

## **Care Alliance Ireland Complaints Policy**

### **THE GENERAL CONTEXT:**

The procedure set out here has been developed by Care Alliance Ireland (CAI) to primarily address complaints from CAI member organisations, partners or other stakeholders. Complaints are not in themselves proof of error or wrongdoing and they can be a useful source of learning for the organisation and the individuals involved. CAI invites any person or organisation that has a complaint or concerns to put to CAI, to do so or otherwise to provide us with information that will assist us to develop and maintain high standards in our relationships and engagement with them and others.

### **ABOUT CARE ALLIANCE IRELAND (CAI)**

CAI the National Network of Voluntary Organisations supporting Family Carers. Our vision is that the role of Family Carers is fully recognised and valued by society in Ireland.

We exist to enhance the quality of life for approximately 274,000 Family Carers in the Republic of Ireland. We achieve this by supporting our 98 member organisations in their direct work with Family Carers through the provision of information, developing research and policy in the field, sharing resources, and instigating opportunities for collaboration. Further details are available on our website, [www.carealliance.ie](http://www.carealliance.ie).

Complaints often arise from a breakdown in communications. Usually these complaints are quickly resolved when the facts have been established. It is important, nevertheless, that CAI provides a transparent and accessible complaints procedure and that complaints are dealt with promptly and effectively. It is considered preferable that all reasonable measures are taken to resolve matters informally where possible.

### **PURPOSE OF THIS POLICY**

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

## **DEFINITION OF A COMPLAINT**

- A complaint means a “complaint” about any action of Care Alliance Ireland 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.

## **WHO CAN MAKE A COMPLAINT**

- Any person who is being or was provided with a service by CAI 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 CAI that -
  - (a) it is claimed, does not accord with fair and sound administrative practice, and
  - (b) adversely affects or affected that person.

## **HOW COMPLAINTS CAN BE MADE**

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

- you can telephone CAI on 01 874 7776
- you can email [info@carealliance.ie](mailto:info@carealliance.ie)
- you can write to: Care Alliance Ireland, Coleraine House, Coleraine Street, Dublin 7

A Complaints form is in Appendix I below and copies are available on request.

## **ACKNOWLEDGEMENTS**

Upon a complaint being received by or assigned to the Executive Director (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.

## **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

## **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

## **ACTIONS TAKEN AFTER A COMPLAINT IS RECEIVED**

CAI will take every complaint seriously. CAI'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)

## **STAGE ONE - LOCAL RESOLUTION**

If an issue arises CAI encourages the complainant to attempt to resolve the issue informally at the local level with the appropriate person.

## **STAGE TWO - LOCAL INVESTIGATION**

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

- Contacting CAI by the above complaints methods i.e. verbal, written or email
- A Complaints Officer will be appointed who would be the Executive Director or alternatively the CAI 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.

## **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](mailto:yoursay@hse.ie)

Tel: 045 880 400 Fax: 1890 200 896.

## **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](mailto:ombudsman@ombudsman.irlgov.ie)

Website: [www.ombudsman.gov.ie](http://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](mailto:oco@oco.ie)

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

#### **LEARNING FROM COMPLAINTS:**

1. The Chairman will be informed when the complaints process is being used and this will support periodic review.
2. The Chairman, with assistance from the Board of Directors will review the complaints procedure to ensure that all reasonable systems are in place, to maintain and improve services, to reduce instances of complaints and to inform the Board as appropriate.
3. This complaints procedure will be taken into account in the overall monitoring of our services to membership and the public.

## Managing Complaints

### 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 will 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 Officer will 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 will update the complainant and the relevant staff/ service member every 20 working days.
- The Complaints Officer will 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 will 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 Officer must inform the complainant that that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. The Complaints Officer) will encourage the complainant to stay with the CAI complaints management process while informing them that they may seek a review of their complaint by the Chairperson of the board.

#### • **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
- The 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 the new relevant, significant and verifiable information relating to the action becomes available to the complainant

*This version was approved by the Board on April 7<sup>th</sup> 2014.*

- 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
- The Complaints Officer will notify the complainant of decision to extend / not extend time limits within 5 working days

## **MATTERS EXCLUDED**

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 to the recruitment or appointment of an employee by Care Alliance Ireland;
- (c) a matter relating to or affecting the terms or conditions of a contract of employment that Care Alliance Ireland proposes to enter into or of a contract with an adviser that Care Alliance Ireland proposes to enter into.
- (d) a matter relating to the Social Welfare Acts;
- (e) a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
- (f) a matter that could prejudice an investigation being undertaken by the Garda Síochána;
- (g) a matter that has been brought before any other complaints procedure established under an enactment.

Matters excluded from right to complain.

Complaint and review procedures to be established.

Refusal to investigate or further investigate complaints.

## **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.

## 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 HSE or the Ombudsman.

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.

### Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to our members and stakeholders. It will provide useful feedback to Care Alliance Ireland and enable it to review current procedures and systems which may be giving rise to complaints.

Redress should be consistent and fair for both the complainant and the service against which the complaint was made. Care Alliance Ireland 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. This redress could include:

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

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

(a) Care Alliance Ireland to make a material amendment to its approved service plan, or to an arrangement under section 38.

(2) If, in the opinion of the relevant person, such a recommendation is made, that person shall either—

(a) amend the recommendation in such manner 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**

Care Alliance Ireland has established a complaints procedure by agreement with the HSE and thus will provide the HSE with a general report on the complaints received by Care Alliance 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:**

CAI Complaints Officer,,Care Alliance Ireland, Coleraine House, Coleraine Street, Dublin 7

Telephone: 01 874 7776

Email: [info@carealliance.ie](mailto:info@carealliance.ie)

Or

Chairperson. Care Alliance Ireland, Coleraine House, Coleraine Street, Dublin 7

Telephone: 086 851 2442

Email: [Gerry.McCaffrey@sial.com](mailto:Gerry.McCaffrey@sial.com)

**APPENDIX 1 : CARE ALLIANCE IRELAND COMMENT OR COMPLAINT FORM**

Phone ; 01 874 7776

Email to: [info@carealliance.ie](mailto:info@carealliance.ie)

Post to:

Complaints Officer, Mr. Liam O’Sullivan, Executive Director, Care Alliance Ireland, Coleraine House  
Coleraine Street, Dublin 7

OR:

Chairperson, Mr.Gerry McCaffrey, Care Alliance Ireland, Coleraine House, Coleraine Street, Dublin 7  
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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  
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YOUR COMPLAINT DETAILS - Attach extra pages if necessary

Name:

Address:

Telephone number:

Email:

Date:

SIGNED: \_\_\_\_\_