



Waterford & South Tipperary Community Youth Service

Service User Complaints & Feedback Policy

April 2017

Policy Statement

Waterford & South Tipperary Community Youth Service is committed to continuously improving the quality of the services we provide to service users.

Service user involvement and feedback helps us to improve the quality and high standard of the services we offer. All complaints, enquiries, comments/ suggestions and compliments are encouraged, will be taken seriously and will be viewed by staff and management as a positive opportunity for learning and improving services.

We recognise that since service users see our services from a different perspective, their views can provide a valuable insight for an organisation committed to continuous quality improvement.

We are committed to listening to and acting on service user feedback that is honest and thorough, towards assisting us to improve our service delivery.

This Policy and supporting Procedure seek to make sure that any complaints made are handled courteously, with sensitivity and without delay. No one should be discriminated against or suffer any adverse consequences as a result of making a complaint.

Purpose

This policy is intended to ensure that all complaints, enquiries and feedback are taken seriously and addressed in an appropriate and professional manner.

Scope

This policy covers all actions to be taken in respect to a complaint by a concerned individual. Complaints can be made against any aspect of W.S.T.C.Y.S.'s service delivery

This policy applies to all staff members and representatives from other agencies conducting in-reach services

Glossary

Complaint: In line with the Health Act 2004, "complaint" means a complaint about any action of the organisation that:

- A. it is claimed, does not accord with fair or sound administrative practice, and
- B. adversely affects the person by whom or on whose behalf the complaint is made

For the avoidance of doubt, complaints may only be made in respect of actions which have already been taken.

Enquiries: Are where service users or their representatives formally seek explanation or clarification with regard to services received or awaited or highlight other issues.

Comments/suggestions: Can be made by service users or their representatives and relate to how we can improve a particular service or do things differently. W.S.T.C.Y.S. is committed to providing the best service it can and sometimes it's only by listening to comments or suggestions that we can find out how well we are doing things or how improvements might be made.

Compliments: are “expressions of regard or praise”. Compliments from service users are to be encouraged as these have a positive effect on staff morale, and highlight the high quality care and services which are provided across our organisation.

Concerned individuals: Includes anyone who is directly affected by the actions of the organisation, but excludes anyone who works for the organisation either in a paid or voluntary capacity, such as staff members or volunteers. These groups should use internal management structures and / or the organisation’s grievance procedure in the event that they wish to complain about a decision affecting them.

Staff member: Should be construed broadly, and includes, for the purposes of this policy, staff members, volunteers, interns and locums

Executive: The Health Service Executive (HSE)

Roles and Responsibilities

Management are responsible for:

- Ensuring all staff members are aware of this policy and are able to advise concerned individuals on same.
- Ensuring that all complaints or feedback received are handled in line with this policy.
- Regularly monitoring the number, nature and outcome of complaints as part of the continuous quality improvement process.

Staff members are responsible for;

- Ensuring that all service users are informed of the Service User Complaints & Feedback Policy as part of their introduction to the service
- Ensuring that any other concerned individual is made aware of the policy as appropriate
- Assisting concerned individuals to make a complaint or give feedback as outlined in this policy when requested to do so.
- Following all other steps regarding complaints or feedback as outlined in this policy
- Ensuring they keep themselves informed in relation to this policy

Principles

The principles guiding this policy and procedures document include:

1. Keeping it simple to understand and use;
2. Making it fair and equitable to service users and staff;
3. Ensuring a transparent process
4. Respects confidentiality;
5. Addresses all the points at issue and provides an effective response
6. Provides information for learning and the improvement of services
7. Is subject to continuous review to monitor its effectiveness.

Basic Information

Who can complain, enquire or give feedback?

A complaint, enquiry or feedback can be given by:

- a service user;
- a former service user; or
- An advocate may also complain on a concerned individual's behalf provided they have the concerned individual's written consent.
- A parent / guardian may complain on behalf of a child.

What can they complain, enquire or give feedback about?

Any action of the organisation that has directly affected them, whether it was a positive or negative effect. This might include:

- The manner in which the organisation has treated them
- Being denied a service
- A change in service provision
- The actions of a specific member of staff

How can feedback be given or complaints be made?

Complaints and Enquiries

A complaint or enquiry may be made in person, by filling in a complaint/feedback form, by telephoning, by letter, by email. With regard to a verbal complaint or enquiry the person making the complaint or enquiry may be asked to put it in writing. Staff will assist service users to formulate their complaint or enquiry, if necessary on the Complaint/Feedback Form (Appendix 1). Care should be taken to include:

- Contact details for the person making the complaint or enquiry (including details regarding the service user if the complaint or enquiry has been made by a third party);
- Who or what is being complained or enquired about including the names of staff if known;
- Where and when the events of the complaint happened; and
- Where possible, what remedy is being sought e.g. an apology, an explanation or changes to services.

An acknowledgement letter will be issued by to the person making the complaint or enquiry within two working days. In addition, where the feedback in question relates specifically to a complaint, our Complaints Procedure will be attached.

Enquiries are subject to the same actions and responsibilities which apply to the formal complaints process. It is good practice that enquiries are investigated and responded to within the same timescales as complaints or as soon as practically possible.

Where views are provided in person or by telephone, staff will clarify with sensitivity whether the person concerned wishes to make a complaint or enquiry.

Comments/Suggestions

Comments/suggestions made by service users or their representatives should be considered and acted on where possible. If it is felt that a written response to the person's comment or suggestion is required, the response should be issued by the C.E.O. within 20 days.

Compliments

All compliments received via the C.E.O. will be forwarded to the appropriate staff. We will use the compliments we receive to highlight and evidence good practice. A written acknowledgement will be sent to the person making the compliment.

We acknowledge that staff involved in the delivery of services will receive compliments from service users in various formats (such as thank you cards and letters) on a regular basis. These do not need to be notified to the C.E.O.

Complaints/feedback or feedback involving staff

If the complaint or feedback is about a member of staff, the person should immediately be referred to a more senior person than the person about whom they wish to complain or give feedback about. In the event that the matter cannot be resolved locally, the person complaining:

- may be supported to put the complaint or feedback in writing
- will be told that the staff member will be notified of the complaint or feedback against them
- will be told that their complaint or feedback will be acknowledged

What are the time limits for complaints/feedback?

Time limits for complaints are 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 Line Manager or Complaints Officer may decide to extend the time limit for making a complaint if special circumstances make it appropriate to do so. Special circumstances may include but are not limited 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
- The manager/complaints officer must notify the complainant of the decision to extend or not extend the time limits within 5 working days

Are there any matters excluded from the complaints/feedback process?

According to Section 48(1), Part 9 of the Health Act 2004, a person is not entitled to make a complaint about any of the following matters:

- 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 judgement by a person acting on behalf of either the Executive or a service provider;
- An action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgement;
- A matter relating to the recruitment or appointment of an employee by the Executive or a service provider;
- 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 advisor that the Executive proposes to enter into under Section 24;
- A matter relating to the Social Welfare Acts;
- A matter that could be the subject of an appeal under Section 60 of the Civil Registration Act 2004;
- A matter that could prejudice an investigation being undertaken by the Garda Síochána;
- A matter that has been brought before any other complaints procedure established under an enactment

Redress

According to HSE guidelines on 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
- Admission of fault
- Change of decision
- Correction of misleading or incorrect records
- Recommendation to make a change to a relevant policy

Any recommendations or amendments made to service delivery following an investigation must not change the approved service plan or conflict with agreements entered into under the Service Level Agreement between the service provider and the Executive. In the event that it is a conflict, the Service Provider must:

(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.

Complaints & Feedback Management

There are four stages to the complaints/feedback procedure:

- Stage 1. Local resolution at the point of contact
- Stage 2. Managing a written complaint/feedback
- Stage 3. HSE review (if applicable)
- Stage 4. Independent review

Stage 1. Local resolution at the point of contact

- If a complainant has a problem with an aspect of the service they should inform a staff member. The staff member will make every effort to resolve the problem locally at first point of contact. The staff member may seek assistance from management at this stage in resolving the problem.
- In the event that the problem cannot be resolved locally it must be recorded as a formal complaint to be progressed further.

Stage 2. Managing a written complaint/feedback

Informal resolution of a complaint/feedback:

- The manager or complaints officer taking into account the nature and circumstance of the complaint, may seek the consent of the complainant and any third party to whom the complaint applies to finding an informal resolution of the complaint by the parties concerned.
- Where an informal resolution is not applicable or not successful, the manager or complaints officer will initiate a formal investigation.

Formal resolution of a complaint/feedback:

- The complaint should be reviewed by manager or complaints officer, to confirm that they are in possession of a written record of the complaint, which is signed and dated by the complainant and clearly sets out the nature of the complaint, why the initial response was unsatisfactory and what the complainant's desired outcome is.
- The manager or complaints officer will write to the complainant
- The manager or complaints officer will investigate the complaint and may draw on appropriate expertise, skills etc. as required.
- The complainant and any third parties involved will be given the opportunity to discuss the complaint with the manager or complaints officer individually in private.
- The manager or complaints officer will complete investigation of the complaint within 30 working days of acknowledging the complaint. If this is not possible, within 30 working days of acknowledging the complaint, the complainant must be informed of the delay and given an indication of the time it will take to complete the investigation. The complainant and relevant third parties must be updated every 20 working days.
- Where the investigation passes the 30 working days timeframe, the complainant must be informed of the delay and the manager or complaints officer must endeavour to complete the investigation within 6 months.
- Where deadlines are not met, the complainant must be informed that they can choose to move to stage 3 (if relevant) / stage 4 of the complaints management process

- The manager or complaints officer will inform the complainant and any relevant third parties of the outcome of the investigation in writing. The letter must state whether the complaint has been upheld, and whether any further action will be taken.
- If the complainant is not satisfied with the outcome of the investigation, they should be informed of Stage 3 and 4 reviews.

Stage 3. HSE Review

- Service providers who have entered into a Service Level Agreement (SLA) with the HSE under Section 38 or Section 39 of the Health Act 2004 are obliged to report to the HSE on complaints. Where a complainant is not satisfied with the outcome of an investigation in W.S.T.C.Y.S. the complainant may request a review of the complaint by the HSE.
- All requests for reviews should be addressed 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.
- Review Officer(s) will review the processes used to carry out the investigation of the complaint and the findings and recommendations made post-investigation.
- The Review Officer(s) will either up-hold, vary or make a new finding and recommendation.
- The Review Officer (s) may carry out a new investigation of the complaint or recommend that a local re-investigation of the complaint be carried out by a Complaint Officer independent of the initial investigation team.

Independent review

- If the complainant is not satisfied with the outcome of the complaints management process in stage 2 or stage 3, the complainant may seek a review of the complaint by the Ombudsman/ Ombudsman for Children. The complainant must be informed of their right to seek an independent review from the Ombudsman/Ombudsman for Children at any stage of the complaint management process.
- All requests for reviews may be addressed to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2. Tel: +353-1-639 5600. Lo-call: 1890 223030. Fax: (01) 639 5674.
- Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin 1. Tel: 01-8656800.

Anonymous Complaints

In the event that an anonymous complaint is received W.S.Y.C.Y.S. will note the issues raised and, where necessary try and resolve them appropriately. An anonymous complaint may be referred for investigation:

- If there was good reason why the complaint was being made on an anonymous basis, for example, if there was a concern by the complainant that if their identity was revealed it could lead to negative consequence on their health or well-being. This may depend on the seriousness of the allegation being made, and should be at the discretion of the manager. If the allegation involves the manager, it should be referred to the C.E.O.
- If the allegation can be properly investigated either by talking to a third party witness, or with evidence provided with the complaint, and where there is no need for further contact with the anonymous complainant.
- Any complaint involving a minor will be investigated and handled in a confidential manner according to the organisations Safeguarding Policy.
- In the case that a complaint cannot be fully investigated, the complaint will not be referred to in the staff file or will not in any other way impact upon working process or roles etc., except where this has been agreed by all involved including the person named in the complaint.
- If the complaint relates to the general service delivery this will be referred to the C.E.O. and remedial action will be implemented if appropriate.
- A record of all complaints will be retained on file.
- The organisation will continue to promote the complaints procedure and ensure appropriate supports are in place to facilitate complaints.

Recording Complaints/Feedback

All complaints will be recorded by the Staff Person who handles the complaint or feedback (frontline staff, Manager or Complaints Officer) on a Complaints/Feedback Record Form (Appendix 2). These will be sent to the Complaints Officer for collation in WSTCYS Complaints Statistics Returns.

Reporting to the HSE

W.S.T.C.Y.S. has entered into a Service Level Agreement (SLA) with the HSE under Section 39 of the Health Act 2004 and is obliged to report to the HSE on complaints as requested and on the templates/format provided by the HSE. The report includes

- The total number of complaints
- The nature of complaints
- The number of complaints resolved by informal means
- The outcome of any investigations into the complaints

Complaints/Feedback Process – Information for Service Users

Who can complain or give feedback?

- 1) Anyone who is a user of the service.
- 2) An advocate may complain on the service user's behalf provided they have the service user's written consent.
- 3) A parent / guardian may complain on behalf of a child.

What can you complain or give feedback about?

- 1) Any part of the service that you have received
- 2) A decision made about you that affects you
- 3) Being denied a service
- 4) A change in service provision
- 5) A member of staff

Important things to note:

- 1) You have the right to complain when you are unhappy with the service.
- 2) If staff cannot address your issue then they will help you write down your complaint so it can go to the manager.
- 3) If you make a complaint then you will not be treated differently following the complaint. The service sees complaints as a way to improve what we do.

Complaints or feedback involving staff:

If you wish to make a complaint about a staff member

- Tell one of the team and you will be referred to a manager, who will help you follow the process.
- Note that the staff member will be informed that a complaint has been made against them.
- If you want to complain about the manager then the complaint can go to someone more senior, again let a member of staff know.

Complaint/Feedback Process

- All complaints will be taken seriously.
- If you tell a staff member about a complaint, the staff member will try to resolve the issue with you. If this does not happen and you are still unhappy then the staff member will help you complete a Complaints Record Form or write a complaint letter, which will be given to the manager.
- Once you have written down the complaint the manager will investigate the problem and get back to you in 30 working days with a response.
- If you are unhappy with the response, let the manager know and a meeting can be set up with someone more senior in the organisation within four weeks.
- You can bring a family member or other advocate to this meeting. Following this meeting you will be informed of an outcome after three days.

Service User Complaint/Feedback Form (Appendix 1)

Below is an opportunity for you to give feedback on our services. If you are unhappy about any of our service, have a suggestion for improvement or wish to make a comment about a good service, then please complete this form and place it in the comments box, give it to a member of staff or send it to the address below.

Name: _____

Address:

Email: _____

Phone: _____

Service Attended: _____

Please give details of your comment/complaint.

Signature: _____ Date: _____

(Your name or name of staff person receiving comment/complaint)

Complaints/Feedback Record Form (Appendix 2)

Date of complaint: _____

Complaint made by: _____

Complaint received by: _____

- Complaint made by: Feedback Form
Telephone
Letter (attached)
Email
Fax
In person
Other

Complainant details

Name of complainant(s): _____

Address of complainant/s:

Contact phone number of complainant/s: _____

If a complaint is being made on behalf of someone else:

1. Who is the complaint on behalf of: _____
2. Who is making the complaint: _____
3. What is their relationship: _____
4. Does the representative have the complainant's written consent to represent their interests? Yes No

Details of the complaint (If insufficient space, attach extra pages)

The complainant's desired outcome is:

Signed:

Complainant: _____ Date: _____

Manager: _____ Date: _____

Details of investigation (To be completed by manager or complaints officer)

Outcomes (to be reported by manager or complaints officer)
