



Operational Policy No. 2

Complaints Procedure Policy

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Review Date:	September 2017
Review No.:	3.0
Status:	Operational
Contact Person:	Resident & Patient Services Manager/Complaints Officer

Approved By:

Paula Carragher

Resident & Patient Services Manager (RSM)/Complaints Officer

Authorised By:

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Chief Executive

Table of Contents

- 1.0 Purpose**
- 2.0 Definitions**
- 3.0 Review History**
- 4.0 Persons Affected**
- 5.0 Policy**
- 6.0 Responsibilities**
- 7.0 Procedures/ Protocols**
- 8.0 Redress**
- 9.0 Annual report to the HSE**

References

- Appendix 1 Complaints Management Process**
- Appendix 2 Leopardstown Park Hospital Complaint Information Sheet**

1. Purpose of Policy

The purpose of this policy is to outline the individual, holistic, person centred services offered to the residents/clients living at Leopardstown Park Hospital and to establish clear guidelines when assisting residents, their families, their friends or anyone wishing to make a complaint.

This policy aims to ensure a standardised approach to complaints which is consistent with the ethos of Leopardstown Park Hospital, our statutory requirements under the Health Act 2004 and to continuously promote quality improvements within the services provided.

2. Definitions

2.1 Complaint:

The Health Act 2004, defines a complaint as any action 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 (Health Act 2004). A complaint is an expression of dissatisfaction that needs a response.

2.2 Management of Complaints:

The process of receiving, handling, investigating, recording, reporting and reviewing complaints received.

2.3 HSE:

Health Service Executive

3. Review History

Date	Review No.	Ref. Section	Changed By
September 2013	1.0	Format/review Addition ref 6.0	Pamela May Complaints Officer
February 2015	2.0	4.1,4.2,5.2,5.3, 6.0,6.1	Florence Hogan QPS Manager
September 2015	3.0	Format revision and addition 2.1,2.2,2.3,3.0,4.0, 4.1, 4.2, 5.1, 5.1.1– 5.1.3.9, 5.3-5.3.2, 6.0,7.0,10.0 Appendix 1 &2	Paula Carraher Residents & Patients Services Manager/Complaints Officer

4. Persons Affected

This policy applies to all staff at Leopardstown Park Hospital as they are all participating in a holistic, caring and learning environment with our residents/clients as the main focus. They are required to have awareness and an understanding of this document and their responsibilities within the management of complaints. All staff must engage in the process with the Complaints Officer.

5. Policy

5.1. Scope:

5.1.1. Who can make a complaint? Any person who has received or sought health or personal social service from Leopardstown Park Hospital.

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 legally has the care of the affairs of that person.
- Any legal representative of the person.
- Any other person with the consent of the person; and if a person who would otherwise have been entitled to make a complaint is deceased, a complaint may be made by a close relative or friend or carer of that person.

5.1.2. Time Limits (Health Act 2004): A complaint must be made within 12 months of the date of the action giving rise to the complaint, or of the complainant becoming aware of the action giving rise to the complaint.

5.1.3. Exclusions:

- 5.1.3.1. Matters that are excluded from investigation under Part 9 of the Health Act 2004
- 5.1.3.2. A matter that is or has been the subject of legal proceedings before a court or tribunal.
- 5.1.3.3. A matter relating solely to the exercise of clinical judgement.
- 5.1.3.4. A matter relating to recruitment or appointments.
- 5.1.3.5. A matter relating to or affecting the terms or conditions of a contract of employment.
- 5.1.3.6. A matter relating to the Social Welfare Act.

- 5.1.3.7. A matter that could be subject of an appeal under section 60 of the Civil Registration Act 2004.
- 5.1.3.8. A matter that could prejudice an investigation being undertaken by the Garda Siochana.
- 5.1.3.9. A matter that has been brought before any other complaints procedure established by law (e.g. Disability Act).

5.2. How can a complaint be made?

Leopardstown Park Hospital must be flexible when receiving complaints and facilitate complainants to give their feedback in a way that suits them (e.g. by letter, e-mail, verbally)

Complainants are allowed the flexibility to lodge a complaint with either a staff member, service manager or the Complaints Officer.

5.3. Who will manage a complaint?

A complaint may be received by any staff member at Leopardstown Park Hospital.

Staff must be helpful, respectful, provide individual attention and be positive at all times.

Staff will inform their Line Manager and every effort will be made to resolve a complaint immediately or within the shortest possible time frame. At Leopardstown Park Hospital the Complaints Officer is the Resident & Patient Services Manager. In her absence the Chief Executive Officer can proceed with this policy.

5.3.1. Principles of Complaints Management:

- Timely manner:
- An acknowledgement of written complaint within 5 working days
- Resolution within 30 working days, if not resolution then update on progress every 20 days.
- Correct in accordance with the law and other rules governing their entitlements
- Sensitively (age, capacity to understand, disabilities, feelings, privacy and convenience).
- Helpfully (simplify access and provide clear guidance).
- Responsibly

5.3.2. Stages in Complaints Management (Ref Appendix 1 & 2):

The complaints process at Leopardstown Park Hospital is comprised of 4 distinct stages. However, not all complaints will reach these stages. In every case, we must do all we can to resolve a complaint quickly and fairly.

Stage 1: Management of a Verbal Complaint at the Point of Contact

Staff have clear delegations to resolve verbal complaints at first point of contact wherever possible.

Where a complaint is resolved at the point of contact, the complaint must be examined to identify any quality improvements that should be implemented as a result.

Where complaints cannot or should not be resolved at the first point of contact due to their seriousness or complexity, these complaints must be referred to the Complaints Officer for investigation at Stage 2.

Complainants may not accept the outcome of the management of the complaint at the point of contact and may seek a review of their complaint at Stage 2 of the process.

Stage 2a: Informal Resolution or Stage 2b: Formal Investigation

Complaints that could not be resolved at Stage 1 or should not be resolved at the first point of contact due to their seriousness or complexity are then passed to the Complaints Officer for resolution by informal means or through a formal investigation.

The Complaints Officer will carry out a preliminary screening to check the validity of the complaint and the appropriate processes to be used to manage the complaint. Some complaints will not be suitable for investigation by the Complaints Officer and must either be referred to the appropriate manager or body for investigation or returned to the complainant with an explanation as to why the complaint cannot be investigated or with details of the correct process for the management of their complaint.

The Complaints Officer may consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned.

Discussion/mediation may be used to attempt resolution of the complaint at Stage 2, if both parties agree.

Where informal resolution was not attempted or was not successful, the Complaints Officer will initiate a formal investigation of the complaint.

The Complaints Officer is responsible for carrying out the formal investigation of the complaint at Stage 2 but may draw on appropriate expertise, skills etc. as required. Staff have an obligation to participate and support the investigation of any complaint where requested.

Where the investigation at Stage 2 fails to resolve the complaint, the complainant may seek a review of their complaint by the HSE Internal Review Process at Stage 3 or make a complaint direct to the Ombudsman.

Stage 3: HSE Review

Complainant may seek a review of the complaint within 30 working days of the final report of Stage 2 being signed and dated.

Review to be concluded within 20 working days of receipt of the request for review or progress report within 20 working days with update every 20 working days thereafter.

Stage 4: Independent Review

Complainant may seek a review by the Office of the Ombudsman if they remain dissatisfied following the internal review at stage 3.

6. Responsibilities

Complaints Officer:

A person designated by Leopardstown Park Hospital for the purpose of dealing with complaints made to it in accordance with complaints procedures established under the Health Act 2004. Leopardstown Park Hospital has designated the Resident & Patient Services Manager (RSM) who is independent in her function as Complaints Officers.

7. Procedures/Protocol:

The Chief Executive Officer will authorise the Complaints Policy. Decisions regarding the Complaints Policy are ultimately the responsibility of the Chief Executive, Leopardstown Park Hospital.

8. Redress:

An effective complaints system which offers a timely and appropriate remedies will enhance the quality of service to the residents and patients of

Leopardstown Park Hospital. It will have a positive effect on staff morale and improve the hospitals relations with the public. Redress should be consistent and fair for both the complainant and the service against which the complaint was made. The 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 address could include:

- Apology
- An explanation
- Admission of fault
- Change of decision
- Replacement
- Repair/rework
- Correction of misleading or incorrect records
- Recommendation to make a change to a relevant policy

9.0 Annual Report to the HSE

Leopardstown Park Hospital has established a complaints procedure by agreement with the HSE and must provide the HSE with a general report on the complaints received by Leopardstown Park Hospital indicating;

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

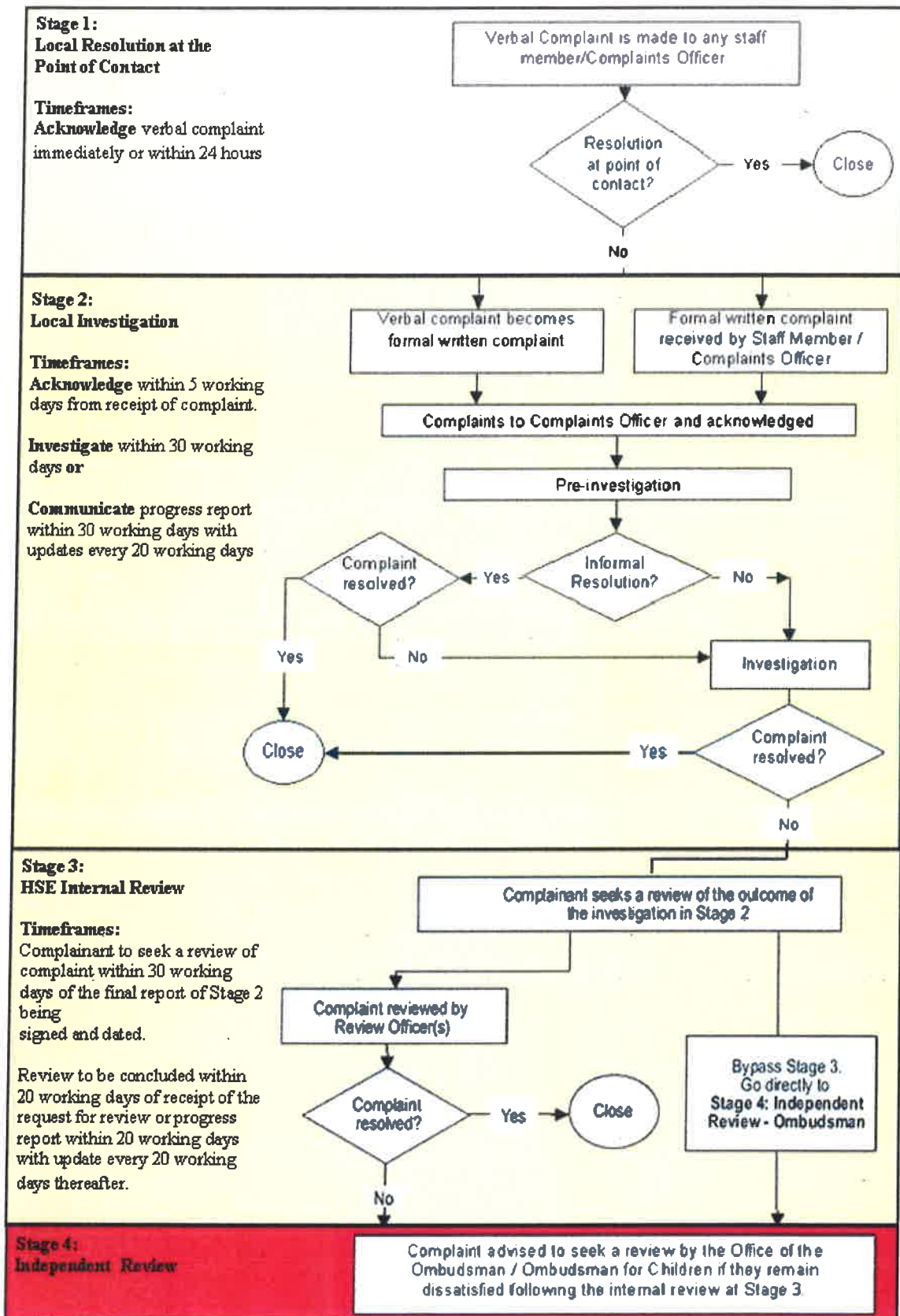
10.0 References

Health Act 2004 (Complaints) Regulations, 2006 (S.I. 652). Dublin: Stationery Office.

Health Act 2007 (Care and Welfare of Residents in Designated Centre For Older People) Regulations 2009, 12 Part 39. 236-237.

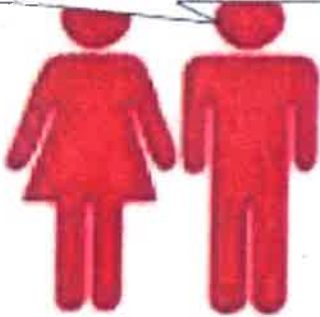
The Policy for the Management of Consumer Feedback to include Comments, Compliments and Complaints in the Health Service Executive (HSE): HSE Advocacy Services, May 2015.

Appendix 1



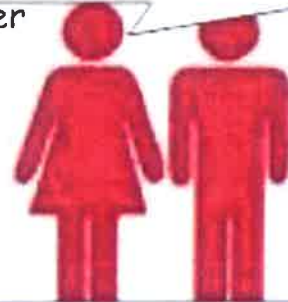
Appendix 2:

A verbal complaint can be made to any staff member.

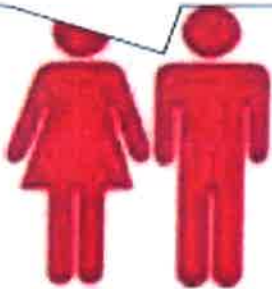


If you are unhappy with how your verbal complaint is handled, or wish to make a formal complaint, you can make this in writing to our Residents & Patient Services Manager

Paula Carragher



An acknowledgement of your written complaint will be sent to you within 5 working days. The Complaints Officer will now handle your complaint & if unable to resolve it within 30 working days you will be kept updated on its progress every 20 working days.



Once your complaint is resolved you will be notified of the outcome. If you are unhappy with the outcome you may request a review from:

The National Advocacy Unit, Oak House, Millennium Park, Naas, Co. Kildare.



A HSE Review Officer will now handle your complaint & if unable to resolve it within 20 working days they will keep you updated on its progress every 20 working days thereafter.

If you remain dissatisfied following the HSE Independent Review you are advised to seek a review by: The Office of the Ombudsman, 18 Lr. Leeson St. D.2