

Carmichael.

**COMPLAINTS
POLICY**

Guiding nonprofits

www.carmichaelireland.ie



COMPLAINTS POLICY

Carmichael is the first and largest shared services centre for the community and voluntary sector in Ireland. It is our goal to ensure that the services we provide are of the best possible quality.

Carmichael welcomes feedback from service users and resident groups about the services we provide. If our service is not operating as well as it should, Carmichael is committed to putting right any wrong.

The attached Policy outlines how Carmichael acts upon the feedback we get from the people using our service. It will explain how you can make a complaint and advises you on your rights as a service user. The Carmichael Complaints Policy is available on Carmichael's website at www.carmichaelireland.ie.

1. DEFINITION OF A COMPLAINT

Definition of a complaint (as per the Health Act 2004, part 9) “complaint” means a complaint made under this Part about any action of the Executive or a service provider that—(a) 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

2. PURPOSE

The purpose of the complaints policy is to enable Carmichael service users and resident groups to express concerns or issues they may have with any aspect of the service delivered to them by Carmichael staff. The procedure enables the issues raised to be dealt with fairly, without delay and in a confidential manner. Carmichael welcomes all feedback from its service users and resident members and will use the information to develop and improve the supports provided.

Who Can Make a Complaint?

Any person who is being or was provided with a service by Carmichael staff 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 Carmichael staff-

- a) It is claimed does not accord with fair and sound administrative practice, and
- b) Adversely affects or affected that person

As defined in the Health Act 2004, 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.

3. HOW COMPLAINTS CAN BE MADE

You can make a complaint verbally, written or by email:

- you can telephone Carmichael on 01 873 5702
- you can email feedback@carmichaelcentre.ie
- you can write to: Carmichael, Carmichael Centre, North Brunswick Street, Dublin 7

A complaints form is attached below and copies are available on request.

4. WHAT TO INCLUDE IN A COMPLAINT

A written complaint should include:

- Who was involved?
- What happened and when?
- What are you concerned about?
- Have you done anything else to resolve this matter?
- What do you want to happen now?
- it will also assist the Complaints Officer if any extra information and/or copies of other relevant documents are attached to your written complaint

5. ACKNOWLEDGEMENTS OF COMPLAINTS

(Health Act 2004) Upon a complaint being received by or assigned to the Complaints Officer (including a referral under section 48(2)), he or she shall notify, within 5 working days, the complainant, in writing, that the complaint has been so 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.

6. **ADVOCACY**

All complainants have the right to appoint an advocate. An advocate helps by supporting you to put forward your views, claim your entitlements and, where necessary, represent you and negotiate on your behalf. You can contact advocacy services through the Irish Advocacy Network or the Citizen's Information Board (formerly Comhairle).

Any person who wants to make a complaint can appoint an advocate to assist them in making their complaint and support them in managing that complaint. A staff member or a trusted person may also act as advocates for people wishing to make a complaint. Anyone who is an advocate must, however, uphold the principles of advocacy listed below.

- empowerment of the person where possible
- respect for the person and their wishes
- act in the person's best interest
- act independently
- maintain confidentiality
- act with diligence and competence

7. **ACTIONS TAKEN AFTER A COMPLAINT IS RECEIVED**

Carmichael will take every complaint seriously. Carmichael's process for managing complaints is as follows:

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 (HSE)

Stage 4 - Independent Review (Ombudsman) March 2014 3

7.1 STAGE ONE - LOCAL RESOLUTION

If an issue arises Carmichael encourages members and service users to attempt to resolve the issue informally at the local level with the appropriate person.

7.2 STAGE TWO - LOCAL INVESTIGATION

If informal resolution is unsuccessful or not appropriate a complaint can be made by:

- Contacting Carmichael by the above complaints methods i.e. verbal, written or email
- A Complaints Officer will be appointed who would be the Chief Executive Officer or alternatively the Carmichael Chairperson.
- Upon a complaint being received by or assigned to the Complaints Officer (including a referral under section 48(2)), he or she shall notify, within 5 working days, the complainant, in writing, that the complaint has been so 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.
- The matter will be dealt with immediately and fairly.
- Confidentiality will be upheld at all times.

7.3 STAGE THREE – INTERNAL REVIEW

If a complainant is not satisfied with recommendations made by the Complaints Officer, the complainant may apply in writing for a review to the Health Service Executive.

The Health Service Executive have designated authority to appoint review officers as per the Health Act 2004 (Complaints) Regulations 2006 and all requests for reviews must be addressed to Mr. Greg Price, Director of Advocacy National Advocacy Unit, Quality and Patient Safety Directorate, HSE, Oak House, Lime Tree Avenue, Millennium Park, Naas, Co. Kildare. yoursay@hse.ie Tel: 045 880 400 Fax: 1890 200 896.

7.4 STAGE FOUR – INDEPENDENT REVIEW - OMBUDSMAN

If you are not happy with the outcome of the review carried out by the HSE, you have a right to request an independent review of the complaint by the Ombudsman or the Ombudsman for Children. The Ombudsman is responsible for ensuring that the public receive good customer care and fair treatment from the Government and public bodies. If you have gone through all the stages outlined above, you may make your complaint directly to the Ombudsman.

Office of the Ombudsman: 18 Lower Leeson Street, Dublin 2.

Phone: 01 639 5600

Lo-call 1890 223030 Email: ombudsman@ombudsman.irlgov.ie Website:

www.ombudsman.gov.ie

Ombudsman for Children's Office: Millennium House 52-56 Great Strand Street, Dublin 1.

Free-phone: 1800 20 20 40,

Phone: 01 865 6800 Email: oco@oco.ie,

Website: <http://www.oco.ie>

8. TIMEFRAMES INVOLVED ONCE A COMPLAINT IS RECEIVED

A Complaints Officer will inform the complainant in writing, within 5 working days of making the decision, if the complaint will not be investigated and the reasons for it.

Where the complaint will be investigated, the Complaints Officer will endeavour to investigate and conclude the investigation of a complaint within 30 working days of the acknowledgement of the complaint. They may call on other staff, witnesses, experts and so on to assist with the investigation. If the complaint cannot be investigated and concluded within 30 working days of acknowledging the complaint, the complaints officer will communicate this to the complainant and relevant staff member within 30 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 relevant staff member every 20 working days until the matter is resolved.

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, the 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 six months, give an explanation why and outline the options open to the complainant. He / She should encourage the complainant to stay within the local complaints management process while informing them that they may seek a review by the Ombudsman.

9. TIME LIMITS FOR MAKING A COMPLAINT

The Complaints Officer must determine if the complaint meets the 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.
- A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer 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
 - A Complaints officer must notify the complainant of decision to extend / not extend time limits within 5 working days.

10. MATTERS EXCLUDED (AS PER PART 9 OF THE HEALTH ACT)

10.1 48-(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 judgement by a person acting on behalf of either the HSE or a service provider
- c) an action taken by the HSE or a service provider 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 HSE or a service provider
- e) a matter relating to or affecting the terms or conditions of a contract of employment that HSE or a service provider proposes to enter into or of a contract with an adviser that the Executive 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 undertaken by the Gardaí
- i) a matter that has been brought before any other complaints procedure established under an enactment.

48-(2) Subsection (1) (i) does not prevent a Complaints Officer from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.

10.2 ANONYMOUS COMPLAINTS

You can choose whether to make an anonymous complaint or give your name and contact details. We encourage you to give your details if you make a complaint so that we can let you know the outcome after we investigate it.

In general, we cannot investigate anonymous complaints against a named staff member. However, all anonymous complaints will be passed to the relevant Complaints Officer who will decide on the appropriate action.

If you make a complaint by phone or in person, the member of staff taking the details of the complaint will encourage you to give your name and telephone number. They will tell you that unless you give a name and contact details, it may not be possible to investigate the complaint properly.

10.3 VEXATIOUS OR MALICIOUS COMPLAINTS

- If found to be frivolous or vexatious, a complaint will not be pursued any further.
- However, this does not remove the complainant's right to submit their complaint to independent agencies such as the Ombudsman/Ombudsman for Children.
- If a complaint is found to be vexatious or malicious, there will be no record of the complaint in the file of the staff member / service about which the complaint was made.
- Before the complaint is deemed vexatious the Complaints Officer must bring it to the attention of the relevant Local Health Manager or deputy.

11 REDRESS

An effective complaints system which offers a range of timely and appropriate remedies will enhance quality of service. Redress should be consistent and fair for both the complainant and the service against which the complaint was made. CARMICHAEL 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. The redress includes:

- Apology
- An explanation
- Refund (where applicable)
- Admission of fault
- Change of decision
- Replacement
- Repair /rework
- Correction of misleading or incorrect records
- Technical or financial assistance
- Recommendation to make a change to a relevant policy or law
- A waiver of debt

A Complaints Officer may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause –

- The Executive to make a material amendment to its approved service plan, or
- A service provider 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 -

- Amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
- 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.

12. ANNUAL REPORT TO THE HSE

A service provider who has established a complaints procedure by agreement with the HSE must provide the HSE with a general report on the complaints received by the service provider during the previous year indicating:

- The total number of complaints received.
- The nature of the complaints.
- The number of complaints resolved by informal means.

- The outcome of any investigations into the complaints.

CONTACT DETAILS

Carmichael Complaints Officer:

Mr. Diarmaid O'Corrbui,
Carmichael
Carmichael House
North Brunswick Street, Dublin 7

Tel: (01)873 5702.

feedback@carmichaelireland.ie

www.carmichael.ireland.ie

Carmichael Chairperson,
c/o Carmichael House,
North Brunswick Street,
Dublin 7

Tel: (01)873 5702.

feedback@carmichaelireland.ie

www.carmichaelcentre.ie

**THIS POLICY WAS REVIEWED AT A BOARD MEETING DATED 26TH MARCH 2014 AND
SIGNED BY THE CHAIRPERSON ON BEHALF OF THE DIRECTORS:**

FRANK WALSH

March 2014

APPENDIX 1: COMMENT OR COMPLAINT FORM

Email to: feedback@carmichaelireland.ie

Post to: Complaints Officer
Mr.Diarmaid O'Corrbui
CEO
Carmichael
Carmichael House
North Brunswick Street
Dublin 7

OR:

Chairperson
c/o Carmichael
Carmichael House
North Brunswick Street
Dublin 7

Please include where possible - Who was involved?, What happened and when?, What are you concerned about?, Have you done anything else to resolve this matter?, What do you want to happen now?

Include any extra information and/or copies of other relevant documents

YOUR COMPLAINT DETAILS - *Attach extra pages if necessary* Name:

Address:

Telephone number:

Email:

Date: