

HIQA Outcome No. 001

Residents' Rights, Dignity and Consultation

Complaints Policy

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MOOREHAVEN CENTRE

Issue No: 1 Rev: 3

Approved by: Derry McMahon

Moore Haven Centre

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COMPLAINTS POLICY

OBJECTIVE

The objective of this Policy is to ensure that the MooreHaven Centre has an effective complaints procedure.

RESPONSIBILITY

The review of this Policy document lies with the management team. Derry McMahon, General Manager, is responsible for ensuring the Policy document is adhered to in its contents and in its application. The day-to-day implementation of this policy rests with the 2 complaints officers in the centre, Janine Duffy, Training co-ordinator and Day & Residential co-ordinator (to be appointed).

POLICY DETAILS

Should a service user or a member of the public make a complaint about the MooreHaven Centre which cannot be resolved on an informal basis, this complaint will be referred onto one of the complaints officers who will deal with the complaint according to the following procedure.

PROCEDURE

The Moorehaven Centre has now set up procedures for dealing with complaints.

If you have a complaint about the MooreHaven Centre or any of the services which it provides, you may make a written complaint to the Complaints Officers. The complaints officer for Residential Services and day activation is Janine Duffy the training co-ordinator. The complaints officer for training and the day service programmes is Kathleen Morrissey, the residential services co-ordinator, PIC. The nominated person independent of the complaints officers is the general manager to ensure that all complaints are appropriately responded to and all records are maintained.

Definition of a complaint (As per the Health Act 2004)

A "Complaint" means a complaint made under Part 9 of the Health Act 2004 about any action of the MooreHaven Centre that (a) it is claimed, does not accord with fair or sound administrative practice, and (b) adversely affects the person by whom or on whose behalf the complaint is made.

The Complaints Officer will deal with the complaint and make a recommendation. If you are not happy with the recommendation, you may then ask for a review of that recommendation and an internal review will be carried out.

Who can make a complaint?

Any person who is being or was provided with a service by the MooreHaven Centre or who is seeking or has sought provision of such service may complain.

You may make a complaint about any action of the MooreHaven Centre that:

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- In your view, does not accord with fair or sound administrative practice, and / or
- Adversely affects you or the person on whose behalf the complaint is made.

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.

Advocacy

All complainants have the right to appoint an advocate. Citizen information (Comhairle2005) 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 you are unable to make a complaint because of age, illness or disability, the complaint may be made on your behalf by:

- ❖ A close relative or carer
- ❖ Any person who has been appointed by law or by a court to take care of your affairs – this would seem to include a Committee of a Ward of Court or a person appointed under an Enduring Power of Attorney but this is not entirely clear as the law which applies to Committees and Attorneys gives them specific and not general powers
- ❖ A legal representative
- ❖ Any other person with your consent, or
- ❖ Any other person who is appointed as prescribed in the regulations.

If the person to whom the complaint relates is dead, the complaint may be made by a close relative or carer. A close relative means a parent, guardian, son, daughter, spouse or cohabiting partner.

How complaints can be made

Complaints can be either verbal, written, sent by e-mail or fax.

Time Limits for making a complaint

A complaint must be made within 12 months of the date of the action giving rise to the complaint or of the person becoming aware of the action.

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A complaints officer may extend the time limit if there are special circumstances involved. 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, and critical / long term illness.

Where extensive support was required to make the complaint and this took longer than 12 months.

The complaints officer will notify the complainant of their decision to extend / not extend time limits within 5 working days.

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

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 the MooreHaven Centre;
- c) An action taken by the MooreHaven Centre solely on the advice of a person exercising clinical judgement in the circumstances described in paragraph (b) above;
- d) A matter relating to the recruitment or appointment of an employee by the MooreHaven Centre;
- e) A matter relating to or affecting the terms or conditions of a contract of employment that the MooreHaven Centre proposes to enter into;
- f) A matter relating to the Social Welfare Acts
- g) A matter that could prejudice an investigation being undertaken by the Garda Siochana;
- h) A matter that has been brought before any other complaints procedure established under an enactment.

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Acknowledgements

Upon a complaint being received by or assigned to the complaints officer, he/she shall notify, within five working days, the complainant, in writing, that the complaint has been received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.

You will also be told of your right to have an internal review and of your right to go to the Ombudsman. The contact details are as follow: the office of the Ombudsman, 18 Lower Lesson St, Dublin 2, D02 HE97. www.ombudsman.gov.ie. Locall 1890223030 or 01-6395600. Email ombudsman@ombudsman.gov.ie.

Stages of the complaints management process

1. Stage 1 - Local resolution of verbal complaints at point of contact (informal).
2. Stage 2 – Local investigation of written and serious complaints (formal).
3. Stage 3 – Internal Review (MooreHaven Centre).
4. Stage 4 – Independent Review (HSE under your service your say) or
5. Stage 5 – Make contact with the Ombudsman.

A Complaints officer may cease to investigate a complaint for various reasons, including that it is trivial or vexatious or that it does not come within the scheme.

Timeframes involved once a complaint is received

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.

Where the complaint will be investigated, the complaints officer 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 the complaints person 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.

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The complaints officer must endeavour to investigate complaints within 30 working days. However, where the 30 working days time frame cannot be met despite every best effort, complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.

If this timeframe cannot be met, the complaints person 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.

A Complaints officer may not make a recommendation which would require:

- a) The MooreHaven Centre to make a material change to its approved service plan;
- b) The MooreHaven Centre and the HSE 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 matter 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.

Annual Report to the HSE

The Moorehaven Centre will provide the HSE on a bi-annual basis with details about:

- ❖ the number and the nature of complaints dealt with through this Complaints Procedure
- ❖ the nature of the complaints
- ❖ the number of complaints resolved by informal means
- ❖ the outcome of any investigations into the complaints

by 20th July for the 1st 6 months and by 20th January for 2nd 6 months to the HSE Consumer Affairs section.

It is also a requirement of the HSE that where a serious complaint is made that the Local Health Manager will be made aware of same.

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