



SBHI Complaints Procedure

2018



Complaints Procedure	
	<i>Number:</i> <i>Version:</i> 2018_1
<i>Approved by:</i> SBHI Board of Directors	<i>Date of Approval:</i> September 2018
<i>Cross References:</i> Freedom of Information Confidentiality Data Protection	<i>Review Date:</i> September 2019

SBHI Complaints Procedure

Introduction

The purpose of this policy is to outline the procedure for handling complaints and feedback from members, external organisation, other agencies or members of the public.

Spina Bifida Hydrocephalus Ireland actively encourages and welcomes feedback regarding service provision and is committed to continuous quality improvement.

Definition of a complaint

Complaint (as per the Health Act 2004)

'Complaint' means a complaint made under this Part about any action of SBHI - it is claimed, which does not accord with fair or sound administrative practice, and adversely affects the person by whom or on whose behalf the complaint is made.

Purpose

Spina Bifida Hydrocephalus Ireland is committed to ensuring that complaints from those using its services are acknowledged, reviewed, acted upon, and responded to, and that the learning derived from complaints informs quality improvement of our services.

For an effective and efficient complaint management process, SBHI aims to:

- Safeguard the rights of members, ensuring that complaints are listened to and treated with dignity, courtesy, and empathy.
- Create an environment that fosters a culture of open and transparent communication, that supports individuals to have their say about issues related to the service they receive.
- Provide a system for the management of complaints to ensure that individuals using SBHI services have a mechanism to have their complaints heard, understood, and responded to.
- Be user-friendly, person centred, timely, and transparent. It is important that communication with members is maintained throughout the complaint process and that members are involved in and informed of the outcomes of their complaint.
- Be fair and equitable to all parties involved.
- Ensure a high-quality service provision and a means of continuously improving services.
- Ensure that all staff members have a responsibility to participate and take responsibility in managing complaints and feedback, where appropriate, and to ensure staff are trained in complaints handling at the first point of contact.

- Ensure all staff are supported throughout the complaints management process and have the right of reply.
- Have in place a standardised and high-quality approach to the management of complaints where all complaints are recorded for analysis and learning.
- Create a culture of accountability and governance. Cooperation with the investigation of a complaint is essential and the use of a standardised approach is of benefit to complainants and to staff.
- Ensure that all complaints are managed in a sensitive, respectful, and confidential manner.
- Meet all statutory requirements under the Health Act 2004.

Who can make a complaint?

Any person who is being or was provided with a health or personal social service by SBHI, or who is seeking or has sought provision of such service may complain, in accordance with the procedures established under this Part, about any action of SBHI that -

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

How complaints or feedback can be made

If you wish to provide feedback (comment, compliment, or complaint) about any aspect of the SBHI service please:

- Tell a SBHI staff member
- Email your feedback to: feedback@sbhi.ie
- Complete a feedback form – This can be requested from our National Resource Centre or by downloading a copy at: www.sbhi.ie/feedback
- Telephone us on 01 457 2329
- Write to us: Complaints Officer, National Resource Centre, Spina Bifida Hydrocephalus Ireland, Old Nangor Road, Clondalkin, Dublin 22,

When the feedback is received by SBHI it is noted and filed on the feedback form which is used internally by SBHI.

Acknowledgements

Acknowledgement of complaints

Upon a complaint being received by SBHI, SBHI shall notify, within 5 working days, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that SBHI proposes to take in investigating the complaint and the time limits for the completion of the investigation.

Advocacy

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

If a person is entitled to make a complaint but is unable to do so because of age, illness, or disability, the complaint may be made on that person's behalf by:

- A close relative or carer of the person,
- Any person who, by law or by appointment of a court, has the care of the affairs of that person,
- Any legal representative of the person,
- A Public Representative,
- Any person with the consent of the person, or any other person who is appointed as prescribed in the regulations.

If a person who would otherwise have been entitled to make a complaint is deceased, a complaint may be made by a person who, at the time of the action in relation to which the complaint is made, was a close relative, or carer of that person.

The stages of the complaints management process

Stage 1 – Local resolution of verbal complaints at point of contact (Informal)

Stage 2 – Local investigation of written and serious complaints (Formal)

Stage 3 – Internal Review (SBHI)

Stage 4 – Independent Review (Ombudsman or HSE)

Stage 1 - Point of Contact Resolution

Complaint Received
(Verbally)

Resolved at point of contact

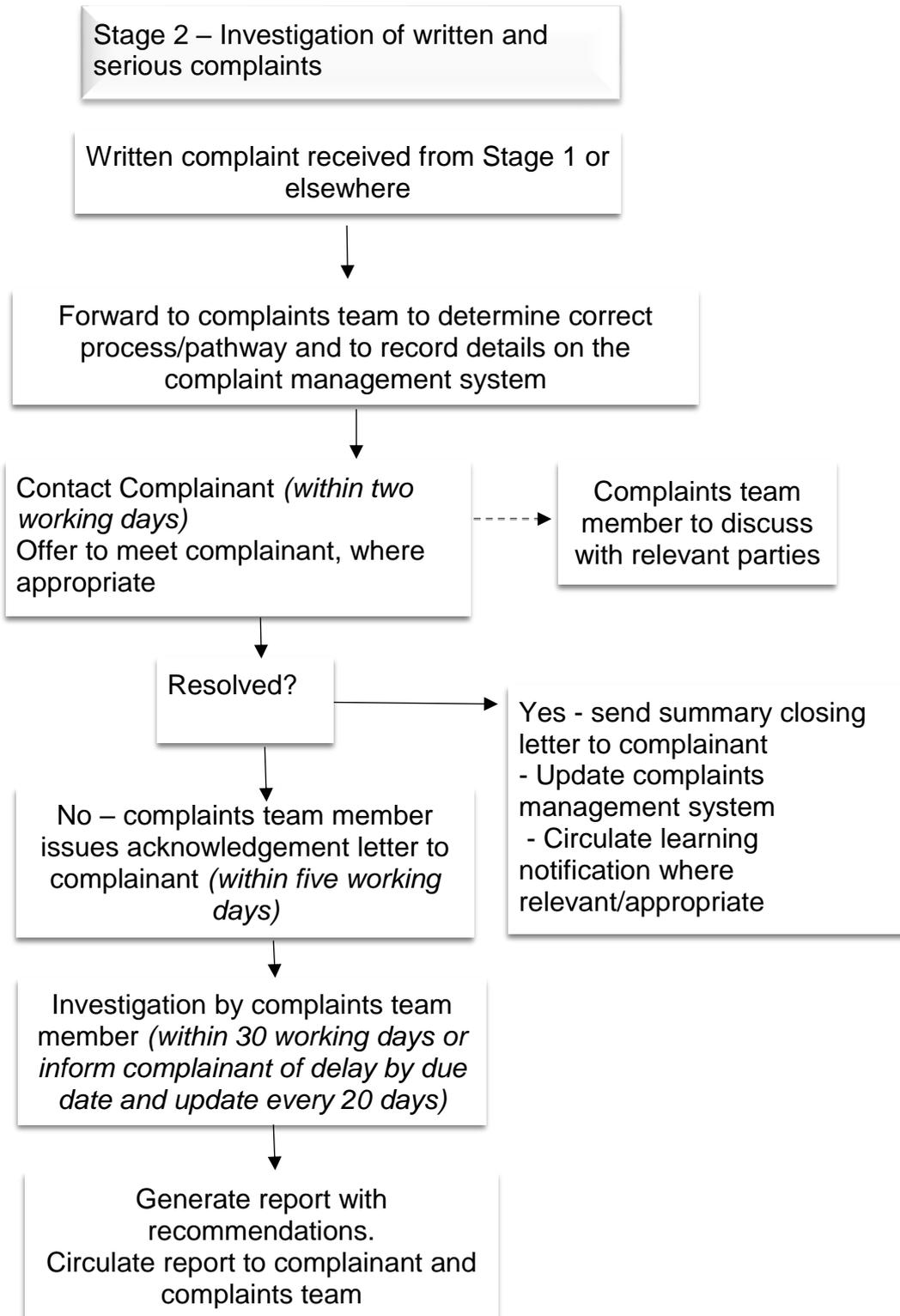
Yes – Record Locally

- Detail of complaint
- Solution/action taken.
- Learning (if any)

No – Escalate to Line Manager

Resolve <48 hours (two working days)

Complete point of contact complaint form with service user and escalate to complaints team [see Stage 2]



Stage 3 – Internal Complaint Review

Right of internal complaint review or independent review



Written review request received by CEO



Appoint appropriate staff member to



Contact complainant (*within two working days*) Offer to meet complainant



Resolved?



Yes - send summary closing letter to complainant
- Update complaints management system
- Circulate learning notification where relevant/appropriate



No – Review officer issues acknowledgment letter to complainant (*within five working days*)



Review of recommendations (*within 20 working days*) or request by due date in writing an extension



Generate report with recommendations signed by review officer



Circulate report to complainant and CEO



Highlight right of independent review

Stage 4 – Independent Review

Office of the Ombudsman/Ombudsman for Childrens'
Office or other professional or regulatory body

Timeframes involved once a complaint is received

In line with the Health Act 2004, a complaint can be submitted up to 12 months after the date on which the matter, which is the subject of the feedback, occurred or became known. After receiving a complaint the following timeframes apply:

- SBHI 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 (please see section on Matters Excluded for more details).
- Where the complaint is being investigated, SBHI must endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged.
- If the investigation cannot be investigated and concluded within 30 working days, then SBHI will 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.
- SBHI must update the complainant and the relevant staff/service member every 20 working days.
- SBHI must endeavour to investigate complaints within 30 working days. However, where the 30 working days timeframe cannot be met despite every best effort, SBHI must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.

If this timeframe cannot be met, SBHI must inform the complainant that the investigation is taking longer than 6 months, give an explanation as to why, and outline the options open to the complainant. SBHI should encourage the complainant to stay with the SBHI complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/Ombudsman for Children.

Time Limits for making a complaint

SBHI must determine if the complaint meets the following 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.

SBHI may extend the time limit for making a complaint if in the opinion of SBHI 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 service user at the time of the experience e.g. mental health, critical/ long-term illness.
- Where extensive support was required to make the complaint, and this took longer than 12 months
- SBHI must notify the complainant of decision to extend / not extend time limits within 5 working days.

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

- (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 judgment by a person acting on behalf of SBHI
 - c. an action taken by SBHI 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 SBHI;
 - e. a matter relating to or affecting the terms or conditions of a contract of employment that the SBHI proposes to enter into under section 24;
 - f. a matter relating to the Social Welfare Acts;
 - g. a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
 - h. 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 SBHI from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.

Refusal to investigate or further investigate complaints

1. SBHI shall not investigate a complaint if-

- a. The person who made the complaint is not entitled 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
2. SBHI 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 SBHI is of the opinion that:
 - a. The complaint does not disclose a ground of complaint provided for
 - b. The subject matter of the complaint is excluded (see matters excluded)
 - c. The subject matter of the complaint is trivial, or
 - d. The complaint is vexatious or not made in good faith
 - e. The complaint has been resolved.
3. SBHI shall, as soon as practicable after determining that he or she is prohibited by subsection (1) from investigating a complaint or after deciding under subsection (2) not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

Anonymous complaints

It is the policy of SBHI that complainants must provide contact details when making a complaint against SBHI to enable appropriate validation, follow up, and investigation of that complaint.

It is the policy of SBHI to review the complaint within the limitations of the information provided to assure that the welfare of SBHI members are not at risk and that action is taken, as appropriate.

Anonymous complaints against members of staff may be considered vexatious or malicious in nature and will only be investigated if the welfare of SBHI members is at risk.

Unreasonable complainant behaviour/Vexatious complaints

The actions of complainants who are angry, demanding, or persistent may ultimately result in unreasonable demands or unacceptable behaviour towards staff. Staff are not expected to tolerate abusive or threatening behaviour, but all complaints must be given equal consideration and be investigated.

Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to the consumers of SBHI. It will have a positive effect on staff morale and improve SBHI relations with the public. It will also provide useful feedback to SBHI and enable it to review current procedures and systems which may be giving rise to complaints.

Redress should be consistent and fair for both the complainant and the service against which the complaint was made. SBHI offers forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment, or disadvantage was suffered or sustained by the claimant personally. This redress could include:

- a. Apology
- b. An explanation
- c. Refund
- d. Admission of fault
- e. Change of decision
- f. Replacement
- g. Repair /rework
- h. Correction of misleading or incorrect records
- i. Technical or financial assistance
- j. Recommendation to make a change to a relevant policy or law
- k. A waiver of debt

SBHI will not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause -

- a. the HSE to make a material amendment to its approved service plan, or
- b. SBHI and the Executive to make a material amendment to an arrangement under section 38.

If, in the opinion of the relevant person, such a recommendation is made, that person shall either—

- a. amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
- b. reject the recommendation and take such other measures to remedy, mitigate or alter the adverse effect of the matter to which the complaint relates as the relevant person considers appropriate

Recorded

The SBHI complaints procedure will be recorded on standard documentation including;

- a. Acknowledgment letter
- b. Request for meeting letter
- c. Request for information letter
- d. Complaint conclusion letter

All records of complaints must be kept. To ensure that SBHI utilises complaints as a learning opportunity, all verbal and written complaints will be recorded by the complaints team.

- Complaints will be treated with the highest level of confidentiality.
- The complaints team will review complaints received to allow SBHI to identify trends and support appropriate service development of identified.
- The handling of each complaint should be reviewed to test the appropriateness and practical handling of the complaints procedure.
- Regular reporting will be conducted by the complaints team on the complaints received. This report will be provided to the CEO.

Annual Report

SBHI has established a complaints procedure by agreement with the HSE and acknowledges that it must provide the HSE with a general report on the complaints where those complaints are made in relation to matters which fall under the scope of the Health Act 2004 (i.e. complaints relating to activities or services which are funded by the HSE in whole or in part).

The report will specify all relevant complaints received by SBHI during the previous year indicating:

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

Review Process

Internal reviews are to be carried out by SBHI. All review requests should be addressed to:

Tom Scott,
CEO
Spina Bifida Hydrocephalus Ireland
Old Nangor Road
Clondalkin
Dublin 22

Independent Review – Ombudsman/HSE

Nothing in this Part prohibits or prevents any person who is dissatisfied with a recommendation made or step taken in response to a complaint under this Part or with a review under this Part from referring the complaint to the Ombudsman or the Ombudsman for Children or to the HSE.

Office of the Ombudsman

18 Lr. Leeson Street, Dublin 2.

Tel: +353-1-639 5600

Lo-call: 1890 223030

Fax: (01) 639 5674

Ombudsman for Children's Office

Millennium House

52-56 Great Strand Street

Dublin 1

Tel: 01-8656800

HSE

yoursay@hse.ie

1890 424 555

www.hse.ie/yoursay

First introduced: October 2008
Last Reviewed: September 2018
Next Review Date: September 2019

