



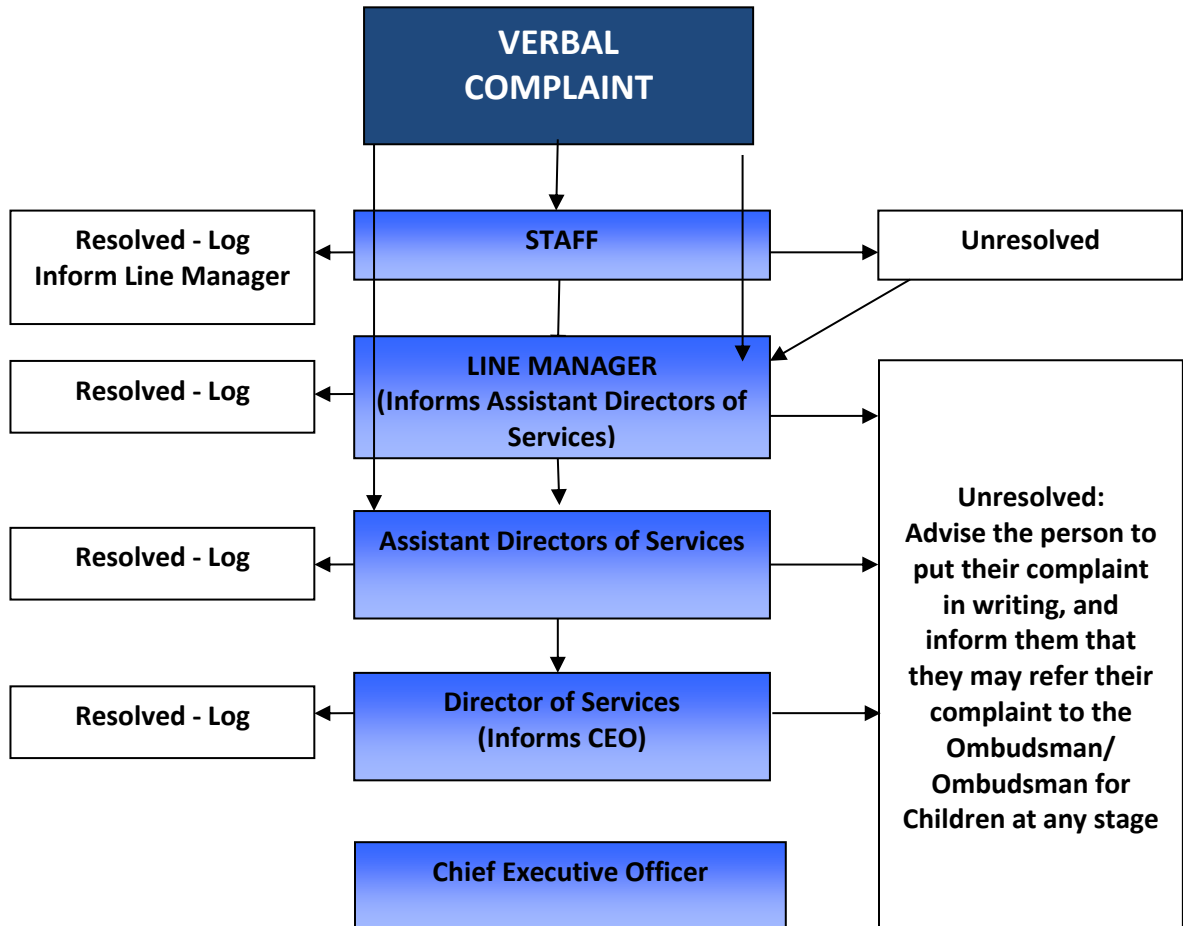
*Kerry
Parents &
Friends
Association*

Complaints Policy & Procedures for People Supported by KPFA / their Families / Guardians / Advocates

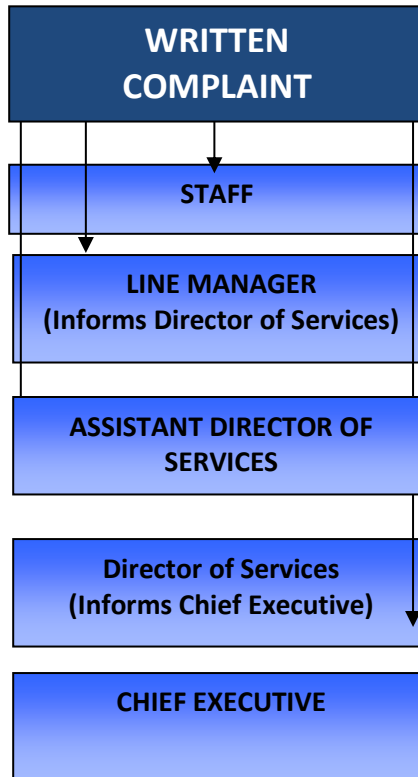
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KERRY PARENTS AND FRIEND ASSOCIATION
VERBAL COMPLAINT MANAGEMENT PROCESS

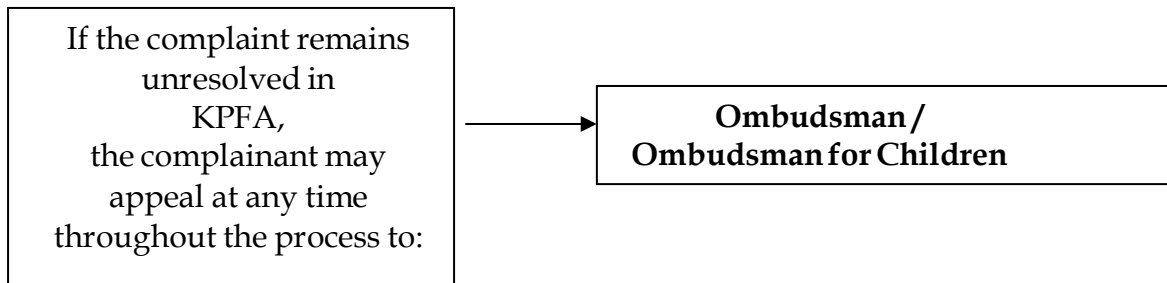


KERRY PARENTS AND FRIENDS ASSOCIATION
WRITTEN COMPLAINT MANAGEMENT PROCESS



Written complaints are to be forwarded to the Assistant Director of Services 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.



CONTACT DETAILS OF EXTERNAL AGENCIES

- Telephone: 1890-424-555
- Email: 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

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

KERRY PARENTS AND FRIENDS ASSOCIATION (KPFA) COMPLAINTS POLICY & PROCEDURES FOR PEOPLE SUPPORTED BY KPFA / THEIR FAMILIES/GUARDIANS/ADVOCATES

INTRODUCTION

Generally, people make complaints because they are dissatisfied with some aspect of a service and are 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 Kerry Parents and Friends Association (KPFA), 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 Kerry Parents and Friends Association's service, and to identify areas requiring improvement. Where complaints are upheld, procedures will be reviewed and appropriate action taken to avoid similar recurrences.

Kerry Parents and Friends Association 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 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.

Kerry Parents and Friends Association will deal promptly with all complaints, whether verbal or written, in an objective and empathetic manner, and in accordance with this policy and its procedures.

1. POLICY

1.1 Policy Purpose

The purpose of this policy is 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

Kerry Parents and Friends Association (KPFA) welcome complaints from the people we support, or from their families, guardians or advocates about any perceived negative experiences of the services provided by the Association. 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 Kerry Parents and Friends Association 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.

Kerry Parents and Friends Association 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 KPFA staff by the people we support and/or their families/guardians/advocates in relation to the services provided or omitted by the Association. However, not all complaints received by KPFA can be investigated using the procedures outlined in this document. Therefore, this policy is complementary to others e.g. *Trust in Care*, *Dignity at Work* etc. Matters appropriate for these other existing policies will continue to be treated in accordance with them.

1.4 Definitions

“Complaint” is “an expression of dissatisfaction however made, about the standard of service, action or lack of action by the Association, and / or its staff affecting a person or group of people we support”.

'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.

'Assistant Director of Services' means the people designated by Kerry Parents and Friends Association for the purpose of dealing with complaints made to the Association.

1.5 Legislation/Regulations/Standards

- Health Act 2004 (Part 9)
- Health Act (Complaints) Regulations 2006
- HSE '*Your Service, Your Say*' 2017 (The Management of Service User Feedback for Comments, Compliments and Complaints)

2. ROLES & RESPONSIBILITIES

2.1 Staff

All KPFA staff have an obligation to deal effectively with complaints made to them, either through dealing with the complaint at the point of contact, or where appropriate referring complaint to their Line Manager. In addition:

- Staff should deal with all complaints objectively and sympathetically;
- Where possible, resolve all complaints locally, and promptly;
- Inform Line Manager of all complaints;
- Complete Kerry Parents and Friends Association's Complaint Form for all complaints (verbal or written) on the ViClarity system and assign to the Line Manager;
- Partake in any investigation of a complaint where it is considered necessary and appropriate;
- If the complaint is not resolved, assign it 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;
- Acknowledge complaints within 5 working days;
- Provide support for staff who are the subject of a complaint, or associated with a complaint;

- Ensure that all complaints (verbal or written) and any outcomes are recorded on Kerry Parents and Friends Association's Complaint Form on the ViClarity system.
- Attach a copy of all written complaints on the ViClarity system and assign to the Assistant Director of Services.
- Liaise with Assistant Director of Services in the resolution / investigation of complaints. Assign resolved complaints on the ViClarity system to the Assistant Director of Services to close the complaint.
- Meet regularly with frontline staff to discuss issues relating to complaints, such as lessons that have been learned and improvements that can be made.

2.3 Assistant Director of Services

It is the role of the Assistant Directors of Services to:

- Provide support and/ guidance to Managers dealing with complaints
- If the complaint is escalated to the Assistant Director of Services,
- Acknowledge written complaints within 5 working days;
- Ensure 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;
- Will record on the ViClarity system the outcome where the complaint is resolved to the satisfaction of the complainant;
- Will record on the ViClarity system where a complaint remains unresolved to the satisfaction of the complainant;
- Where a complaint remains unresolved to the satisfaction of the complainant, ensure that the complainant is made aware that they may appeal the decision with the Director of Services or refer their complaint to the Ombudsman, or the Ombudsman for Children;

- Maintain records of complaints and their outcomes on the ViClarity system;
- Inform Director of Services as appropriate.

2.4 Director of Services

- To complete a complaint form on the KPFA ViClarity system for any complaints directly received from a complainant, and assign to the Assistant Director of Services;
- Will review the complaint if an appeal is made by the complainant
- Audit all complaints that are recorded on the system.
- Collate Kerry Parents and Friends Association complaint statistics;
- Provide complaint statistics to the Chief Executive;
- Provide Health Service Executive (HSE) with complaint statistics as requested.

2.5 Chief Executive

It is the role of the Chief Executive to:

- To complete a complaint form on the KPFA ViClarity system for any complaints directly received from a complainant, and assign to the Assistant Director of Services;
- Will ensure that where the written complaint remains unresolved, the complainant is advised that they may make their complaint to the Ombudsman/ Ombudsman for Children.

3. MANAGING A VERBAL COMPLAINT

3.1 Introduction

Every effort should be made locally to resolve a verbal complaint immediately, or within 1-5 days working days of 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 Assistant Director of Services.

3.4 Recording Verbal Complaints

All verbal complaints are to be recorded on KPFA Complaints Form with outcomes on the ViClarity system and assigned to the Assistant Director of Services.

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 Assistant Director of Services. 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 Kerry Parents and Friends Association Complaints Management Process.

4. MANAGING A WRITTEN COMPLAINT

4.1 Introduction

Written complaints may originate 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 attach the written complaint on the ViClarity system and assign to their Line Manager, or the complainant may forward it directly to the Manager.

Manager

- Will endeavor to resolve the complainant's complaint;
- Will assign the complaint through Kerry Parents and Friends Association's complaint form on the ViClarity system to the Assistant Director of Services;
- Will inform the Assistant Director of Services.

Assistant Director of Services

- Will endeavor to resolve the complainant's complaint;
- Will, where he/she has directly received a written complaint, complete Kerry Parents and Friends Association's complaint form on the ViClarity system;
- Will be involved as required and/or requested in the investigation and resolution of complaints;
- Inform Director of Services as appropriate.

Director of Services

- Will, where he/she has directly received a written complaint, complete Kerry Parents and Friends Association's complaint form on the ViClarity system and assign to the Assistant Director of Services;
- Will review the complaint if an appeal is made by the complainant
- Will ensure that where the written complaint remains unresolved, the complainant is advised that they may make their to the Ombudsman/ Ombudsman for Children.
- Will carry out audits on the complaints recorded.

Chief Executive

- Will, where he/she has directly received a written complaint, complete Kerry Parents and Friends Association's complaint form on the ViClarity system and assign to the Assistant Director of Services;
- Will ensure that where the written complaint remains unresolved, the complainant is advised that they may make their complaint to the Ombudsman/ Ombudsman for Children.

4.3 Anonymous Complaints

It is the policy of Kerry Parents and Friends Association that complainants must provide their details when making a complaint against Kerry Parents and Friends Association, 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 has been defined as ‘a means of empowering people by supporting them to claim their entitlements, and where necessary representing and negotiating 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 Kerry Parents and Friends Association 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 Kerry Parents and Friends Association.

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*)

6. CONFIDENTIALITY AND DISCLOSURE

Complainants must be assured that their complaint and their personal details will be treated in confidence 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 the identifiable data will be removed.

To protect the integrity of the complaints process and ensure a safe environment for all parties, the person who is the subject of the complaint must not make direct contact with the complainant at any stage of the investigation, unless:

- Contact is formally requested by the complainant, and
- It is approved in advance by the designated complaints officer or another authorised manager.

All communication between the parties should be managed through the complaints officer (or an appointed representative) to avoid any risk of intimidation, pressure, or conflict.

To protect all parties and maintain confidentiality, complainants are not permitted to initiate direct communication with the person named in the complaint.

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 *Safeguarding Vulnerable Adults form Abuse, Children First*, the complainant will be informed immediately and the information will be directed to the appropriate

Matters excluded from this Policy and Procedures under 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 Kerry Parents and Friends Association;
- An action taken by Kerry Parents and Friends Association **solely** on the advice of a person exercising clinical judgment;
- A matter relating to the recruitment or appointment of an employee by Kerry Parents and Friends Association;
- 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.

7. 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 Kerry Parents and Friends Association 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.