/ Peacehaven.

PCI/ Peacehaven 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
- Recommendation to make a change to a relevant policy or law

### **Reporting to the HSE**

A process of monitoring and evaluation will be implemented under HSE direction for the reporting of complaints and to ensure the process is adhered to and that complaints are managed appropriately.

PCI/ Peacehaven will collate in a complaints register, all written complaints and complaints that are dealt with informally to review trends, with a view to informing Quality and Service improvements and will provide the HSE with a general report on the complaints received during the previous year indicating:

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

### **Procedures**

#### **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 and quickly.

Resolution is reached when the complaint has been resolved to the satisfaction of the complainant, at the point of contact.

Where a complaint is unresolved, it is the responsibility of the staff member, through their line manager, to inform the relevant member of the Management Team who will manage the complaint thereafter.

#### **Informal Resolution**

All written complaints or verbal complaints that cannot be resolved locally are dealt with by the Complaint Officer for resolution by informal means.

On receipt of the complaint, the Complaints Officer will consider the complaint to check its validity and how to proceed with the complaint as follows:

- a) The complaint cannot be dealt with using this policy and must either be referred to the appropriate body for investigation or returned to the complainant with an explanation as to why the complaint cannot be investigated

or

- b) Having regard to the nature and the circumstance of the complaint, he/she will seek the consent of the complainant and any other person to whom the complaint relates to find an informal resolution of the complaint. Mediation may be used to attempt resolution of the complaint at this stage if both parties agree.

or

- c) Due to the seriousness and complexity of the case the Complaints Officer will conduct a formal investigation of the complaint.

or

- d) The complaint is anonymous and will be recorded as such

1. Where there is resolution of a complaint to the complainant's satisfaction, the outcome will be reported to the Chair of the Board within the Monthly Managers Report.

2. Where a complaint is unresolved, it is the responsibility of the Director of Services to inform the Chair of the Board and/or the PCI Disability Manager who will manage the complaint thereafter.

### **Formal Resolution**

On receipt of a complaint that warrants a formal investigation the Complaints Officer will define the Terms of Reference for the investigation. He/she may draw on appropriate expertise, skills, witnesses, etc as required to assist with the investigation. Staff have an obligation to participate in and support the investigation of any complaint where requested.

He/she will record the status of the complaint.

The Complaints Officer will formally acknowledge the complaint in writing within 5 working days.

The Complaints Officer will endeavour to carry out the investigation within 30 working days of acknowledgement of the complaint or update the complainant within 30 working days of acknowledgement of the complaint and every 20 days thereafter.

The investigation will involve:

- a) Interview/s with the complainant.
- b) Interview/s with other relevant parties.
- c) Documentation of interviews

All parties interviewed will be given the opportunity to have an advocate or third-party present at any meeting.

A report will be created by the Complaints Officer outlining the findings of the investigation and the recommendations for resolution, which may include mediation.

The report will not contain a finding adverse to a person, without first having afforded the person concerned the opportunity to consider the findings or criticism and to make representations in relation to it.

This final report, outlining the implementation plan for resolution of the complaint, is circulated to the complainant and other relevant third parties, and the parties about whom the complaint was made.

Having reviewed the report, agreement around the implementation of the recommendations will be sought by the parties involved.

Where the complainant is dissatisfied with the outcome, he/she may apply to the HSE for a review of the recommendations.

### **Independent Review**

If the complainant is not satisfied with the outcome of the complaint's management process, he/she may seek a review of the complaint by the Ombudsman.

PCI/ Peacehaven will inform the complainant that they always have a right to have their complaint reviewed by the Ombudsman. However, they must be made aware that the Ombudsman will, in most cases, require that the internal complaints management process be exhausted before they will initiate a review of the complaint.

### **Advocacy**

#### **Contact Details**

<b>Advocacy Group</b>	<b>Phone / Email</b>	<b>Contact and relevant information</b>	<b>Address</b>
<b>Citizens Information Board</b> (formerly Comhairle)	Phone: 0761 07 9000 Fax: (01) 605 9099 Email: <a href="mailto:info@ciboard.ie">info@ciboard.ie</a> or <a href="mailto:eolas@ciboard.ie">eolas@ciboard.ie</a>	Nationwide locations as per website.	Citizens Information Board Georges Quay House, 43 Townsend St Dublin 2, D02 VK65
<b>National Advocacy Service</b> National Advocacy Service for people with disabilities	Phone: 0761 07 3000 Email: <a href="mailto:info@advocacy.ie">info@advocacy.ie</a>	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
<b>Inclusion Ireland</b>	Phone: 01 855 9891 Email: <a href="mailto:info@inclusionireland.ie">info@inclusionireland.ie</a>	Inclusion Ireland is a national organisation advocating for the rights of people with an intellectual disability and their families.	Unit C2, The Steelworks, Foley St, Dublin 1
<b>Irish patients</b>	Phone: 087 659 4183 Email: <a href="mailto:info@irishpatients.ie">info@irishpatients.ie</a>	Providing Independent Patient Advocacy since 1995.	
<b>Diabetes Ireland</b> (Diabetes)	Phone: 01 8428118	Mon to Fri 9am-1pm and 2-5pm	19 Northwood House,

Federation of Ireland) Charity Reg: CHY 6906	Email: <a href="mailto:info@diabetes.ie">info@diabetes.ie</a>		Northwood Business Campus, Santry, Dublin 9, D09DH30
<b>International Human Rights and Equality Commission</b>	LoCall: 1 890 245545 Phone: +353 1 8589601 Email: <a href="mailto:info@ihrec.ie">info@ihrec.ie</a>	Opening hours are Monday – Friday 9.00 – 13.00 14.00 – 17.00	IHREC 16 – 22 Green Street Dublin 7, D07 CR20
<b>Irish Advocacy Network</b>	Phone: 01 8728684 Phone: 087 7540763 Email: <a href="mailto:admin@irishadvocacynetwork.com">admin@irishadvocacynetwork.com</a>		Irish Advocacy Network Ltd, 1st Floor The Tannery Building, 53 – 56 Cork Street, Dublin 8, D08 X31R.

Office of the Ombudsman  
18 Lr. Leeson Street, Dublin 2  
Tel +353-1-639 5600  
Lo-call: 1890 223030  
Fax: 01 639 5674

## Complaints Procedure

The Complaints Officer is  
the Director of Services:  
Michael Williams



A complaint can be made in a number of ways:



For written complaints, please try and give a full and clear description of the concern, including names, dates and locations, so that the complaint can be answered quickly.

A complaint must be made within 12 months of the event concerned, or from when you first knew of the concern.



A complaint or an outstanding complaint can be reviewed by the Ombudsman.

All Peacehaven Trust Complaints are externally monitored by Caroline Yeomans.