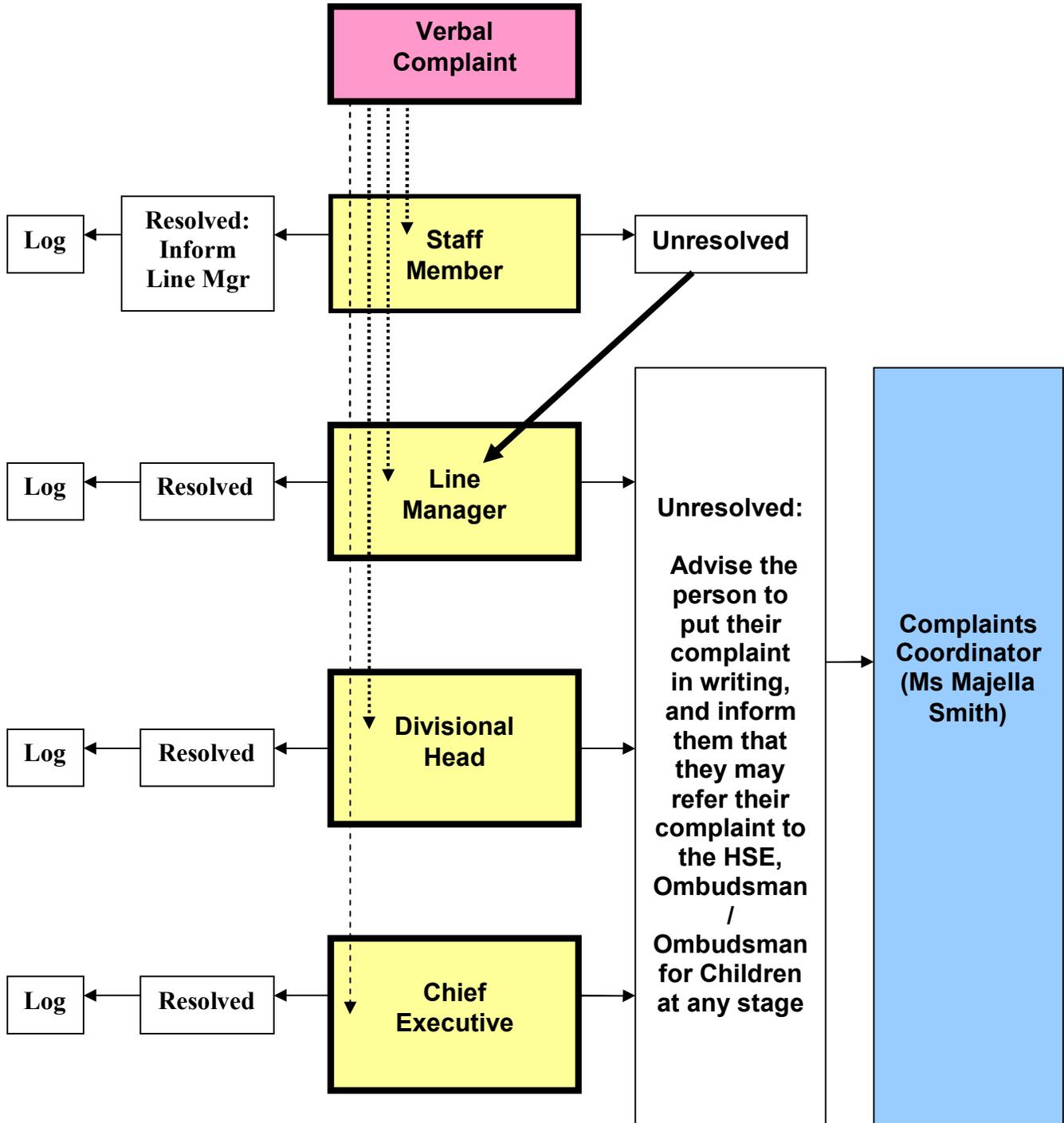


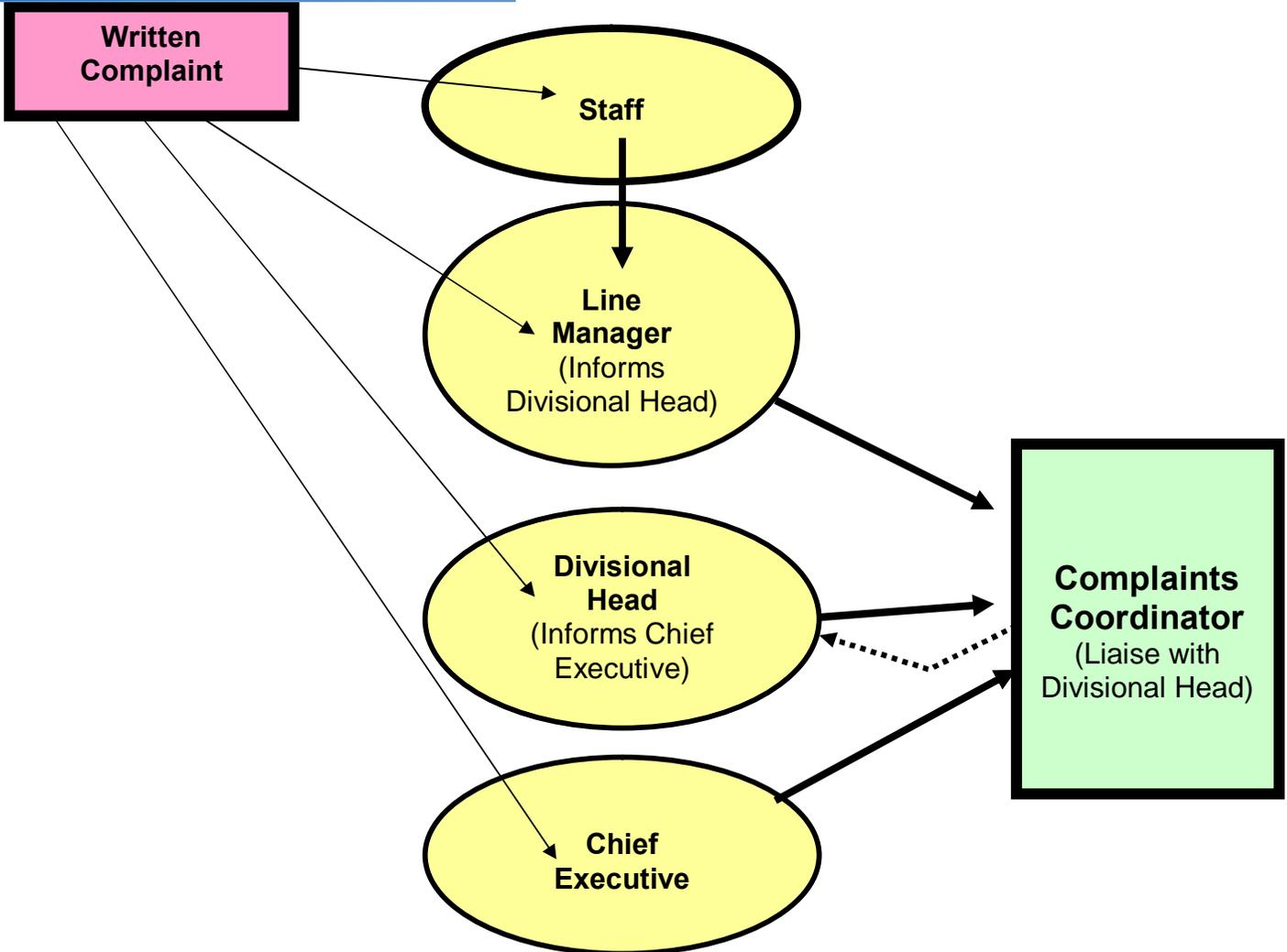
## Complaints Policy & Procedures For People supported by COPE Foundation/ their Families/Guardians/Advocates

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Amended (Y/N):	Yes



# Ten Complaint Management Process

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Written complaints are to be forwarded to the Complaints Coordinator who will:

- Log the complaint and acknowledge it within 5 working days;
- Coordinate the investigation of the complaint and endeavour to have it completed within 30 working days; and
- Communicate the outcome or ongoing progress to the complainant.

If the complaint remains unresolved in COPE Foundation, the complainant may appeal at any time throughout the process to:

Health Service Executive (HSE)

Ombudsman/Ombudsman for Children



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## Contact details of Internal Agencies

- Telephone: 1890-424-555
- Email: [yoursay@hse.ie](mailto:yoursay@hse.ie)

### Ombudsman

- Office of the Ombudsman,  
18 Lower Leeson Street,  
Dublin 2
- Telephone 1890-223-030
- Fax 01-639-5674
- Email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)

### Ombudsman for Children

- Ombudsman for Children's Office,  
Millenium House,  
52-56 Great Strand Street,  
Dublin 1
- Telephone 1890-20-20-40
- Fax 01-874-7333
- Email: [oco@oco.ie](mailto:oco@oco.ie)



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## Introduction

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Complaints because they are dissatisfied with some aspect of the service, or in seeking a resolution to it. As such, complaints from people we support and/or their families/guardians/advocates are a form of communication, through which they make known their views regarding their experiences of the services provided by COPE Foundation, in the hope and expectation that it will result in an improvement to those services. The people we support and/or their families/guardians/advocates, have the right to complain about any aspect of the service, to have it investigated, and to be informed of the outcome as soon as practicable.

Complaints will be recorded and monitored to assist in the ongoing assessment of the quality of COPE Foundation's service, and to identify areas requiring improvement. Where complaints are upheld, procedures will be reviewed and appropriate action taken to endeavour to avoid similar recurrences.

COPE Foundation views an effective complaints policy as essential to the continual development of high quality services to meet the needs of the people we support. All viewpoints/perceptions/assumptions are ultimately an expression of one's personal experience; where that personal experience is a negative one, then the purpose of the complaints procedures is to endeavour to identify the facts in order to resolve the complaint. Whilst managing a complaint may be challenging, it may also be the opportunity to learn and improve the quality of our services.

COPE Foundation will endeavour to deal promptly with all complaints, whether verbal or written, in an objective and empathetic manner, and in accordance with this policy and its procedures.

to detail the guiding principles, and outline the procedures in relation to the management of complaints from the people we support, or from their family, guardian, or advocate.

### 1.2 Policy Statement

COPE Foundation (the Foundation) welcomes complaints from the people we support, or from their families, guardians or advocates about any perceived negative experiences of the services provided by the Foundation. Any complaints will be taken seriously, handled appropriately and sensitively. It is important to acknowledge that both the people we support (and their family/guardian/advocate) and COPE Foundation as the service provider, have an equal voice and are of equal importance in the complaints process. Cooperation with the investigation of a complaint is essential, and the use of a standardised approach is of benefit to both complainants and staff. The emphasis is on the positive resolution of complaints at local level where possible.

COPE Foundation is committed to safeguarding the rights and dignity of both the people we support and staff members in the implementation of this policy. Any complaint will be viewed as an opportunity to inform our service provision, in order to improve the quality of the services to the people we support and their families/guardians/advocates.

### 1.3 Policy Scope

This policy relates to complaints made to COPE Foundation staff by the people we support and/or their families/guardians/advocates in relation to the services provided or omitted by the Foundation. However, not all complaints received by COPE Foundation can be investigated using the procedures outlined in this document. Therefore, this policy is complementary to others e.g. *Trust in Care*, *Children First Guidance* etc. Matters appropriate for these other existing policies will continue to be treated in accordance with them.

or written complaint made about any action of  
formed, does not accord with fair or good practice,  
and adversely affects the person by whom, or on whose behalf, the complaint is  
made.

**'Complainant'** means a person who is entitled under section 46 of the Health  
Act 2004 to make a complaint on their own behalf or on behalf of a person we  
support.

**'Complaints Coordinator'** means the person designated by COPE Foundation  
for the purpose of dealing with complaints made to the Foundation.

### 1.5 Legislation/Regulations/Standards

- Health Act 2004 (Part 9)
- Health Act (Complaints) Regulations 2006
- HSE *'Your Service, Your Say'* 2009 (Complaints Policy & Procedures)  
(Revision Version 1.3, 12<sup>th</sup> March 2009)

## Responsibilities

Staff have an obligation to deal effectively with complaints arising with the complaint at the point of contact, or refer the complaint to their Line Manager. In addition:

- Staff should endeavour to deal with all complaints objectively and sympathetically;
- Where possible, endeavour to resolve all complaints locally, and promptly;
- Inform Line Manager of all complaints;
- Complete COPE Foundation's Complaint Form (appendix 1) and forward to the Line Manager;
- Partake in any investigation of a complaint where it is considered necessary and appropriate;
- If the complaint is not resolved, refer immediately to the Line Manager;
- All written complaints received by staff should be given immediately to the Line Manager;
- If staff require support/assistance/clarification in respect of any aspect of this complaints policy and procedure, they should contact their Line Manager.

### 2.2 Manager

It is the role of all Managers to:

- Provide support to frontline staff dealing with complaints;
- Ensure staff are aware of this complaints policy and its procedures;
- Ensure that all complaints are dealt with objectively and sympathetically;
- Endeavour to resolve complaints locally, and as promptly as possible;
- Provide support for staff who are the subject of a complaint, or associated with a complaint;
- Ensure that verbal complaints and any outcomes are recorded on COPE Foundation's Complaint Form, and a copy sent to the Complaints Coordinator;
- Forward a copy of all written complaints, together with a copy of the completed COPE Foundation's Complaint Form to the Complaints Coordinator;
- Liaise with Divisional Head/Complaints Coordinator in the resolution/investigation of complaints;
- Meet regularly with frontline staff to discuss issues relating to complaints, such as lessons that have been learned and improvements that can be made.

ad to:

complaints directly received from a complainant, in conjunction with COPE Foundation's Complaint Form to the Complaints Coordinator;

- Provide support/guidance to Managers dealing with complaints;
- Be involved as required and/or requested in the investigation and resolution of complaints;
- Inform Chief Executive as appropriate.

#### **2.4 Chief Executive**

It is the role of the Chief Executive to:

- Forward a copy of complaints directly received from a complainant, in conjunction with COPE Foundation's Complaint Form to the Complaints Coordinator;
- Be involved as required and/or requested in the investigation and/or resolution of complaints.

#### **2.5 Complaints Coordinator (Ms.Majella Smith)**

It is the role of the Complaints Coordinator to:

- Log the written complaint and acknowledge it within 5 working days;
- Liaise with Divisional Head and/or Chief Executive in ensuring that a resolution of a complaint is completed and communicated to the complainant within 30 working days, where possible;
- Ensure that where the complaint is unresolved after 30 working days, yet progress is being made, that the complainant is informed of this, and kept informed with updates every 20 working days, or until the complaint is resolved;
- Where a complaint remains unresolved to the satisfaction of the complainant, ensure that the complainant is made aware that they may refer their complaint to the Health Service Executive (HSE) and/or the Ombudsman, or the Ombudsman for Children;
- Maintain records of complaints and their outcomes;
- Collate COPE Foundation complaint statistics;
- Provide complaint statistics to the Chief Executive;
- Provide Health Service Executive (HSE) with complaint statistics as requested.



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## Ombudsman for Children

resolved to the satisfaction of the complainant,  
at they may refer their complaint to the Health  
for the Ombudsman/Ombudsman for Children at

usually to resolve a verbal complaint immediately, or receiving it, and where it is deemed appropriate,

to manage the particular complaint at the first point of contact.

### 3.2 Receiving a Verbal Complaint

When receiving a verbal complaint from a complainant, the recipient should:

- Be respectful;
- Give the complainant his/her individual attention;
- Not attempt to lay blame, be defensive or argue;
- Remain positive;
- Not take anger as a personal attack.
- Listen carefully to the issue/s being raised by the complainant;
- Identify if there are multiple issues relevant to the complaint and separate each issue. Attempt to identify any 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;
- Thank the person for taking the time to make the complaint;
- Empathise and acknowledge the feelings of the complainant;
- If it is not possible to resolve the complaint immediately, explain what will happen next e.g. you may need to contact your Line Manager.

**(Note:** In the course of receiving a verbal complaint, a staff member is not expected to tolerate personal abuse or aggressive behavior from a complainant.)

### 3.3 Verbal Complaints that cannot be resolved locally or at point of contact

- If it is not possible to resolve the verbal complaint to the satisfaction of the complainant at the point of contact, the frontline staff member receiving the complaint must advise the complainant that the verbal complaint will be referred immediately to the Manager;
- Where the Manager is unable to resolve the complaint, the complainant will be advised to put their complaint in writing, which will then be forwarded to the Complaints Coordinator.

Complaints that have been resolved are to be recorded on COPE Form (appendix 1), and a copy sent as soon as possible to the Complaints Coordinator.

### 3.5 Verbal Complaints ‘Made in Confidence’

Where a complainant wishes to make a verbal complaint *in confidence* he/she should be advised **before** they make the complaint, that *depending on the nature and seriousness of the complaint being made ‘in confidence’*, (i) their anonymity cannot be guaranteed, and (ii) that their complaint and identity may need to be referred to the Complaints Coordinator. Notwithstanding the fact that the verbal complaint was *made in confidence* Managers should assure themselves that the systems in place are robust, and that the welfare of people we support is not at risk.

### 3.6 Summary

In general, most verbal complaints can be resolved locally and at the point of contact, with information and/or an explanation, and through acknowledgement of the effect the experience had on the person, together with an apology where appropriate.

Complainants may also want an undertaking that action will be taken to prevent the problem recurring. Managers must ensure that complaints received are dealt with appropriately, and that any learning from complaints resolved at an early stage, is incorporated into quality improvements.

However, some verbal complaints cannot be resolved locally and at the point of contact, and will require further management and investigation at other stages of the COPE Foundation Complaints Management Process.

from two sources:

- (a) where a verbal complaint has not been resolved to the satisfaction of the complainant and, the latter has been advised of the option of making a written complaint;
- (b) The complainant initiates their complaint in written form.

### 4.2 Process for Dealing with a Written Complaint

#### Staff Member

- Will forward the written complaint to their Line Manager, or the complainant may forward it directly to the Manager.

#### Manager

- Will endeavour to resolve the complainant's complaint;
- Will forward a copy of the written complaint and a copy of COPE Foundation's complaint form to the Complaints Coordinator;
- Will inform the Divisional Head.

#### Divisional Head

- Will endeavour to resolve the complainant's complaint;
- Will, where he/she has directly received a written complaint, forward a copy of it together with a copy of the completed COPE Foundation complaint form to the Complaints Coordinator;
- Will be involved as required and/or requested in the investigation and resolution of complaints;
- Inform Chief Executive as appropriate.

#### Chief Executive

- Will be involved as required and/or requested in the investigation and/or resolution of complaints;
- Will, where he/she has directly received a written complaint, forward a copy of it together with a copy of the completed COPE Foundation complaint form to the Complaints Coordinator;
- Will ensure that where the written complaint remains unresolved, the complainant is advised that they may make their complaint to the HSE or to the Ombudsman/ Ombudsman for Children.

written complaint;

the complaint in writing within 5 working days;

- Will, in conjunction with the Divisional Head, ensure that an investigation of the complaint takes place within 30 working days, and that the result is communicated to the complainant;
- Will ensure that, where the complaint is unresolved after 30 working days, yet progress is being made, that the complainant is informed of this, and kept informed with updates every 20 working days, or until the complaint is resolved;
- Will record the outcome where the complaint is resolved to the satisfaction of the complainant;
- Will record where a complaint remains unresolved to the satisfaction of the complainant;
- Will ensure that the complainant is made aware, that they may refer their complaint to the Health Service Executive (HSE) and/or the Ombudsman, or the Ombudsman for Children.

### **4.3 Anonymous Complaints**

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

Anonymous complaints will not normally be investigated, as there is always the possibility that they are vexatious or malicious, and the anonymity of the complainant would not enable the principles of natural justice and procedural fairness to be upheld. Notwithstanding the fact that anonymous complaints cannot be the subject of a formal investigation unless there is supporting evidence, managers should assure themselves that the systems in place are robust and that the welfare of the people we support is not at risk.

## 5 Advocacy

Advocacy means of empowering people by supporting claim their entitlements, and where necessary, act on their behalf. (Citizen Information Board, 2005)

- 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 service may be offered by COPE Foundation to a person we support who wishes to make a complaint and, who otherwise would find it difficult or impossible to make such a complaint themselves, or to source advocacy services;
- A staff member or a trusted person may also be an advocate for a person we support who wishes to make a complaint, if it is possible to do so within the principles of advocacy as listed below.
- Before deciding to advocate on behalf of a person we support, staff must ensure that they are in a position to advocate impartially and fairly;
- Staff acting as advocates should have no previous involvement in the actions complained of, or in the investigation of the complaint;
- Staff should not feel compelled to act as an advocate where they do not feel competent to do so;
- Any form of advocacy must be agreeable to both the person we support and COPE Foundation.

### Principles of Advocacy

The principles of advocacy have been outlined as:

- Empowerment of the person where possible;
- Respect for the person and his/her wishes;
- Acting in the person's best interests;
- Acting independently;
- Maintaining confidentiality;
- Acting with diligence and competence. (Citizen Information Board, 2005)



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## Confidentiality & Disclosure

that their complaint and their personal details will be disclosed to the greatest extent possible, consistent with the public interest and the right to privacy. Complaints information required for reporting and statistical purposes will be anonymised and all identifiable data will be removed.

However, where the investigation of the complaint indicates that there is a requirement to disclose some or all of the details of the complaint e.g. there is evidence of abuse that must be reported in accordance with the *Children First Guidelines*, the complainant will be informed immediately and the information will be directed to the appropriate personnel.

## Excluded from this Policy & Procedures (Part 9 of the Health Act 2004)

Among complaints that are excluded under *Part 9 of the Health Act 2004 s.48 (1)* are those in relation to the following:

- A matter that is or has been the subject of legal proceedings before a court or tribunal;
- A matter relating **solely** to the exercise of clinical judgment by a person acting on behalf of COPE Foundation;
- An action taken by COPE Foundation **solely** on the advice of a person exercising clinical judgment;
- A matter relating to the recruitment or appointment of an employee by COPE Foundation;
- A matter relating to the Social Welfare Act;
- A matter that could prejudice an investigation being undertaken by an Garda Síochána;
- A matter that has been brought before any other complaints procedure established under an enactment (e.g. complaints made under *Part 2 of Disability Act, 2005* or the *Mental Health Act 2001*).

Staff, in consultation with their Line Manager, will notify the complainant of where the complaint may more appropriately be referred.

## Conclusion

This policy and its procedures are central to standards of good working practice. It is envisaged that the policy will support, not only the people who access our services, their families/ guardians/ advocates, but also COPE Foundation staff, in seeking ways to meet the needs of the people we support and improve the quality of our services, both to them and their families/guardians/advocates.

**COMPLAINTS FORM**

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<b>Name of Person supported by COPE:</b>	
<b>Date of Birth:</b>	<b>Centre/Unit:</b>
<b>Name of Complainant:</b>	<b>Tel.</b>
<b>Relationship to the Person supported by COPE:</b>	
<b>Please indicate by tick if Verbal Complaint?</b>	<b>Written Complaint?</b>
<b>Nature of the complaint (for verbal complaints only)? (Use back for additional information)</b>	
<b>Date</b> _____	<b>Time</b> _____
<b>Who was involved?</b> _____	
<b>Action/s taken to resolve the complaint:</b>	
<b>OUTCOME (Please tick as appropriate)</b>	
<b>Complaint Resolved:</b>	
<b>Complaint Unresolved:</b>	
<b>Resolution Still Pending:</b>	
<b>Signed:</b>	<b>Date:</b>
<b>Staff Position/Role:</b>	
<b>Please forward to Complaint's Coordinator, Ms Majella Smith, Main Office, Bonnington.</b>	
<i>Office Use Only:</i>	<i>Ref Number:</i>