

C2 – Complaints and Compliments Policy

Title: Complaints and Compliments Policy

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A Compliment is when you feel happy and satisfied with our delivery of service/s to you.

A Complaint is a description of your problem and all the procedures you have followed in order to resolve it before reaching the point where you no longer know how to proceed.

1. Policy

- 1.1 This policy refers to complaints and compliments about HAIL or its staff, volunteers and services.** This policy also refers to complaints made against the Health Service Executive by HAIL tenants/clients. Under Section 39 of the Health Act 2004 “Complaints Management for Voluntary Organisations”, HAIL has a responsibility to report any complaints made by HAIL tenants or clients against HAIL staff or services or against HSE services to the HSE.
- 1.2** HAIL is committed to providing the best possible housing and support services to our tenants and clients. HAIL acknowledges and believes strongly in the rights of tenants and clients to be treated in a respectful and professional manner.
- 1.3** The Policy has been developed to facilitate managing a complaint in a manner that is simple and effective and ensures the most appropriate outcome for our tenants/clients and service providers is achieved.
- 1.4** Complaints if made will be taken seriously, handled appropriately and sensitively and will be recorded on a secure HAIL complaint register. Complaints will be responded to in a constructive manner and attempts will be made to resolve the issue as quickly as is possible.

- 1.5** A tenant/client who is receiving or did receive a service provided by HAIL or by the Health Service Executive has a right to complain about any action of HAIL or the Health Service Executive that they feel has adversely affected them. 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.
- 1.6** This policy is in line with Part 09, Sections 45 – 49 in the Health Act 2004 which states that a Complaint means: a complaint made about any actions of HAIL as the service provider or the Health Service Executive 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 (Department of Health 2004).
- 1.7** A person is not entitled to make a complaint about any of the following matters:
- A matter that is currently a subject of legal proceedings or before the courts/tribunal.
 - An action taken by the HSE or HAIL solely on the advice of a person exercising clinical judgement.
 - A matter relating to Social Welfare Acts.
 - A matter that could prejudice an investigation being undertaken by the Gardai.
 - A matter relating to the recruitment or appointment of an employee by the HSE or HAIL.
 - A matter that has been brought before any other complaint's procedure established under an enactment.
- 1.8** A refusal to investigate a complaint may occur if the complaint is outside of the expiry date, if the person making the complaint is not entitled to do so, if the subject matter is trivial or if the complaint is deemed to be not made in good faith.
- 1.9** HAIL reserves the right to not investigate a complaint that is found to be vexatious or abusive. An abusive or vexatious complaint is a complaint that:
- Has previously been fully dealt with under this policy and has been exhausted
 - The complaints substance persistently changes and new issues are raised
 - Wherein issues are not clearly identified or are not within the remit of either party to investigate
 - Where physical or threatening behaviour towards staff or verbal harassment has been used by the complainant
 - Wherein a tenant/client has recorded a meeting or conversation with a staff member without their prior knowledge and consent



Regardless of the above the complainant will be informed in writing of any decision made and the reason for it.

- 1.10** HAIL will provide responses to complainants that are appropriate and reasonable where it has been established that such is necessary. The redress may include:
- An apology
 - An explanation
 - Admission of fault
 - Change of a decision
 - Repair
 - Correction of misleading or incorrect data
 - Financial assistance (subject to approval by the CEO)
 - Recommendation to make a change to a policy
 - A waiver of debt

2. Procedures

- 2.1** A copy of this Policy will be given and explained to all tenants on signing for a new tenancy with HAIL or at the point of commencement of receipt of any HAIL support service. This policy is also available on our website www.hail.ie.
- 2.2** If a tenant or client has a complaint about the service that they receive or about the professional conduct of a staff member or volunteer it can be made verbally and/or put in writing, either by letter or email, to the Head of Services (in relation to support services) or the Chief Executive Officer (in relation to all other services including housing management and maintenance) and he/she will ensure the allegation is fully investigated and if necessary action will be taken. If the Head of Services or Chief Executive Officer is not available their Deputy will deal with this in their absence.
- 2.3** **Contacts List:** To make a complaint about any aspects of HAIL's Housing please contact Ms Martina Smith CEO on martina@hail.ie or at **Housing Association for Integrated Living**, Second Floor, Central Hotel Chambers, 7 – 9 Dame Court, Dublin 2 DO2X452. Tel: +353-1-6718444 www.hail.ie.

To make a complaint about any aspects of HAIL's Support Services please contact Ms Julie Cruickshank Head of Services on julie@hail.ie or at Housing Association for Integrated Living, Second Floor, Central Hotel Chambers, 7 – 9 Dame Court, Dublin 2 DO2X452. Tel: +353-1-6718444 www.hail.ie.

To make a complaint about the HSE or any of its staff or services you can do so in any of the ways below which ever suits you best;

Tell your support worker and ask them to assist you



Fill in [the HSE's online feedback form](#) by going to your service your say – HSE.ie

Email the HSE at yoursay@hse.ie.

Fill out a paper feedback form and put it in your local HSE offices feedback box or give it to a member of your HSE team

Send a letter to the service - a staff member can give you the contact details.

Call the HSE us on [1890 424 555](tel:1890424555) from 9am to 5pm Monday to Friday or call [045 880 429](tel:045880429) from a mobile.

Call HSELive on 1850 241 850 from 8am to 8pm Monday to Friday and 10am to 5pm on Saturday, or call [041 685 0300](tel:0416850300) from a mobile.

- 2.4** There may be times when you are very satisfied with the service we have provided and we would like to hear from you regarding this. All compliments can be forwarded to our head office either by post or via our email info@hail.ie. In addition, if you have any suggestions on ways our services can be improved or if there are services you would like us to provide we would be delighted to hear from you.

2.5 Stages of our complaints process

2.5.1 Stage 1: Point of Contact Resolution

These are straightforward complaints which may be suitable for prompt management and to the tenant/client's satisfaction at the point of contact.

2.5.2 Stage 2: Formal Investigation Process

When a complaint is received the responsible Manager will within 5 working days acknowledge in writing the complaint, they will also outline the steps that will be taken to manage this complaint and the time frame within which this will be conducted. All complaints received are recorded on HAIL's Complaints Register. HAIL return complaints information to the Health Service Executive as requested on their designated recording template each quarter annually.

A meeting will be held with the tenant or client to try and resolve the situation within 2 weeks of receipt of the complaint about the service. Minutes will be taken and outcomes recorded.

Timeframes Involved once a complaint is received are as follows;

- Complainant has 12 months to make a complaint
- 30 working days is the end date for recommendations and actions by HAIL management
- A complaint can be withdrawn at any stage during the process
- If a complaint does not fit our complaints criteria the complainant must be notified within 5 working days
- If we require to seek further information we must inform complainant within 10 working days
- A review of a complaint must be requested within 30 days
- A referral onwards to the Ombudsman can be made at any time

The tenant/client has the right to have an advocate present. An advocate can assist the tenant/client to make a complaint if they are unable to make a complaint themselves. (an advocate can be a friend and/or family member) or someone from an external agency present at the meeting.

- (a) Every effort, including bringing in an outside mediator, will be used to resolve the situation at this stage.
- (b) Where the complaint is upheld and is regarding the service received then there will be a review of current procedures to attempt to improve service quality and reduce the likelihood of future complaints.
- (c) Where the complaint is upheld and is regarding a staff member's or volunteer's conduct then the matter will be referred on to the disciplinary procedure.
- (d) The complainant will be informed of the outcome of the investigation in writing and asked if they are satisfied with the outcome.

2.5.3 Stage 3: Board Review

- (a) If a tenant or client is not satisfied with the outcome of stage 2 of the complaint then they can appeal the decision to the Chairperson of the Board of HAIL. The Board will be asked to review the complaint, the investigation of the complaint and the outcome. The tenant or client will be advised of the likely timescale.
- (b) The Board will decide on the complaint. The Board decision is final. The Complaint will be informed in writing.
- (c) The Chief Executive Officer (or their Deputy) will make sure that any necessary action is taken. The Chief Executive Officer is



responsible for monitoring, evaluating and reporting on complaints received about HAIL services, staff and volunteers.

2.5.4. Stage 4: Independent Review - Ombudsman

A tenant/client may seek an Independent review of their complaint by the Ombudsman. The complainant must be informed of their right to seek an independent review from the Ombudsman at any stage of the complaint management process.

If you are for any reason not satisfied with the outcome of your complaint or how it was handled you can complain to the Ombudsman within 12 months of the:

- action complained of or
- the date of the decision made by HAIL

There is no charge for the services of the Ombudsman. You can write or call to them at:

The Office of the Ombudsman, 6 Earlsfort Terrace, Saint Kevin's, Dublin 2, D02 W773

Phone: 01 639 5600 Email: ombudsman@ombudsman.gov.ie or free phone [1890 22 30 30](tel:1890223030)

2.5.5 A complaint is excluded under Part 9 of the Health Act 2004 if it is in relation to 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 judgment 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 judgment;
- 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 (includes terms or conditions relating to superannuation benefits, disciplinary procedures or grievance procedures);
- a matter relating to the Social Welfare Act;
- 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 A Garda Síochána;



- a matter that has been brought before any other complaint's procedure established under an enactment (e.g. complaints made under Part 2 of Disability Act, 2005 or the Mental Health Act 2001).