

HSE Complaints Policy

your service your say

Do chuid Comhairle nó Gearáin

vërejtjet dhe ankesat tuaja

ملاحظاتكم وشكاواكم

您的意见和投诉

vos commentaires et réclamations

jūsų atsiliėpimai ir nusiskundimai

twoje uwagi i skargi

comentariile și reclamațiile dumneavoastră

ваши комментарии и жалобы

cabasho iyo faalo ka bixintaada

các nhận xét và than phiền của bạn

Your Comments and Complaints

意見與投訴

‘Your Service, Your Say’

**The Policy for the Management of Consumer Feedback
to include Comments, Compliments and Complaints
in the Health Service Executive (HSE)**

HSE Advocacy Services

May 2015

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1.0 HSE Complaints Management Policy

1.1 Policy

It is the policy of the HSE that the complaints management process implemented in the HSE will:

- Address the needs of the consumer.
- Demonstrate consumer satisfaction with the way their complaint was handled.
- Uphold the rights and protect the dignity of staff.
- Improve public confidence in the service.
- Prevent, where possible, complaints from further escalation, which can be very time consuming and costly to resolve.
- Enable information about complaints to contribute to quality improvement and organisational learning.

It is the policy of the HSE that:

- The HSE commits to a complaints management process that is fair, transparent, non-prejudiced, non-recriminatory and impartial. The HSE is committed to complaints processes that ensure that complainants are not victimised and will not suffer any retribution from the Executive or the individual service providers.
- The HSE will be committed to safeguarding the rights of the complainant and the staff member/service against whom the complaint was made to a fair and impartial investigation of the complaint.
- There will be designated Complaints Officers, in accordance with Part 9 of the Health Act 2004, to ensure the effective management of complaints throughout their relevant areas of responsibility.
- All staff in the HSE will be enabled and empowered to appropriately handle complaints. Each individual service provider is accountable to the patient/client and has a responsibility to respond to concerns that they raise in an appropriate manner.
- Service managers will take responsibility for complaints pertinent to their area of work. They must take a strong participatory role in the investigation of complaints about their area of responsibility and must ensure that they make improvements to their service where required as a result of the findings and recommendations arising from the complaint investigation. They must also ensure that their staff are appropriately supported throughout the complaint management process.
- Information will be widely available to consumers on the Complaints Management Process.
- Organisational policies and procedures will be widely available to staff for managing complaints. These documents will outline:
 - Roles and responsibilities
 - Processes for the management of complaints
 - Timeframes
 - Referral mechanisms
 - Review Mechanisms

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- Staff will be provided with the necessary skills and knowledge to appropriately manage any complaints they receive and to resolve minor complaints wherever possible at the first point of contact.
- Effective communication systems will be in place to ensure service users and service providers are aware of and understand the complaint management processes.
- The HSE will not tolerate vexatious or malicious complaints and will put processes in place to deal with such complainants.
- Access to impartial, HSE internal review and independent review mechanisms will be available to all complainants.
- While the complainant will be informed of their right to the review of their complaint by the Ombudsman/Ombudsman for Children, the HSE will endeavour to resolve all complaints as close to the point of contact as possible.
- Complaints will be recorded appropriately to facilitate the effective tracking of complaints and the effective monitoring and evaluation of the complaints management process. There will be in place mechanisms for regular evaluation to check that the process works from both the consumer’s and organisation’s perspective.
- Complaints will be collated in a manner that allows analysis to identify patterns and trends.
- There will be regular reporting to relevant senior management and quality and risk management personnel.
- Inherent to the complaints management process will be a process of organisational improvement.

Complaints Officers

Complaints Officers will be designated by the HSE for the purpose of dealing with complaints made to it in accordance with Part 9 of the Health Act 2004, The Health Act 2004 (Complaints) Regulations 2006 and the Procedure Manual for the Management of Consumer Feedback to include Comments, Compliments and Complaints in the HSE.

Organisational Improvement

- We learn from complaints that are documented and reported. This organisational learning begins with evaluating the incident which caused the complaint through to embedding the necessary changes into practice.
- The HSE commits to using information from complaints to make improvements to the organisation and will identify and communicate such improvements to the consumer.
- Complaints must be linked to quality improvement by identifying complaints data as an integral part of business practice in understanding customer needs and improving quality overall.
- Complaints Officers will collate, in conjunction with service providers, complaints management information and data, will provide monthly reports to the Consumer Affairs Area Officer for their respective area and will feed complaints information back in to the organisation for educational and improvement purposes.
- The investigation strategies adopted will incorporate incident investigation tools such as Root Cause Analysis to investigate complaints.

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- Employing incident investigation strategies focuses on reducing systems failure and managing for its inevitability, whether caused by technology, human error or procedurally.
- Complaints data can become part of the whole data system for quality and safety management. We can feed information about errors, mistakes, system failures and near misses into processes that can best act upon it. Complaints constitute a significant consumer input into this process.
- The quality improvement approach promotes safety and quality improvement by recognising the systemic nature of most adverse events and by open communication with service users when things go wrong.
- Promoting a quality improvement approach requires information about complaints to be integrated into other adverse event reporting and claims analysis. It also requires the creation of an organisational culture and associated systems that ensure that adverse events and consumer feedback generate opportunities for learning.

Involvement of consumers

Both the complainant and staff in the service(s) about which the complaint was made will be involved in the investigation of the complaint at the earliest possible stage of the process and will be informed on a regular basis of the progress of the investigation.

The HSE will actively encourage and promote consumer feedback and will link with consumers on a regular basis to ensure that the complaint handling processes are effective, are being communicated and are achieving outcomes that are satisfactory to the consumers.

What can the HSE do if a complaint is upheld?

The HSE is committed to considering fair and balanced redress for unfair or wrong decisions or actions taken, where it is established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally.

Regular internal reporting of trends

The HSE is committed to using complaints data analysis to improve decision making and service provision to the consumer. To that end, the Head of Advocacy Services is responsible for providing reports on complaints to the CEO on at least an annual basis.

Confidentiality

All personal information is held under strict legal and ethical obligations of confidentiality. Complainant identifiable information will only be made available on a strict need to know basis and with the consent of the complainant. For the purpose of data analysis and the identification of trends, no consumer identifiable information will be made available with the complaints.

Training and Education

The HSE commits to providing education and training to all HSE staff to enable them to effectively implement the complaints handling processes.

Training will be provided on an incremental basis depending on the needs of the complaints system and on resource availability.

1.2 HSE Complaint Management Process

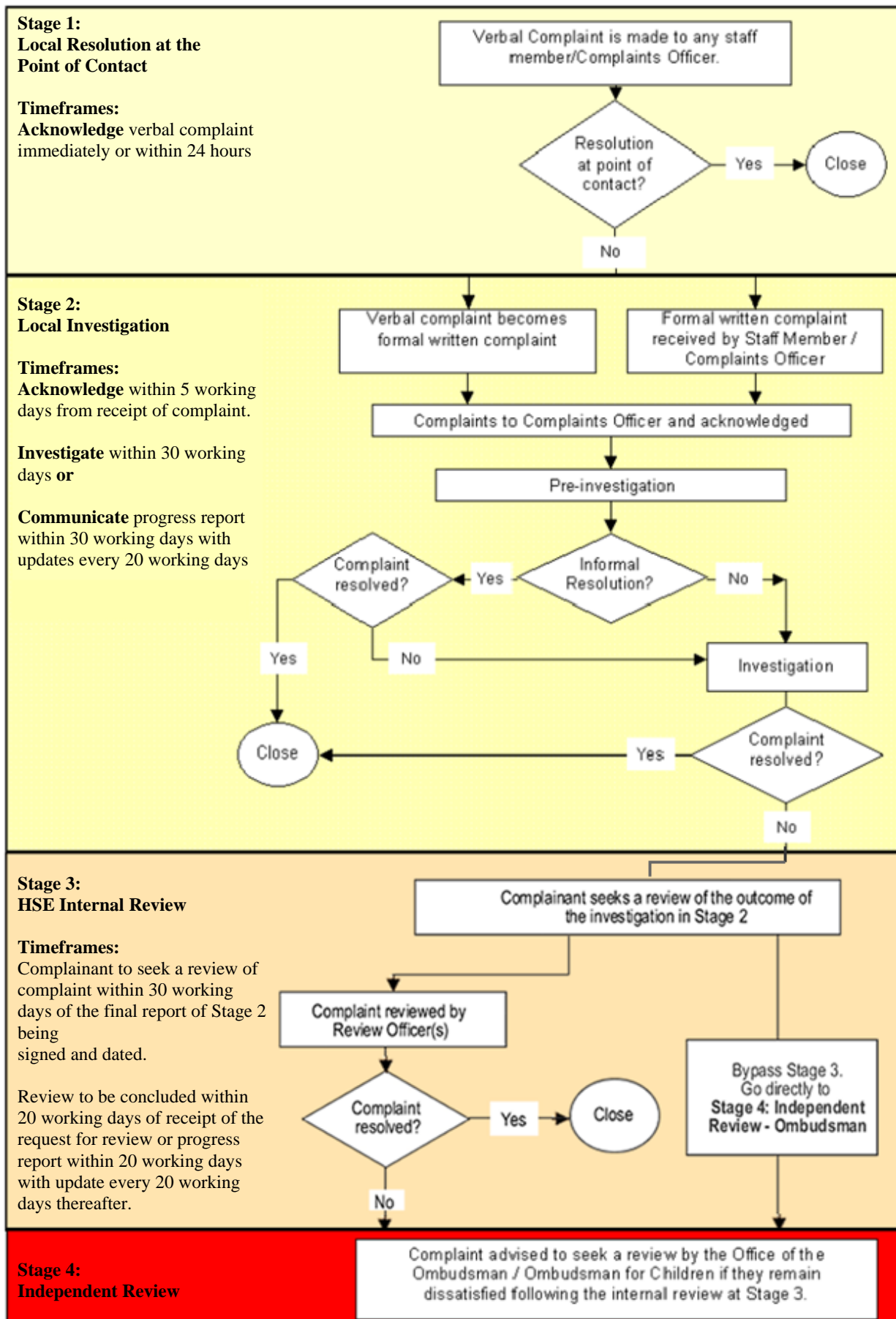


Figure 1.0: HSE Complaints Management Process

The HSE process for the management of complaints consists of four distinct stages:

- | | |
|------------------------------|--|
| Stage 1: | Management of a Verbal Complaint at the Point of Contact. |
| Stage 2a or Stage 2b: | Informal Resolution or Formal Investigation |
| Stage 3: | HSE internal Review OR make a complaint directly to the Ombudsman |
| Stage 4: | Independent Review |

Stage 1: Management of a Verbal Complaint at the Point of Contact

- Staff have clear delegations to resolve verbal complaints at first point of contact wherever possible.
- Where a complaint is resolved at the point of contact, the complaint must be examined to identify any quality improvements that should be implemented as a result.
- Where complaints cannot or should not be resolved at the first point of contact due to their seriousness or complexity, these complaints must be referred to the Complaints Officer for investigation at Stage 2.
- Complainants may not accept the outcome of the management of the complaint at the point of contact and may seek a review of their complaint at Stage 2 of the process.

Stage 2a: Informal Resolution or Stage 2b: Formal Investigation

- Complaints that could not be resolved at Stage 1 or should not be resolved at the first point of contact due to their seriousness or complexity are then passed to a Complaints Officer for resolution by informal means or through a formal investigation.
- The Complaints Officer will carry out a pre-investigation to check the validity of the complaint and the appropriate processes to be used to manage the complaint. Some complaints will not be suitable for investigation by the Complaints Officer and must either be referred to the appropriate manager or body for investigation or returned to the complainant with an explanation as to why the complaint cannot be investigated or with details of the correct process for the management of their complaint.
- The Complaints Officer may consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned.
- Mediation may be used to attempt resolution of the complaint at Stage 2 if both parties agree.
- Where informal resolution was not attempted or was not successful, the Complaints Officer will initiate a formal investigation of the 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.
- Where the investigation at Stage 2 fails to resolve the complaint, the complainant may seek a review of their complaint by the HSE Internal Review Process at Stage 3 or make a complaint directly to the Office of the Ombudsman.

Stage 3: HSE Internal Review

- The complainant may seek a review of the outcome of the investigation at Stage 2 by the HSE Internal Review Process through the Head of Advocacy Services.
All requests for a HSE internal review should be forwarded to:
The Head of Advocacy Services, HSE, Oak House, Millennium Park, Naas, Co. Kildare
- The Head of Advocacy Services will appoint a Review Officer 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 uphold, vary or make a new finding and recommendation.
- The Review Officer 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.
- Alternatively the Review Officer may determine that further processing (e.g. reinvestigation) of the complaint is required at either National or Area level and will make recommendations to the Head of Advocacy Services in this respect. The Head of Advocacy Services or designated officer will make a decision as to the appropriate management of the complaint.
- The complainant will be informed of any decision of the Review Officer and may accept the recommendations made or can seek a review of the complaint by the Ombudsman/Ombudsman for Children.

Stage 4: Independent Review

- If the complainant is not satisfied with the outcome of the HSE Complaints Management Process he/she may seek a review of the complaint by the Ombudsman/ Ombudsman for Children.
- The HSE must inform the complainant that they have a right at all times to have their complaint reviewed by the Ombudsman/Ombudsman for Children. However, they must be made aware that the Ombudsman/ Ombudsman for Children will, in most cases, require that the HSE complaints management process be exhausted before they will initiate a review of the complaint.

1.3 Implementation of this policy

- This policy will be implemented in accordance with the Standard Operating Procedure for the Management of Consumer Feedback in the HSE as required by section 49 of the Health Act (2004).
- The Health Act 2004 stipulates that the HSE will establish procedures for:
 - dealing with complaints against the Executive or a service provider
 - reviewing, at the request of the complainant, any recommendation made by the complaints officer following the investigation of the complaint
- In addition, the HSE requires that all Service Providers, as described by section 38 and 39 of the Health Act 2004 (see definitions), establish local complaints management procedures that comply with and complement the procedures developed by the Executive in accordance with Part 9 of the Health Act 2004.

1.4 Reporting of Complaints Data

- Complaints Officers will submit complaints data reports to the Consumer Affairs Area Officer for their respective area twice a year.
- Consumer Affairs Area Officers will submit a report on this complaints data to the Area Manager for Consumer Affairs
- The Area Manager for Consumer Affairs will compile a report and submit this report to the Head of Advocacy Services at an interval determined by the Head of Advocacy Services.
- The Head of Advocacy Services will report complaints data including reports from the HSE review process to the CEO on at least an annual basis.

1.5 Reporting on Performance indicators

- Complaints Officers at local level and the Administrative Area Managers for Consumer Affairs are responsible for collating and reviewing performance data in line with performance indicators as detailed in section 18 of the procedure manual.
- Performance Indicators to be reported to the Head of Advocacy Services on an annual twice yearly basis as indicated.

1.6 Annual Reporting on Complaints and Reviews

HSE Annual Report

In accordance with the Health Act 2004, the HSE must submit to the Minister of Health, as part of the Executive’s annual report, a general report on the performance of its complaints management processes containing such information considered appropriate by the Executive or as the Minister may specify.

HSE Service Provider Annual Report

A service provider who has established a complaints procedure by agreement with the Executive must provide the Executive with a general written report on the complaints received by the service provider during the previous calendar year. This report is to include:

- 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

Further information may be required at the discretion of the Head of Advocacy Services who will inform Service Providers of data required.