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# Complaints Policy

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Turas Training

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## **Definition of a Complaint**

- (Definition as per the Health Act 2004)

“complaint” means a complaint made under this Part about any action of the Executive or a service provider that—(a) 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;

## **Who can make a Complaint?**

- Any person who is being or was provided with a health or personal social service by Turas or who is seeking or has sought provision of such service may complain, in accordance with the procedures established under this Part, about any action of Turas that-

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

## **How can a Complaint be made?**

- Verbally : to any member of staff of Turas who will refer to the Complaints officers Tony Coffey or Catherine Gorman
- Written: Turas Training, Unit C1 Bluebell Business Park, Dublin 12
- By email: [tony@turastraining.ie](mailto:tony@turastraining.ie) or [catherine@turastraining.ie](mailto:catherine@turastraining.ie)

## **Acknowledgement of complaints**

- Upon a complaint being received by or assigned to the complaints officer he or she shall notify, within 5 working days, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.

## **Advocacy**

- All complainants have the right to appoint and advocate. If a person is unable to make a complaint him/herself, an advocate can assist in making the complaint. Advocacy is defined as a means of empowering a person by supporting them to assert their views and claims their entitlements and where necessary, representing and negotiating on their behalf.

## **Stages of Complaints Management Process**

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

Staff should have clear delegations to resolve verbal complaints at first point of contact wherever possible.

Stage 2 - Informal Resolution

The Complaints Officer must 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 successful or was deemed inappropriate, the Complaints Officer will initiate a formal investigation of the complaint.

#### Stage 2b - Formal Investigation

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 Management Committee Internal Process at Stage 3.

#### Stage 3 - Review

All requests for a review should be forwarded to: Trevor Keogh, Project Coordinator, Turas Training, Unit C1 Bluebell Business Park, Dublin 12.

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

The 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.

#### Stage 4 - Independent Review

If the complainant is not satisfied with the outcome of the complaints management process he/she may seek a review of the 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.

#### **Timeframe involved once a complaint is received**

- A Complaints Officer will inform the complainant in writing, within five 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.

- If the investigation cannot be investigated and concluded within 30 working days then the Complaints Officer must communicate this 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 / service member every 20 working days.
- 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, complaints officer must endeavour to conclude the investigation of the complaint within six months of the receipt of the complaint.
- If this timeframe cannot be met, the Complaints Officer must inform the complainant that the investigation is taking longer than six 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 the Ombudsman.

### **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
  - A 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 the 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
  - A Complaints officer must notify the complainant of decision to extend / not extend time limits within 5 working days.

### **Matters excluded (As per Part 9 of the Health Act)**

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 Turas;
- c) an action taken by Turas solely on the advice of a person exercising clinical judgment in the circumstances described in point (b);
- d) a matter relating to the recruitment or appointment of an employee by Turas;
- e) a matter relating to or affecting the terms or conditions of a contract of employment that Turas proposes to enter into or of a contract with an adviser that Turas proposes to enter into under section 24;
- 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 Síochána;
- i) a matter that has been brought before any other complaints procedure established under an enactment.

## **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 project. It will have a positive effect on staff morale and improve the projects` relations with the public. It will also provide useful feedback to the project 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. Turas 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) Turas to make a material amendment to an arrangement under section 38.

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.

### **Annual Report to HSE**

Turas has established a complaints procedure by agreement with the HSE and provides the HSE with a general report on the complaints received by the service provider during the previous year indicating:

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