



Complaints Policy

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POLIO SURVIVORS IRELAND COMPLAINTS POLICY

Polio Survivors Ireland is a member organisation with polio survivors at the heart of its work. The organisation provides information and support to people affected by Polio and the Late Effects of Polio, otherwise known as Post Polio Syndrome (PPS), nationwide. Our goal is to ensure that the services we provide are of the best possible quality. Polio Survivors Ireland welcomes feedback from members, carers, families of members and health and social care professionals about the services we provide.

Whilst sensitivity, empathy and understanding are central to communication with polio survivors and a guiding principle for the organisation, it is recognised that a polio survivor or their advocate may wish to express dissatisfaction or complain about the service being provided to him/her by the organisation.

The attached Policy outlines how Polio Survivors Ireland acts upon feedback received from members and their families/carers about the service we provide to polio survivors. It explains how complaints can be made and advises complainants on their rights. All complaints will be investigated by Polio Survivors Ireland in accordance with natural justice. This Complaints Policy is available on the Polio Survivors Ireland website at www.polio.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 of the Health Act about any action of the service provider that-

- (a) it is claimed, does not accord with fair or sound administrative practice
- (b) adversely affects the person by whom or on whose behalf the complaint is made

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.

2. PURPOSE

The purpose of this complaints policy is to enable polio survivors, members and their families/carers to express concerns or issues they may have with any aspect of the supports delivered to polio survivors by Polio Survivors Ireland staff. The procedure enables any issues raised to be dealt with fairly, without delay and in a confidential manner. Polio

Survivors Ireland welcomes all feedback from polio survivors, members and their families/carers and will use the information to develop and improve the supports provided.

3. WHO CAN MAKE A COMPLAINT?

Any person who is being, or was, provided with support by Polio Survivors Ireland staff or who is seeking or has sought provision of such support may complain, in accordance with the procedures established under the Act, about any action of Polio Survivors Ireland staff that-

- (a) it is claimed does not accord with fair and sound administrative practice
- (b) adversely affects or affected that person

4. HOW COMPLAINTS CAN BE MADE

The organisation's Complaints Officer is the Chairperson of the Service Quality & Safety Committee. The Chair of this Committee is appointed by the Board after each year's AGM. The name of the current Chairperson of the Service Quality & Safety Committee can be found on the Group's website at www.polio.ie or by calling the office on 01 889 8920.

Complaints can be submitted verbally, in writing, by fax, or email to the Complaints Officer as follows:

By Post to: The Complaints Officer,
Polio Survivors Ireland, Unit 319,
Capel Building, Mary's Abbey,
Dublin 7

Tel: 01 889 8920

Fax: 01 889 8924

Email: ceo@ppsg.ie

Complaints that are submitted anonymously will be disregarded

5. WHAT TO INCLUDE IN A COMPLAINT

A complaint should include the following details:

- who was involved?
- what happened and when?
- what are you concerned about?
- what have you done 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 in the case of a written complaint.

6. ACKNOWLEDGEMENTS OF COMPLAINTS

The Complaints Officer within 5 working days will formally acknowledge in writing any complaint so received. The acknowledgement will detail the process proposed in investigating the complaint and the time limits for completion of the investigation.

7. ADVOCACY

All complainants have the right to appoint an advocate. Citizens Information (Comhairle 2005) defines advocacy as a means of empowering people by supporting them to assert their views and claim their entitlements and where necessary, representing and negotiating on their behalf. You can contact advocacy services through the Irish Advocacy Network or the Citizen's Information Board (formerly Comhairle). A fellow member of Polio Survivors Ireland or a person trusted by the complainant 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

8. ACTIONS TAKEN AFTER A COMPLAINT IS RECEIVED

Polio Survivors Ireland will take every complaint seriously. The process for managing complaints is as follows:

Stage 1 – Informal resolution of verbal complaints at point of contact

Stage 2 - Local investigation of written and serious complaints (Formal)

Stage 3 - Internal Review (Polio Survivors Ireland)

Stage 4 - Independent Review (Ombudsman)

STAGE 1 - INFORMAL RESOLUTION OF VERBAL COMPLAINTS

If an issue arises Polio Survivors Ireland staff should attempt to resolve the issue informally with the complainant. If the complainant is satisfied that the Staff member has resolved the issue no further action is required.

STAGE 2 - LOCAL INVESTIGATION OF WRITTEN & SERIOUS COMPLAINTS

If the informal (Stage 1) approach is unsuccessful or inappropriate the Complainant should send their complaint in writing to the Polio Survivors Ireland Complaints Officer (see clauses 4 & 5 on page 4).

Stage 2a Informal Resolution of the Complaint: The Polio Survivors Ireland Complaints Officer will consider whether an informal resolution of the complaint is possible having

regard to the nature and circumstance of the complaint. The complainant and the person to whom the complaint relates to must also consent to an informal resolution. The Complaints Officer may propose mediation to resolve the complaint if both parties agree.

Stage 2b Formal Investigation of a Written Complaint: The Complaints Officer is responsible for carrying out the formal investigation of the complaint at Stage 2 but may draw on appropriate expertise, skills etc. as required. Staff have an obligation to participate and support the investigation of any complaint where requested. The Complaints Officer will deal with the matter immediately and fairly and will uphold confidentiality at all times in the process. At the end of the investigation, the Complaints Officer must write a report of their investigation and give a copy of the report to the complainant, to the CEO of the Polio Survivors Ireland and the staff member that was the subject of the complaint. Comments will be requested from all parties.

The final report will include any recommendations needed to resolve the matter. The Complaints Officer will advise the complainant of their right to a review of the recommendations made by the Complaints Officer.

The complainant should be advised that they must request a review of the complaint within 30 days of the investigation report being sent to them by the Complaints Officer.

STAGE 3 – INTERNAL REVIEW

If a complainant is not satisfied with recommendations made by the Complaints Officer, the complainant may apply in writing for an internal review to the Company Secretary of the Polio Survivors Ireland who is also the Chairperson of the Governance & Compliance Committee. This Committee will review the process undertaken by the Complaints Officer and determine the appropriateness of the Complaints Officer's finding and/or recommendation. The Committee may uphold or change the Complaints Officer's findings or may require a new investigation of the Complaint by a person appointed by the Committee.

STAGE 4 – INDEPENDENT REVIEW – OMBUDSMAN

If a complainant is not happy with the outcome of the Internal Review, they 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 a complainant has gone through all the stages outlined above, they may submit their complaint directly to the Ombudsman. The complainant must be informed of their right to seek an independent review from the Ombudsman/Ombudsman for Children at any stage of the complaints management process. Nothing in this Part prohibits or prevents any person who is dissatisfied with a recommendation made or step taken in response to a complaint under this Part or with a review under this Part from referring the complainant to the Ombudsman or Ombudsman for Children. Contact details are:

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: www.oco.ie

9. 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 must endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged.

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. The Complaints Officer must communicate any such delay 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 must update the complainant and the relevant staff member every 20 working days.

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. He/She should encourage the complainant to stay with the local complaints management process while informing them that they may seek a review of their complaint by Ombudsman/ Ombudsman for Children.

10. 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 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*
- *If the complainant suffers from diminished capacity at the time of the experience e.g. mental health, critical/ long-term illness*
- *If extensive support was required to make the complaint and this took longer than 12 months*

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

11. MATTERS EXCLUDED (AS PER PART 9, S.48 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 HSE or a service provider
- 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);
- a matter relating to the recruitment or appointment of an employee by the HSE or a service provider
- 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;
- 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 undertaken by the Gardaí
- 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.

12. REFUSAL TO INVESTIGATE OR FURTHER INVESTIGATE A COMPLAINT UNDER THE HEALTH ACT PART 9

- 1) Polio Survivors Ireland's Complaints Officer will not investigate a complaint if:
 - (a) the person who made the complaint is not entitled under S.46 to do so either on the person's own behalf or on behalf of another,
 - (b) the complaint is made after the expiry of the period specified in S.47(2) or any extension of that period allowed under S.47(3).
- 2) The 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 S.46,
 - (ii) the subject-matter of the complaint is excluded by S.48,
 - (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) The Complaints Officer shall, as soon as practicable after determining that he or she is prohibited by S.50 (1) from investigating a complaint or after deciding under S.50 (2) not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

13. UNREASONABLE COMPLAINANT BEHAVIOUR

If a complaint is 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. 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 about whom the complaint was made. Before the complaint is deemed vexatious the Complaints Officer must bring it to the attention of the Chairperson of the Polio Survivors Ireland.

14. REDRESS

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of the service provided by the Polio Survivors Ireland. It will also provide useful feedback and enable the organisation 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. Polio Survivors 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:

- An Apology
- An explanation
- 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

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

The Polio Survivors Ireland and the HSE to make a material amendment to an arrangement under Section 39. 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 Service 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.

15. ANNUAL REPORT TO THE HSE

As Polio Survivors Ireland’s complaints procedure has been established by agreement with the HSE, the organisation will provide the HSE with a general report on the complaints received 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

Complaints Officer, Polio Survivors Ireland, Unit 319, Capel Building, Mary’s Abbey, Dublin 7. Tel: (01) 889 8920, Fax: (01) 889 8924, Email: ceo@ppsg.ie

Company Secretary, Polio Survivors Ireland, Unit 319, Capel Building, Mary’s Abbey, Dublin 7. Tel: (01) 889 8920, Fax: (01) 889 8924, Email: ceo@ppsg.ie

Chairperson, Polio Survivors Ireland, Unit 319, Capel Building, Mary’s Abbey, Dublin 7 Tel: (01) 889 8920, Fax: (01) 889 8924, Email: ceo@ppsg.ie

THIS POLICY WAS REVIEWED AT A BOARD MEETING OF THE POLIO SURVIVORS IRELAND ON

..... AND SIGNED BY THE CHAIRPERSON ON BEHALF OF THE DIRECTORS.

SIGNED: _____

DATE: _____

APPENDIX 1: Polio Survivors Ireland COMPLAINTS FORM

Email to: ceo@ppsg.ie

Post to: Complaints Officer, Polio Survivors Ireland, Unit 319, Capel Building, Mary's Abbey, Dublin 7.

Please include where possible the following:

- 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 in the case of a written complaint.

PLEASE ENTER YOUR COMPLAINT DETAILS BELOW OR ATTACH EXTRA PAGES IF NECESSARY

Please enter your contact details as follows:

Name: _____

Address: _____

Telephone number/s: _____

Email: _____

For the purposes of investigation of my complaint, I grant permission to Polio Survivors Ireland to access my personal confidential information. This may be necessary in some cases to fully investigate your complaint.

Signed _____

Date: _____