

PL-OPS-002 Policy and Procedure on Comments Compliments and Complaints



Nua Healthcare Services

Document No PL-OPS-002 Rev April 2024

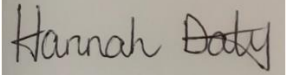


Uncontrolled Copy Controlled Copy Date April 2027

COMPANY PROPRIETARY INFORMATION

Prior to use, ensure this document is the most recent revision by checking the Master Document List. To request a change, submit a Document Change Request to the Document Control Representative.

Approvals

The signatures below certify that this procedure has been reviewed and accepted and demonstrates that the signatories are aware of all the requirements contained herein and are committed to ensuring their provision.

| Department: Operations | Name | Signature | Position | Date |
|---------------------------|-------------|---|-----------------------------------|------------|
| Prepared by | Hannah Daly |  | Safeguarding & Complaints Manager | April 2024 |
| Reviewed by | JJ Carey |  | Deputy Chief Operating Officer | April 2024 |
| Approved by | Shane Kenny |  | Chief Operating Officer | April 2024 |

Amendment Record

This procedure is reviewed to ensure its continuing relevance to the systems and process that it describes. A record of contextual additions or omissions is given below:

| Page No. | Context | Revision | Date |
|----------|---------|----------|------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |



Contents

| | |
|---|----|
| 1.0 Introduction | 4 |
| 2.0 Purpose | 4 |
| 3.0 Scope | 5 |
| 4.0 Definitions: | 5 |
| 5.0 Procedures | 10 |
| 6.0 References | 11 |
| 7.0 Appendices | 11 |
| APPENDIX 1: Complaints Process..... | 11 |
| APPENDIX 2 – Complaint form..... | 14 |
| APPENDIX 3 – Compliments and Comments form..... | 18 |
| APPENDIX 4 – (Individuals in NUA can submit feedback as a compliment, comment, or complaint)..... | 20 |
| APPENDIX 5 – Centre Specific Comments, Compliments & Complaints Log | 24 |
| APPENDIX 6 – Pathway for Comments, Compliments and Complaints | 25 |

1.0 Introduction

This policy relates to any feedback in the form of compliments, comments and complaints regarding services provided by Nua Healthcare Services (Nua).

Nua have Compliments, Comments and Complaints Officers to receive, manage and respond to all submissions.

Complaints concerning child protection & vulnerable adults are addressed in the service's policy for safeguarding vulnerable persons at risk of abuse and policy on child protection *allegations of abuse and the service's policy for a disclosure of abuse*. Complaints concerning team member conduct may be addressed in the service's team member disciplinary procedure if necessary.

2.0 Purpose

The purpose of this policy is to:

- Support and uphold the rights of individuals and others submit compliments, comments, or complaints about any aspect of the service.
- To facilitate the submission, receipt, and acknowledgement of any feedback.
- Provide any person wishing to complain, or to appeal against the outcome of complaints, with an accessible, transparent, and confidential complaints process that facilitates them in challenging decisions and actions with which they are dissatisfied, without fear, favour, or prejudice.
- Acknowledge that each compliment, comment, or complaint is a valid and meaningful expression of the contributor's feelings about an aspect of the service.
- Respect the right of all complainants to have independent advocacy.
- Contribute to the creation of a safe living and working environment that regards the compliments, comments and complaints process as playing a positive role in the life of the individual.
- Apply a timeframe for the resolution of complaints that seeks to avoid causing unnecessary distress to any person involved while allowing enough time for a comprehensive investigation where necessary.
- Provide written evidence that compliments, comments, and complaints are responded to and records made available for review, monitoring and inspection by authorised personnel.
- Determine how end users perceive the quality of the service provided by Nua and discover ways in which they might be improved.
- Develop practice by learning from the service's experience of compliments, comments, and complaints and how they are managed.

3.0 Scope

This policy is for use across all Nua Healthcare Services.

4.0 Definitions:

A **compliment** is defined in this policy as an expression of praise, commendation, or satisfaction.

A **comment** is a verbal or written remark expressing an opinion or reaction.

A **complaint** is an expression of dissatisfaction which needs a response.

A complaint means any action of Nua 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.

An action does not represent fair or sound administrative practice if it is:

- Taken without proper permission and authority.
- Taken for unnecessary reasons.
- The result of negligence or carelessness
- Based on incorrect or incomplete information
- Discriminatory
- Based on bad administrative practice

How long do I have to submit feedback?

You must make a complaint within twelve months of the date of the event concerned or within twelve months of becoming aware of the event. There may be exceptions to this where there are extenuating circumstances. Comments or compliments about the service can be submitted at any time.

When am I not entitled to make a Complaint?

There are some circumstances in which complaints are not entitled to be made. Please see **Appendix 1** at the end of the document for further details.

What can I give feedback about?

Compliments and comments can be made about any aspect of the service provided by Nua. For example:

- An instance in which a person receives a high quality of service and wishes to acknowledge this.
- An instance in which a person felt their personal development and care was promoted and prioritised by the team member team and wishes to acknowledge this.
- A comment about an event, report, review etc. that the person was involved in.

You can make a complaint about any service or action of Nua that you consider unfair and that negatively affects you or has affected you in the past. This could mean any action that is an:

- Instance where a person did not receive the quality of service from the service to which he/ she felt they were/are entitled to.
- Instance where a person felt that he / she was unfairly treated.
- Instance where people feel the service or individuals did not uphold the vision and mission statement of Nua.
- Instance where people feel their agreed personal development plan is not being followed.

Who can give feedback?

The following people can submit a compliment, comment, or complaint:

- People who are currently in the service.
- Close relatives or carers of a person or someone who has the consent of the person to act on their behalf.
- Previous individuals providing the time frame is within twelve months within the event taking place.

Can a Child make a Complaint, Comment or Compliment?

Yes. Children can provide feedback about any aspect of the service they have received from Nua Healthcare. Children can also have the right to complain to the Ombudsman for Children who can accept complaints directly from children under the age of 18.

The welfare of the child is always our priority. If a complaint is received that leads to concern about a child's safety and well-being, we must ensure that we act in the best interest of the child and that we implement the Children's First Guidelines on child protection if necessary.

If I need help to submit feedback?

Feedback can be given verbally, in writing, by email, or by fax. A compliment, comments, complaints form is available in each centre and Day Service.

Nua will do all it can to support people who wish to provide feedback about a service or team member. It will also include:

- Providing Individual with a copy of the procedure in an accessible format (see Appendix 3)
- Any help needed to complete the form (Appendix 2) or give your feedback.
- Support Individual to contact their Advocate (if they have one)
- Information about advocacy services (see below)
- Regular and prompt feedback and updates about the progress of your complaint
- Opportunities to take part in managing your complaint.

Compliments, Comments, and Complaints Officers:

Ms. Hannah Daly, Ms. Katie Byrne, Ms. Aine Tyrell, Ms. Joan O'Byrne, Ms. Alexandra Butnariu and Ms. Yvonne Brady.

Compliments & Complaints officers can be contacted on:

Hannah (086) 790 0258, Katie (086) 460 3472, Aine (086) 068 5544, Joan (086) 176 9900, Alexandra (086) 192 7642 and Yvonne (086) 0299220.

Director of Services will ensure that all feedback is appropriately responded to and records are maintained.

What is an Advocacy Service?

An advocacy service is one that offers advocates to work with you. An advocate is a person who can help you give feedback. They help 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 Citizens Information Boards. There are also local advocacy services in each area. Citizens Information Phone Service: 0818073000.

What about Privacy & Confidentiality

We are committed to keeping private and confidential any information you give when providing feedback.

All our team members are responsible for ensuring that your privacy and confidentiality are maintained. Under Data Protection Acts Nua should only use or disclose information for the purpose for which it was gathered or for another directly related purpose. In other words, any personal information you give when making a complaint will only be used to investigate that complaint.

From time to time, we require compliments, comments and complaints information for compiling reports and figures. In this case, we will remove all data that could help identify the person who gave the feedback (such as names and addresses) to make the information anonymous.

What does Nua do once I have provided feedback?

In the case of a verbal feedback being made to the Nua a verbal response will be given as soon as possible. In the case of a written feedback the Compliments, Comments, Complaints Officer Ms. Hannah Daly, Ms Katie Byrne, Ms Aine Tyrell, Ms Joan O'Byrne, Ms Alexandra Butnariu and Ms Yvonne Brady will acknowledge the submission in writing within five working days of receiving it.

See Appendix 7.

Local Resolution of Complaints at the Point of Contact

Complaints or concerns received from individuals concerning the day-to-day functioning of individual services, and which the individual does not wish to make a formal complaint, may be addressed by Person in Charge or Deputy Person in Charge. The name of the Person in Charge,

Deputy Person in Charge, Shift Lead Manager, will be clearly displayed on the communication board in all centres.

Informal verbal complaints may be addressed through a significant conversation with the complainant. The complainant verbal complaint would be a measure taken in the centre to resolve the concern without the Complaints Officers having to do a more formal investigation or response. The management team in the centre would take the necessary measures to implement change.

and take learnings from the verbal complaint as made by the complainant. Any actions raised need to be addressed and signed by Person in Charge, Deputy Person in Charge, Shift Lead Manager, through the significant conversation.

Complaints Officers are available to Person in Charge, Deputy Person in Charge, Shift Lead Manager, at any time to discuss informal complaints, if required. The Person in Charge, Deputy Person in Charge, Shift Lead Manager, will endeavor to resolve verbal complaints at the first point of contact, wherever possible. All complaints or concerns are recorded on the centre specific comment, compliments, complaints register.

If the complaint is not resolved at local level the Person in Charge, Deputy Person in Charge, Shift Lead Manager, will escalate the complaint up to the Compliments, Comments, and Complaints Officers, who will acknowledge it in writing within five working days.

Managing a Written Complaint – Informal Resolution

Nua Comment, Compliments & Complaints Officers will consider the nature and circumstances of the complaint and whether it would be practicable to finding an informal resolution of the concern raised. You will be asked if you consent to this happening. A mediation process may be used to reach a resolution.

Managing a Written Complaint – Formal Investigation

Where an individual raises a concern - **It is an Individual's choice, will and preference** if they wish to make a formal written complaint regarding a concern, that they may have. If their concerns are regarding the delivery of Services, they are in receipt of at Nua, a complaint can be raised by the individual to the Complaints officer for the concern to be reviewed and addressed, as and where required.

Complaints will be investigated and addressed by the Person in Charge, as and where required with support from the Comments, Compliments and Complaints Officer and all concerns noted. Once a complaint has been received, it will be responded to promptly with a local resolution, in so far as is practicable.

To Note: Should an Individual decline to make a complaint their concerns raised will be noted on the Centre Specific Comment Complaints & Compliments Log as a 'comment or a concern'. (See appendix 4).

A nominated person can provide support to the Individual during the investigation of their complaint if they wish.

Complaint Resolution

The Comment, Compliments & Complaints Officer will endeavor to complete the investigation of the complaint within thirty working days of the acknowledgment date of the complaint. The investigation may include calling on other team member, witnesses, and experts to assist in the investigation. Team members have an obligation to participate and support the investigation of any complaint, where requested. At the end of the investigation, the Comment, Compliments & Complaints officer will write a report of their investigation and provide a copy to the relevant Director of Operations. The relevant Director of Operations will provide feedback on the report. The final report will include any recommendations needed to resolve the matter. A copy of the report will be made available to you.

If the complaint cannot be investigated within thirty days of acknowledging the complaint, the Comment, Compliments & Complaints Officer will inform you before the timeframe passes and formally update you every twenty working days.

The Comment, Compliments & Complaints Officer must endeavor to conclude an investigation within 6 months of the receipt of a complaint.

Where the investigation fails to resolve your complaint, you may seek a review of your complaint from the HSE review.

Where your complaint is in relation to a safeguarding concern, please refer to Safeguarding Vulnerable Persons at Risk of Abuse policy.

HSE Review

You can address all requests for a review to:

Director of Advocacy, National Advocacy Unit, Quality and Patient Safety Directorate, HSE, Oak House, Millennium Park, Naas, Co. Kildare. Email: yoursay@hse.ie Tel: 045 880400

The Director of Advocacy will examine the request for review and appoint a Review Officer if appropriate to carry out the review of the complaint.

Independent Review

If the investigation takes longer than 6 months, the complainant must be advised of their right to seek a review from the Office of the Ombudsman / Ombudsman for Children



Office of the Ombudsman
6 Earlsfort Terrace,
Dublin 2,
D02 W773.
Tel: 01-6395600.

Ombudsman for Children's Office
Millennium House
52-56 Great Strand Street Dublin 1
Tel: 01-8656800

5.0 Procedures

Nua will:

- Provide a detailed explanation of the process for submitting compliments, comments and complaints to individuals and their families when an individual is being admitted to the service.
- Make information on the feedback process available to any person upon request.
- Facilitate any person wishing to make a complaint.
- Respond in a manner that is comparable with the nature and extent of the feedback.
- Investigate complaints openly, thoroughly, neutrally, and as promptly as practicable.
- Keep all persons informed at each stage of the investigation until an outcome to the complaint is established.
- Conclude the complaints process within thirty working days from receipt of the complaint or, if not, will maintain records of efforts to conclude within this timeframe.
- Provide individuals with details of persons or agencies that may act as advocates on their behalf throughout the complaints process.
- Provide details of persons to whom the outcome of complaints may be appealed.
- Adhere to Nua policy on confidentiality during the investigation of complaints.
- Record details of comment, compliments & complaints on the Centre Specific Comments, Compliments and Complaints Log (**Appendix 4**) and store this in a safe manner that facilitates access by authorised persons.
- Monitor and review compliments, comments, and complaints on a regular basis through the Governance Matrix which is completed by the Person in Charge on a weekly basis and reviewed and discussed by the Governance committee where appropriate actions are provided.
- Provide clear guidance to the Person in Charge on how to manage feedback.

The Appeals Process

Individuals, parent(s)/family/advocate may appeal the outcome of complaints by

- Asking their social worker to intervene on their behalf.
- Contacting the relevant Director of Operations outlining their dissatisfaction with the outcome.
- Seeking independent advocacy

Quarterly Reports to the HSE

Nua's complaints policy and procedure has been established by agreement with the HSE. As part of the agreement with the HSE, Nua must provide the HSE with quarterly statistic reports on the compliments, comments and complaints received by any service providers during the previous 3-month period indicating:

- The total number of compliments, comments and complaints received.
- The nature of the complaints received.
- Whether the complaints resolved informally, withdrawn, or resolved locally within 30 days.
- Recommendations made and implemented.

6.0 References

- National Standards for Children's Residential Services 2018
- National Standards for Residential Services for Childcare & Adults with Disabilities Jan 2013
- Your Service, Your Say (HSE Document)
- Assisted Decision Making Act (ADMA) 2015

7.0 Appendices

APPENDIX 1: Complaints Process

When are you not entitled to make a complaint about?

(As per Part 9 of the Health Act)

Matters excluded 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 judgment by a person acting on behalf of either the Executive or a service provider.
 - (c) an action taken by the Executive 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 Executive or a service provider.
 - (e) a matter relating to or affecting the terms or conditions of a contract of employment that the Executive or a service provider proposes to enter into or of a contract with an adviser that the Executive proposes to enter under section 24 of Health ACT
 - (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 being undertaken by the Garda

Siochana.

- (i) a matter that has been brought before any other complaints' procedure established under an enactment.
- (2)** Subsection (1)(i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the Ombudsman for Children and that is referred by him or her to a complaints officer.

Refusal to investigate or further investigate complaints.

- (1)** A complaints officer shall not investigate a complaint if—
- (a) the person who made the complaint is not entitled under *section 46 of Health Act* to do so either on the person's own behalf or on behalf of another,
 - (2)** the complaint is made after the expiry of the period specified in *section 47(2) of Health Act* or any extension of that period allowed under *section 47(3)* of Health Act. A complaints officer may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that officer—
 - (a) is of the opinion that—
 - (i) the complaint does not disclose a ground of complaint provided for in *section 46 of health Act*,
 - (ii) the subject-matter of the complaint is excluded by *section 48 of Health Act*,
 - (iii) the subject-matter of the complaint is trivial, or
 - (iv) the complaint is vexatious or not made in good faith, or
 - (b) is satisfied that the complaint has been resolved.
 - (3)** A complaints officer shall, as soon as practicable after determining that he or she is prohibited by *subsection (1)* from investigating a complaint or after deciding under *subsection (2)* not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

Unreasonable complainant behaviour

The service provider should set out how they will deal with vexatious complainant behaviour either in the complaints policy or a separate policy if they so wish.

It is noted that in a minority of cases where the organisation will take all reasonable measures to try to resolve a complaint through the Complaints Procedure, the complainant does not accept these efforts. Where a complainant's behaviour could be considered abusive, unreasonable, or vexatious, the organisation may consider invoking their equivalent of the HSE Policy for Dealing with Vexatious Complaints.

The complainant must be notified of their right of review to the National Advocacy Unit if they are

not happy with the outcome of the complaint.

Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to the consumers of the HSE. It will have a positive effect on team member morale and improve the HSE's relations with the public. It will also provide useful feedback to the HSE 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. The HSE or Service Provider should offer 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:

- Apology
- An explanation
- Refund
- 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—

- (a) The Executive to make a material amendment to its approved service plan, or
- (b) A service provider and the Executive to make a material amendment to an arrangement under section 38 of Health Act.
- (c) 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.

APPENDIX 2 – Complaint form

Please tick if you need assistance completing this form 
Be assured that there will be no repercussions or restrictive access to services for Individuals who make a complaint.

| 1. Individual Details | |
|-----------------------|---|
| Individual: | Date of Birth: |
| House / Service: | Date of Comment, Compliment or Complaint: |

| 2. Details of Person Making the Complaints (Please tick if as above) <input type="checkbox"/> | |
|--|-----------------------------|
| Name: | Contact Number: |
| Address: | Relationship to Individual: |

| 3. Details of the Complaints |
|------------------------------|
| |



Signed: _____
(Individual making the Complaint)

Date: _____

Print name: _____

Signed: _____
(Individual)

Date: _____

Print name: _____





3. Witness Statement (if required)

| |
|--|
| |
|--|

4. Investigation Process

(What was used in the process following on from the complaint? Include any documentation reviewed, any interviews and any statements given.)

| |
|--|
| |
|--|

5. Any further actions required?

| |
|--|
| |
|--|

6. Outcomes Resolution

| |
|--|
| |
|--|



7. Feedback

Was the Person who made the complaint informed of the outcome?

Was it in person?

If not in person, how?

Were they happy with the process and the outcome?

If not, why not?

If the person making the complaint was unhappy, what advice was given to them?

Do they require support or an advocate?

Comments from the person making the complaint:

Signed: _____
(Person making the Complaint)

Date: _____

Print name: _____

Signed: _____
(Individual)

Date: _____

Print name: _____



APPENDIX 3 – Compliments and Comments form

Please tick if you need assistance completing this form

| 1. Details of Person Making the Compliment or Comment. | |
|---|--------------------------------|
| <i>(Please tick if as above)</i> <input type="checkbox"/> | |
| Name: | Contact Number: |
| Centre/Service/Organisation: | Date of Compliment or comment: |
| Address: | Title: |

| 2. Details of the Compliment or Comments |
|---|
| |

| 3. Any further actions required? |
|---|
| |



| | |
|--|--------------------------|
| Compliment/Comment shared with management? | <input type="checkbox"/> |
| Compliment/ Comment sent to compliments@nuahealthcare.ie ? | <input type="checkbox"/> |
| Feedback received? | <input type="checkbox"/> |
| Any further actions? | <input type="checkbox"/> |

Signed: _____
(Person making the Compliment/Comment)

Date: _____

Print name: _____
(Person making the Compliment/Comment)

APPENDIX 4 – (Individuals in NUA can submit feedback as a compliment, comment, or complaint)



Individuals in NUA Can Submit a Compliment, Comment or Complaint.

What is a Compliment?

A compliment is an expression of praise or satisfaction



What is a Comment? A

comment is a verbal or written expression of an opinion or reaction



What is a Complaint?

A Complaint is anything that I feel is wrong and that I want to see changed.

I might want to make a Complaint if:

Someone says something to me that I do not like, and I do not want them to say it again.



Someone does something to me that I do not like, and I do not want it to happen again.

I feel the way a team member treated me was not fair.



I feel I am not getting the service I need from NUA.

~~**SERVICE**~~

~~I might want to make a compliment if:~~

I am very happy with the service I have gotten in Nua, or if I feel that my team are working hard to help me meet my goals and fulfil my potential

I might want to make a comment if:



I want to make my opinion about something known.



How do I make a Compliment, Comment or Complaint?



I can write down my feedback or I can talk about it.



I can ask another person in NUA or in my family to write down my compliment, comment or complaint or help me talk about it.

I can use my own Advocate or
I can use the Advocacy Services of the Citizens Information
Board to help me make a complaint.

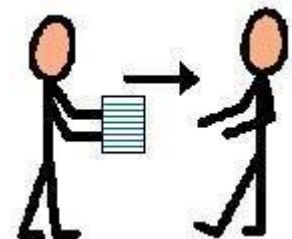


How will my feedback be dealt with in NUA?



Any member of team member will listen to my compliment, comment, or complaint and if they can deal with it, they will.

If the team member in my House cannot deal with my complaint, they will pass it on to the Person in Charge.





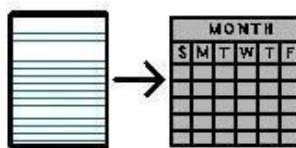
My compliments, comments or complaints will go to Ms. Hannah Daly, Ms. Katie Byrne, Ms. Aine Tyrell, Ms Joan O'Byrne, Ms Alexandra Butnariu or Ms. Yvonne Brady through the relevant pathway.
complaints@nuahealthcare.ie or compliments@nuahealthcare.ie

The Director of Services will oversee all feedback.



How long will it take for my Complaint to be dealt with?

All feedback will be responded to within 5 working days.



Nua will deal with my complaint as soon as is possible. It may take up to 30 days or longer to sort it out.

How will keep me informed of what is happening with my Complaint?



The person dealing with my complaint will keep me informed about what is happening.

The person dealing with my complaint will tell me what the result is.

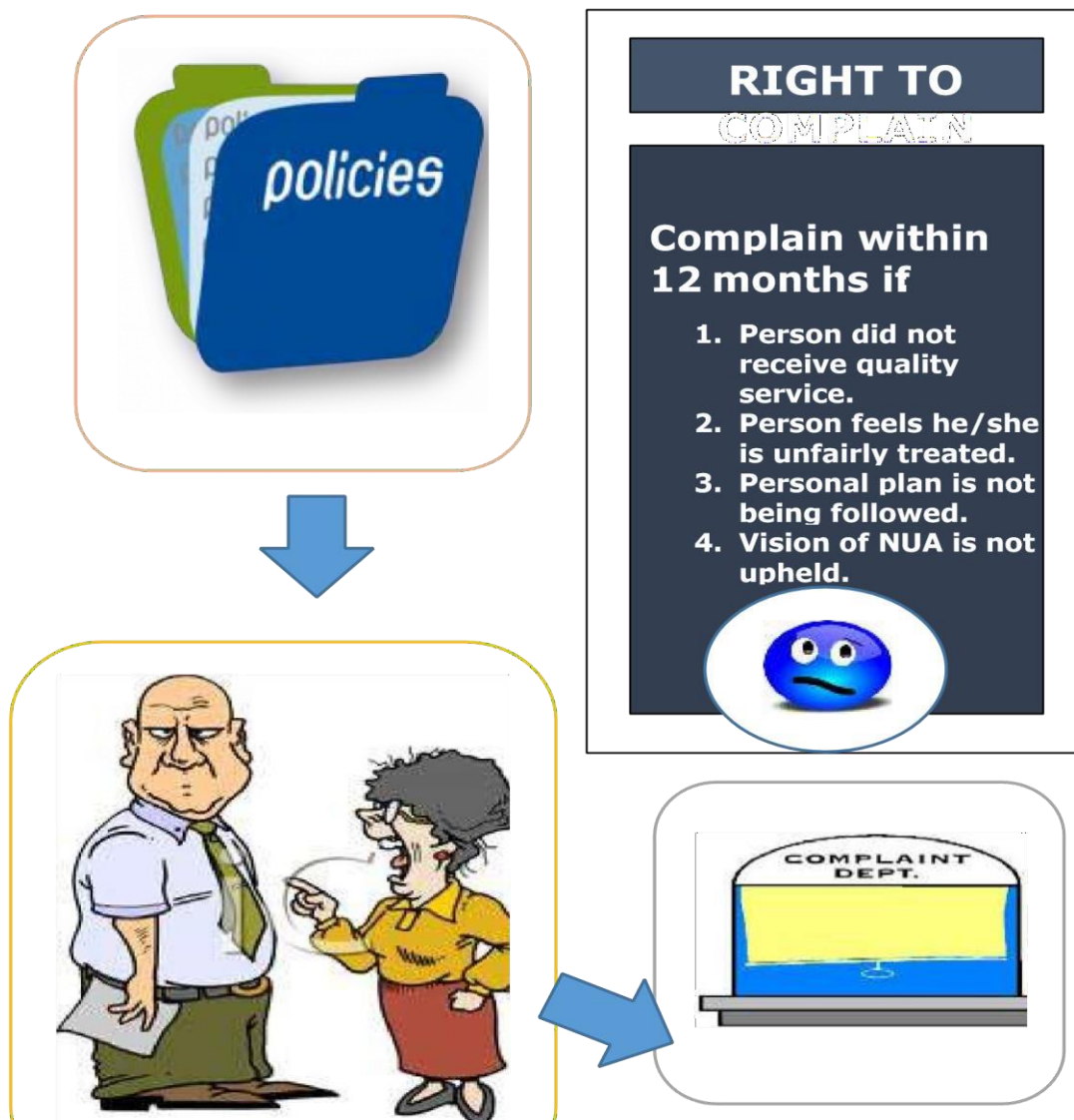


APPENDIX 5 – Centre Specific Comments, Compliments & Complaints Log

Centre Name: _____

Each centre is required to have an update log in place for all comments, compliments & complaints received.

APPENDIX 6 – Pathway for Comments, Compliments and Complaints



Hannah, Katie, Aine, Joan, Alexandra & Yvonne are the Complaints and Compliments officer's for Nua Healthcare.

If you would like to submit a complaint, compliment or comment you can complete a complaint/ compliment/ comment form and send to complaints@nuahealthcare.ie or compliments@nuahealthcare.ie