

Bluebird Care Policy Document

<Reference Number BBCI06>

Complaints Policy Version: 3

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| Summary: | This policy provides customers with a fair and effective way to raise a complaint and sets out how Bluebird Care will deal with complaints |
| Target Audience: | Customers and all Bluebird Care Staff |
| Next Review Date: | 22/10/2023 |
| Date Approved: | 22/10/2021 |
| Date Issued: | 22/10/2021 |
| Author: | Barbara Kellett – National Quality and Clinical Governance Manager |

Bluebird Care «Franchise»

Managing Director(s): «Directors»
Service Manager: «Manager»

Republic of Ireland

Health & Social Care Authority: Health Service Executive (HSE)



Version Control

Change Record

| Date | Author | Version | Page | Reason for Change |
|----------|-----------------|---------|------|------------------------------|
| 11/10/21 | Barbara Kellett | 3 | | Policy reviewed, Reformatted |
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Complaints Policy - Bluebird Care

1. Purpose

- a. Bluebird Care is dedicated to delivering high quality, safe, responsive person-centred care to customers. We believe all complaints to be an expression of dissatisfaction which should be heard and will always require a response.
- b. Comments, suggestions, compliments and complaints are welcomed about performance and conduct in the delivery of care to customers. This may come from customers, carers, relatives, public, private and voluntary organisations, statutory agencies and the general public.
- c. Each franchise Managing Director is responsible for ensuring that a Complaints Officer and a Review Officer are appointed within his/her franchise. The persons must have the seniority of position and knowledge and skills to effectively carry out their roles, in accordance with this policy.
- d. Each franchise Managing Director will ensure that there are effective communication systems in place to ensure staff and customers understand the complaint management processes.
- e. Bluebird Care wants to learn from mistakes and will use learning from complaints to improve the quality and safety of its service.
- f. Bluebird Care is committed to safeguarding the rights of a complainant and staff and to a complaints process that is fair, transparent, non-prejudiced, non-recriminatory and impartial and does not discriminate directly or indirectly because of the following:
 - gender
 - marital status
 - family status
 - age
 - disability
 - sexual orientation
 - race
 - religion and
 - membership of the Traveller community
- g. All complainants will feel free to complain without fear or reprisals and will be treated with courtesy, respect and compassion.
- h. Bluebird Care will ensure that the process of how to make a complaint and the feedback to the complainant is provided in a way that meets a customer's assessed needs.
- i. All complainants will have the right to appoint an advocate who can assist in making the complaint.
- j. The focus of the complaints process will be to resolve the issue for the customer.
- k. All comments or complaints shall be viewed as an opportunity to inform service provision and to continually improve the quality of support and services provided to the Customer. Customers and their family/representatives shall be confident that making a complaint shall not jeopardise their relationship with Bluebird care nor shall it jeopardise the relationship or

quality of support which the Customer receives. External contractors, consultants, service providers and visitors shall be assured that making a complaint shall not jeopardise their relationship with Bluebird Care.

- i. This policy sets out Bluebird Care policy and procedures for all staff for the management of complaints in its network.
- m. To ensure a succinct process for the management of complaints as outlined in the Health Act 2004.
- n. To protect the rights of customers to have their complaints heard and dealt with and to safeguard customers through a rigorous complaints process which identifies when a complaint is also a risk.
- o. To provide a mechanism for Bluebird Care to learn from mistakes and drive up the quality and safety of the service.

2. Scope of Policy

- a. This policy applies to all employees of Bluebird Care. It also applies to all customers, carers, relatives, public, private and voluntary organisations, statutory agencies and the general public; any of whom may want to make a complaint.

3. Objectives

- a. We are committed to providing high quality standards in service delivery and welcome feedback from everyone on all aspects of our services. Such feedback is invaluable in helping us evaluate and improve our work.
- b. The aim of the Policy is to:
 - Ensure all customers know how to provide feedback and how a complaint will be handled
 - Ensure that complaints are dealt with consistently, fairly and sensitively within clear time frames
 - Provide customers with a fair and effective way to complain about our work
 - Ensure that compliments and complaints are monitored and used to improve our services.

4. Main Policy Content

4.1 Responsibilities

- Staff: Local resolution of complaints where possible.
- Complaints Officer: The designated person responsible for the management of the complaints process.

4.2 Principles

- a. Bluebird Care has a culture of openness and transparency that welcomes feedback. All complaints, raising of concerns, criticisms, or suggestions, whether oral or written shall be taken seriously, handled appropriately and sensitively. These shall be seen as valuable sources of information and used to make improvements in the service provided.

- b. Bluebird Care commits to safeguarding the rights and dignity of the complainant and all other parties in the application of the complaints process.
- c. Bluebird Care recognises the right of all Customers to:
 - Make an informal and/or formal complaint
 - Have an advocate if requested
 - Have the complaint acknowledged in writing and in a way that is understood
 - Have the details of complaints kept confidential to the parties of the complaint
 - Have their complaint dealt with in a fair, impartial, timely and resolution focused manner
 - Be informed of the stages in the complaints process and updated on the progress of their complaint through each stage
 - Have the outcome and reasons for the outcome explained to the complainant (and advocate) in an understandable manner
 - Appeal the outcome internally and externally if dissatisfied with the outcome
- d. All complainants have a right to appoint an advocate to assist them in making their complaint and to support them in any subsequent processes in the management of that complaint.
- e. Customers can ask a staff member to perform the role of advocate.

4.3 Bluebird Care shall adhere to the following principles of best practice in complaint management:

- Commitment to the effective management of complaints.
- Leadership and commitment to all aspects of the complaints management process.
- Bluebird Care shall clearly nominate a staff member who is responsible for the management of complaints, known as the Complaints Officer.
- Where Bluebird Care nominates support to the complainant (s), the nominee shall have no involvement in the subject of the complaint.
- Customers shall be aware of their right to complain.
- The complaints process shall be well publicised, and be accessible to Customers, their family and representatives and general public.
- The complaints process shall be implemented impartially and without prejudice towards either the complainant or the subject of the complaint.
- A consistent and standardised approach will be adopted for the management of all complaints.
- The complainant(s) are assisted to understand the complaints procedure.
- The complaints process shall endeavour to resolve the complaint to the satisfaction of the complainant and the service.
- The emphasis shall be on resolving complaints effectively and in a timely manner without compromising other principles.
- Any Customer who has made a complaint shall not be adversely affected by reason of the complaint having been made.
- All complaints shall be dealt with in an impartial manner.
- All complaints shall be acknowledged and addressed promptly and sensitively.
- All information obtained through the course of complaint management shall be treated in a confidential manner and meet the requirements of the Data Protection Acts 1988 and 2003, the Freedom of Information Act 1997 and 2003 and the General Data Protection Regulation (EU) 2016/679 (GDPR) 2018
- The complaints process shall be flexible to meet the changing environment of Bluebird Care.
- Staff responsibility in the management of complaint procedures shall be clearly defined.

- a. Bluebird Care shall ensure that the Complaints Policy is made available to all Customers. Bluebird Care shall further ensure that the complaints procedure/process is communicated appropriately and at an early stage of engagement with the services.
- b. The Complaints Policy shall be made available in formats to meet the needs of Customers/families/the public, as required.

5. Procedure

- a. Bluebird Care shall accept complaints in the following ways:
 - Verbally
 - Written
 - Electronically by email
- b. Bluebird Care staff shall be sensitive to a complainant's needs and assistance required due to literacy and/or language barriers and shall provide support where required to enable the effective recording of their complaint.
- c. This process addresses the management of complaints made by Customers, family/representatives, external agencies, and the public about aspects of Bluebird Care Services. It does not address employee complaints and grievance related to their employment. Any such complaint or grievance shall be addressed by the Grievance Management Policy and Procedure.

5.1 Complaints shall be considered from any of the following:

- The Customer
- Customers who have sought services from Bluebird Care
- Close family or staff of the Customer, or someone who has consent of that person to act on their behalf.
- Close family or staff of a deceased Customer
- External agencies (e.g., Day Services, HSE, HIQA, Ombudsman)
- A contractor with Bluebird Care
- A member of the public

5.2 Bluebird Care cannot accept complaints under any one of the following categories:

- 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 (a decision about diagnosis or treatment) by a person acting on behalf of Bluebird Care.
- An action taken by Bluebird Care solely on the advice of the individual exercising clinical judgement.
- A matter relating to the recruitment or appointment of an employee.
- A matter relating to a contract or employment that Bluebird Care proposes to enter into.
- 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 by the Gardaí.
- A matter that has been brought before any other complaints procedure established under legislation.

5.3 Bluebird Care cannot investigate or further investigate complaints where:

- The person who made the complaint is not entitled under Section 46 of the Health Act 2004 to do so either on the person's behalf or on behalf of another

- The complaint is made after the expiry of the period specified in section 47(2) or any extension of that period allowed under section 47(3) of Part 9 of the Health Act 2004 as specified above.
 - The complaint does not disclose a ground of complaint provided for in section 46 of the Health Act
 - The subject-matter of the complaint is excluded by section 48 of the Health Act 2004
 - The subject matter of the complaint is trivial
 - The complaint is vexatious or not made in good faith.
 - The Complaints Officer is satisfied that the complaint has been resolved.
- a. The Complaints Officer shall, as soon as practicable after determining that they are prohibited from investigating a complaint or after deciding under any of the above not to investigate or further investigate a complaint, inform the complainant in writing of the determination of the decision and the reasons for it.
 - b. Complaints relating to allegations or abuse shall be managed in accordance to Safeguarding Vulnerable Adults (Reporting and Investigating Allegations) of Abuse Policy and Procedure.

5.4 Procedure for Responding to Complaints:

- a. Bluebird Care staff. Complaints may be made by any Customer, family/representative, external agency, contractors, staff or the public about any aspect of Bluebird Care. A record is maintained of all complaints made about Bluebird Care, and the actions taken by the Complaints Officer in respect of any complaints. Complaints may be made verbally or in writing. Complaints may be made to any member of
- b. The following are stages in the Complaints Process: (See Appendix I for Plain English and Appendix II for Easy Read)

Stage 1:

The staff member who receives the initial complaint from the complainant shall, where appropriate, attempt to resolve the complaint immediately and locally where possible, without recourse to the formal complaints' procedure, unless the complainant wishes otherwise. Where complaints are resolved locally, details of the complaint are documented on the Complaints Form and submitted to the Complaints Officer, and a copy provided to the complainant.

Where complaints are not resolved locally or where it is not appropriate for such a resolution, they shall proceed to the next phase.

Stage 2:

- a. Written Complaint: Where the complaint is received in writing it shall be forwarded to the Complaints Officer.
- b. Verbal Complaint: Where the complaint is verbal, it shall be documented on the Complaints Form A (Appendix III), by the staff member receiving the complaint with the name of the complainant, the time, and a description of the complaint which shall be documented in a factual, objective manner. The complaint shall then be forwarded without delay to the Complaints Officer, who will complete the Serious Concern/Complaints Form (Appendix 8).
- c. The complaint shall be reviewed by the Complaints Officer and a letter of acknowledgement sent to the complainant within 5 working days of receipt of the complaint.
- d. The Clinical Nurse Manager/Care Manager shall undertake a screening process to gather evidence for the Complaints Officer to determine if an investigation is warranted. An

investigation may take different forms depending on the nature of the complaint, with the Complaints Officer determining the level of investigation required.

- e. Where it is determined that an investigation is not warranted, the Complaints Officer shall document and advise the complainant of the outcome and reason for the decision.
- f. Where it is determined that an investigation is warranted, such an investigation shall be completed within 20 days of receipt of complaint. Where the investigation takes greater than 20 days, the Complaints Officer shall liaise with the complainant and indicate the expected completion date, ensuring to provide updates to the complainant every 20 days until the matter is resolved.
- g. When the investigation is completed, the Complaints Officer shall determine if the complaint has been substantiated.
- h. Where the complaint has not been substantiated the outcome shall be documented and communicated to the complainant.
- i. All complaints, investigation outcomes and actions and timeframes shall be recorded on the Complaints Log. (Appendix 6)
- j. Where the complaint has been substantiated, full details of the complaint, investigation process and any recommended corrective and/or preventive actions and learning outcomes shall be reviewed by Clinical Nurse Manager/Care Manager and Director prior to final close out to ensure all complaints are appropriately responded to and records are maintained correctly including:
 - Details of any investigation into a complaint
 - Outcome of a complaint
 - Any actions taken on foot of a complaint
 - Whether or not the complainant was satisfied with the outcome
- k. The complainant is informed promptly of the outcome and details of an appeals process or other alternatives as outlined below.
- l. Where the complainant is satisfied or not satisfied, the outcome is documented on the Complaints form.

Stage 3:

- a. Where the complainant is not satisfied with the handling or outcome of the complaint, they will be advised to complete Form B (Appendix IV) for the attention of the Director. The Director will write to the complainant to advise receipt of correspondence from the complainant within five (5) working days outlining the review process.
- b. The Director may appoint a suitable qualified independent person at Management level to undertake the review.
- c. The Director / Designate shall review the process and conclusions of Stage 2.
- d. The Director / Designate shall advise the outcome of the review to the complainant and other relevant parties within an agreed timeframe. Where it is recognised that there may be an unavoidable delay/further time required for the review, the complainant and other relevant parties shall be advised of the position and the extended timeframe.
- e. The Director/Designate shall respond to the complainant with their decision.

- f. Where the complainant is dissatisfied with the outcome of the complaints management process they may seek a review of the complaint by the Office of the Ombudsman, Ombudsman for Children, or other professional bodies to whom the complainant could make an application for review.
- g. Records, Confidentiality and Data Protection:
 - The confidentiality of the complainant shall be maintained throughout the investigation processes.
 - All parties to a complaint shall have access to all records pertaining to them.
 - Records of complaints shall be retained for a period of not less than four years after the complaint has been investigated.

Stage 4: Independent Review

- a. If the complainant is not satisfied with the outcome of the complaints management process, they may seek a review of the complaint by the Ombudsman/Ombudsman for Children. The complainant will be informed of their right to seek an independent review from the Ombudsman/Ombudsman for Children at any stage of the complaints management process.

5.5 Time limits for making a complaint:

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

5.6 Communication with the Customer

- a. Customers shall be aware of the complaints process (Bluebird care's & the HSE's Policy) and how to make a complaint.
- b. The Complaints policies shall be given to Customers as part of information pack at commencement of service.

- c. Details of the complaints process, and of how to make a complaint shall be available in a format to support Customers who wish to make a complaint, as required

5.7 Advocacy

- a. An advocate is a person who will act on behalf of the Customer when they need independent support when dealing with Bluebird Care. An advocate will represent and help them to make their complaint and support them through the complaints process.
- b. All Customers shall have the right and be supported to access advocacy services to facilitate their participation in the complaints process.
- c. The National Advocacy Service ([www.https://advocacy.ie/](https://advocacy.ie/)) can be contacted directly on 076 1073 000.

5.8 Support

- a. Bluebird Care shall provide support for Customers to exercise their right to make a complaint. Bluebird Care shall make every effort to ensure that the process is accessible and fully understood.

5.9 Communication & Actioning of Complaints Data & Data Reporting

- a. Details of all complaints, and any resulting actions, shall be communicated to staff via team meetings and to relevant staff who have responsibility for reviewing and updating processes and practices and implementing any required training. Reporting shall be done within the boundaries of confidentiality, and as deemed appropriate.
- b. Where, resulting from a complaint, it is deemed necessary to have a review of processes and/or practices the Complaints Officer shall communicate the outcome of the complaint to the Clinical Nurse Manager/Care Manager who shall meet with the Director to review changes in processes practices and training requirements.
- c. Complaint data shall be trended on by the Clinical Nurse Manager/Care Manager in collaboration with the Complaints Officer who shall submit a report to the Director.
- d. The Clinical Nurse Manager/Care Manager shall present detailed analysis of complaints to the Director.
- e. Any Quality Improvement Plan identified from this review shall be reported to the Director and shall include the issues arising from the complaint; improvement measures; planned changes/training; implementation timescale; review process.
- f. Complaint data shall be reported by the Complaints Officer to the Director on a quarterly basis, or as deemed necessary.
- g. The Complaints Officer shall submit complaints data reports to the HSE Consumer Affairs Area Officer four times a year using the templates provided, as required under the Tender process.

5.10 Supporting Customers to Make a Complaint

- a. In order for Bluebird care to provide the best possible service they encourage all Customers to voice any complaints they have regarding a service, a staff member, or any third party.

- b. Bluebird Care's staff shall encourage and support Customers to express concerns safely and reassure them, there shall be no adverse consequences for raising an issue of concern, whether informally or formally as outlined in the sections above.
- c. Bluebird care's staff shall be trained to understand behaviours that indicate an issue of concern or complaint that the Customer cannot communicate by other means. These messages shall receive the same positive response
- d. All complaints are dealt with fairly in a transparent manner and within reasonable time frames. A standard procedure exists to deal with complaints.
- e. The complaint process is available to all Customers, their representatives/advocates. The complaints procedure is available in a format suitable to the person making the complaint, as required.
- f. If requested/appropriate, Bluebird care can provide an internal advocate to assist the Customer.
- g. There are three stages to the complaint process; at the end of each stage the complainant can opt to continue to the next stage or can end the process. A successful outcome to a complaints process is one where the complainant and Bluebird care are clear what was at issue and both parties are agreed and sign up to a resolution as to how in future that issue will be dealt with.

5.11 Who should I complain to?

- a. If you have a complaint, you can make it to any staff member or directly the your local Bluebird Care office; if they can't deal with it themselves, they will direct you to the person who can. Below is some guidance;
 - If your complaint is about a staff member you can complain directly to that person or to the Clinical Nurse Manager/Care Manager if you prefer.
 - If your complaint is about a service (or lack of service) bring the complaint to any staff member or Clinical Nurse Manager/Care Manager.
 - You can also bring the complaint directly to the Complaints Officer. Ask a member of staff to inform the Complaints Officer/help you email the Complaints Officer to ask to meet them.

5.12 Anonymous Complaints

- a. Although some complainants may not wish to submit their details for legitimate reasons, Bluebird care reserves the right to review an anonymous complaint to determine its legitimacy and/or address any issues therein.

5.13 Unreasonable Complainant Behaviour

- a. It is the policy of Bluebird Care that all complaints must be responded to appropriately.
- b. It is noted that, in a case where Bluebird Care takes all reasonable measures to try to resolve a complaint through the complaint's procedure, and the complainant does not accept these efforts, even where it is recognized that there is nothing further which can be reasonably done to rectify a real or perceived problem, this may be regarded as an unreasonable response.
- c. Where the complaint might be considered to be vexatious Bluebird Care has developed a Standard Operating Procedure (Appendix 6) to provide support for staff to find ways of responding to these situations appropriately.

- d. In all circumstances where the complainant expresses dissatisfaction with the outcome of the complaints process, they shall be notified of their right of review to the HSE National Advocacy Unit.

5.14 Redress

- a. An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of the experience with the service. It will have a positive effect on morale and improve Bluebird Care's relationship with the Customers, families & natural circles of support, and the public. It will also provide useful feedback to Bluebird Care and enable it to review current procedures and systems which may be giving rise to complaints.
- b. Redress should be consistent and fair for both the complainant and the service against which the complaint was made. Bluebird Care shall 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.
- c. 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

5.14 Any Customer who makes a Complaint is protected by the following assurances:

- a. Your Confidentiality: All information we receive during the course of a complaints process will be treated confidentially to the extent possible. If you provide us with personal or sensitive personal data, we will handle this in line with legal data protection obligations and with Bluebird Care's policies relating to confidentiality and data protection. If you ask us to protect your identity by keeping it confidential, we will not disclose it without your consent. The only exceptions to this are if we are legally required to reveal your identity or if your disclosure raises an issue which we cannot properly address without disclosing your identity. If a situation arises where we are required to reveal your identity or where we are unable to resolve a concern without doing so (for instance if a statement is needed from you), we will endeavour to discuss with you options on how we can proceed.
- b. Your Anonymity: With reference to the above assurance, we hope you will feel comfortable to openly raise your concern with us. It is Bluebird Care's preference that complainants waive anonymity for the following reasons so that their complaint can be addressed under the policy including the following:
- We can revert to the Customer with queries to help aid an investigation process.
 - We can establish if the same complaint has been made by several Customers which will duly inform the investigation of the complaint.
 - We can contact the complainant updating them of the investigation result and decisions/actions taken.

- c. However, we realise that there may be situations when you would prefer to raise a concern anonymously, and in doing so, we are limited in using the policy under range and redress.
- d. These assurances are not extended where a complaint is vexatious and/or malicious.

5.15 Useful Information about the Complaints Process

- a. At any stage, you can make your complaint to an appropriate external agency. A list of external agencies is available at Appendix 5. However, we would encourage you to use all internal mechanisms and processes available to you first.
- b. To ensure that complaints are dealt with in the most effective manner possible the Complaints Officer will review your complaint and determine the most appropriate stage in the complaints process for addressing it.
- c. If a complaint poses a risk to the customer or the HSE, the HSE must be informed immediately, and the process managed in consultation with the HSE.

6. Training Requirements

- a. All staff shall receive education regarding the management of complaints and the local resolution of complaints.
- b. All staff shall receive education on assisting the Customer, family/representative, agency/contractor or member of the public to make a complaint should local resolution not be achieved.
- c. Clinical Nurse Managers/Care Managers shall undertake training on monitoring, evaluation and reporting of complaints in relation to the following:
 - Use of standardised letters and forms for complaints management and data collection
 - Determination of the overall effectiveness of the complaints management procedures within the area of responsibility.
 - Participation in the evaluation of the complaints management process.
 - Co-ordination of the collection of complaints data and to disseminate this information as appropriate.

7. Policy Review

7.1 This policy will be reviewed on a minimal 2 yearly basis, or as and when required.

8. Associated Documents and Legislation

8.1 The following are applicable legislation, regulation, and relevant documentation applicable to this policy:

- The Health Act (2004)
- The Health Act (2004) (Complaints) Regulations (2006)
- The Health and Social Care Professionals (Amendment) Act (2019)
- The Nurses Act (2011)
- The Ombudsman's (Amendment) Act (2012)
- The Ombudsman for Children's Act (2002)
- Your Service Your Say (HSE, 2017).
- Assisted Decision Making (Capacity) Act 2015
- Equal Status Acts 2000-2018
- Data Protection Act 2018

9. Supporting References

Health Service Executive, (2018), *Guideline Document for Providers who have entered into a Service Agreement under Section 38 or 39 of the Health Act 2004: Complaints Management Procedure for Voluntary Organisations*. <https://www.hse.ie/eng/about/qavd/complaints/ncglt/toolkit/volstoolkit/guideline-document-for-providers-who-have-entered-into-a-service-agreement.pdf>

Health Service Executive, (2017), *Your Service Your Say: The Management of Service User Feedback for Comments, Compliments and Complaints HSE Policy 2017*. <https://www.hse.ie/eng/about/qavd/complaints/ysysguidance/ysys2017.pdf>
<https://www.hse.ie/eng/about/qavd/complaints/ysysguidance/>

The Office of the Ombudsman <https://www.ombudsman.ie>

Citizens Information *Making a complaint about a healthcare service*.
<https://www.citizensinformation.ie/en/>

HIQA, National Standards for Safer Better Healthcare <https://www.hiqa.ie/reports-and-publications/standard/national-standards-safer-better-healthcare>

APPENDIX I: PLAIN ENGLISH – STAGES IN THE COMPLAINTS PROCESS

The following are stages in the Complaints Process:

Stage 1

- Identify who you want to complain to
- Make the complaint in a manner you are comfortable with – verbal or written
- Make it clear that it is a complaint
- If you make a verbal complaint, the person/staff member will write it down on Complaint Form A and give you a copy
- If you are happy that your complaint is resolved the person/staff member will write this on Form A.
- You can bring someone with you for support if you wish
- Through talking about your complaint with the person/staff member involved you may feel that the problem is resolved.
- If, after talking with the person/staff member, you feel the complaint is still not resolved, and you are still unhappy you may bring it to Stage 2 of the process.

Stage 2

Write your complaint using Complaints Form and what you would like to see happening and give it to the Manager of the service, the Complaints Officer or any member of staff.

If the complaint is about the Clinical Nurse Manager/Care Manager, then forward it to the Complaints Officer. Complaints in different formats, such as audio recorded, can be submitted in the same manner. You can ask for someone of your choice to help you to provide this information.

The Complaints Officer will work closely with you in dealing with your complaint. The Complaints Officer may decide to refer the complaint to a more senior level if deemed necessary.

You will receive a written acknowledgement of your complaint from the Complaints Officer within 5 days. If you do not receive an acknowledgement within 5 days, please contact the Complaints Officer to find out why they did not contact you.

Stage 3

If after the stage 2 process you feel the problem still exists, write your complaint using FORM B (Appendix 4 of this Policy), state what you would like to see happening and send it to the Director.

- The Director will write to you within 5 working days to say that your complaint has been received and to tell you what is going to happen
- Stage 3 will be a review of the issues, process and conclusions of Stage 2.
- The Director may, where they determine the issue requires to be reviewed, nominate a reviewer
- An outcome of the review will be issued to you and other relevant parties within an agreed timeframe.
- In the event that you are not happy with the outcome of Stage 3, Bluebird Care will provide you with information regarding an appropriate external body to further your complaint. This option is available at all stages on request.

Appendix 2:

Complaints Process Flowchart



You are Not Happy
You want to make a **Complaint**



Stage 1
Go to a Staff Member or your Clinical Nurse Manager/Care Manager and they will try to solve your complaint with you as quickly as possible in a way that you are happy

Complaint Solved – you are happy

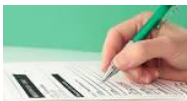
You are still not happy



Stage 2
We will try to solve your complaint with you and we may have to ask more senior staff to help solve your complaint in a way that you are happy

Complaint Solved – you are happy

You are still not happy



Stage 3
All the information about your complaint and how we tried to solve it will be sent to the Complaints Officer who will try to solve it for you in a way that you are happy

Complaint Solved – you are happy

You are still not happy



If you are still not happy with the results after the 3 stages you can ask the HSE/Office or the Ombudsman to look at how your complaint was dealt with



Appendix 3 – Record of Verbal Complaint Form

Complaints Process - Form A (This form may be also used by staff to record verbal complaints)

Please give/send the completed form to the Complaints Officer. Keep a copy for yourself.

Date: _____

To: _____ (Complaints Officer or Other Staff Member)

From/On behalf of: _____

I wish to complain about:

I think the problem might be put right by:

Appendix 4 – Disputed Complaint Outcome form

Complaints Process - Form B

Please give/send the completed form to the Director Keep a copy for yourself.

To: _____ (Director, Bluebird Care)

From/On behalf of: _____

Date: _____

I made a complaint in writing to the Complaints Office on _____ (date).

The complaint was about:

We had meeting(s) but I am still unhappy with the outcome.

I should like to present my complaint to you.

I wish to bring my friend/advocate/representative, _____ (name) with me.

I look forward to hearing from you.

Appendix 5: List of External Agencies to which Complaints can be escalated to

Office of the Ombudsman

Address: 6 Earlsfort Terrace, Dublin 2, D02 W773.

Phone: 01 639 5600

Email: complaints@ombudsman.ie

The Office of the Ombudsman is open Monday to Friday between 9.15am and 5.00pm

Ombudsman for Children's Office

Address: Millennium House, 52-56 Great Strand Street, Dublin 1, D01 F5P8

Phone: 01 865 6800

Freephone: 1800 20 20 40

Email: ococomplaint@oco.ie / ombudsmandoleanai@oco.ie

The Office of the Ombudsman is open Monday to Friday between 9.15am and 5.00pm

The Office of the Confidential Recipient for Vulnerable Adults

Address: Training Services Centre, Dooradoyle, Limerick **Phone:** 061 585603 / 087 665 7269

Email: leigh.gath@crhealth.ie

The Office of the Ombudsman is open Monday to Friday between 9.00am and 5.00pm

HSE Consumer Affairs

Address: Oak House, Millennium Park, Naas, Co. Kildare

Phone: 045 880 496

Email: consumer.contact@hse.ie

Appendix 6:

STANDARD OPERATING PROCEDURE FOR DEALING WITH VEXATIOUS COMPLAINTS

1.0 Purpose

It is the policy of Bluebird Care that all complaints are responded to appropriately.

However, there are some instances when a complaint might be considered to be vexatious, and in such circumstances, this Standard Operating Procedure provides support for staff, gives clear guidelines on identifying where a complaint can be classed as vexatious and outlines options staff have for dealing with such complaints.

This procedure should only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints through Bluebird Care's Policy for Managing Complaints. Judgement and discretion must be used in applying the criteria to identify potential vexatious complainants and in deciding on action to be taken in specific cases.

This procedure should only be implemented following careful consideration by the relevant Clinical Nurse Manager/Care Manager or deputy, and with consultation with the Director.

2.0 Scope

All Staff

3.0 Definition of a Vexatious Complaint

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where previous or current contact with them shows that they meet two or more of the following criteria:

Where a complainant:

- Persists in pursuing a complaint and Bluebird care's Complaints Management Procedure has been fully and properly implemented and exhausted;
- Persistently changes the substance of a complaint or continually raises new issues or seeks to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints;
- Is repeatedly unwilling to accept documented evidence given as being factual or deny receipt of adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Repeatedly does not clearly identify the precise issues which they wish to have investigated, despite reasonable efforts of Bluebird Care to help them specify their concerns, and/or where the concerns identified are not within the remit of Bluebird care to investigate;
- Regularly focuses on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. Determining what a trivial matter is can be subjective therefore careful judgement must be used in applying this criterion;
- Has threatened or used physical violence towards staff at any time – this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication. All such incidents must be documented;
- Has in the course of addressing a registered complaint, had an excessive number of contacts with Bluebird Care, placing unreasonable demands on staff. For the purposes of determining an excessive number, a contact may be in person, by telephone, letter, e-mail, text, facsimile or other modes of digital media. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case;
- Has harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the complaint. Staff must recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make

reasonable allowances for this. All instances of harassment, abusive or verbally aggressive behaviour must be documented.

- Is known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved;
- Displays unreasonable demands or expectations and fails to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).

4.0 Process

In determining the options for dealing with vexatious complaints it is important to ensure that:

- The complaints procedure has been correctly followed so far as possible and that no material element of a complaint has been overlooked or inadequately addressed.
- Staff dealing with complaints appreciate that even habitual or vexatious complaints may have aspects which contain some substance.

Where complainants have been identified as vexatious in accordance with the criteria identified above, the Clinical Nurse Manager/Care Manager or Director shall determine what action needs to be taken.

The Clinical Nurse Manager/Care Manager or Deputy, or the Director shall implement such action and will notify the complainant(s) in writing of the reasons why they have been classified as vexatious and the action to be taken. This notification will be copied for the information to the Complaints Officer and other relevant parties involved.

A record must be kept for future reference of the reasons why a complainant has been classified as vexatious.

The Clinical Nurse Manager/Care Manager or Deputy, or the Director may decide to deal with complaints in one of more of the following ways:

- Try to resolve the matters, before invoking this procedure, by drawing up a signed "agreement" with the complainant which sets out a code of behaviour for the parties involved.
- If these terms are contravened, consideration would then be given to implementing other action as indicated in this section.
- Decline contact with the complainant either in person, by telephone, by email, fax, or letter or any combination of these, provided that one form of contact is maintained.
- Notify the complainant in writing that Bluebird Care has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should also be notified that the correspondence is at an end and that further letters received will be acknowledged but not answered.
- Inform the complainant that in extreme circumstances Bluebird Care reserves the right to pass unreasonable or vexatious complaints to its solicitors/report to Gardai.
- Temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice.

If found to be vexatious, Bluebird Care shall not pursue the complaint any further. However, this does not remove the complainant's right to submit their complaint to independent agencies, such as the Ombudsman or the Ombudsman for Children, and Bluebird Care shall so advise.

If a complaint is found to be vexatious, there will be no record of the complaint in the file of any third party referred to in the complaint / about whom the complaint was made.

5.0 Withdrawing 'Vexatious' status

Once the complainant has been deemed vexatious there needs to be a mechanism for withdrawing this status at a later date if, for example, the complainant subsequently demonstrates a more

reasonable approach or they submit a further complaint for which normal complaints procedures would appear appropriate.

Staff should previously have used their discretion in recommending 'vexatious' status at the outset and discretion should be similarly used in recommending that this status be withdrawn when appropriate.

6.0 Method used to Review Standard Operating Procedure

The Procedure shall be reviewed as an appendix to the Complaints Policy.

Guidance on Dealing with Problem Callers

Calls can be made:

- o By telephone
- o By e-mail
- o By text
- o In person

Inappropriate words:

Include all swear words, racist or sexist language, or words used to abuse individuals.

Inappropriate behaviour:

Includes making an unacceptable number of calls during any defined period, e.g. more than once a day without offering any new relevant information, calling repeatedly when already advised the person they are seeking is absent, calling or coming to the office when advised in writing that no further contact should be made, calling or coming to the office when advised in writing that no further comment will be made, coming to the office when specifically advised not to do so.

Procedure

After each call make a brief note of the date and time and the type of language/behaviour. Retain a copy for your own records.

If a caller is persistent, i.e. more than 3 calls, bring this to the attention of Clinical Nurse Manager/Care Manager.

Abusive callers

1. When a caller first uses language that is unacceptable inform them this is not acceptable and ask them to stop.
2. If the caller continues, remind them that you have asked them to stop and that you will disconnect the call if they continue.
3. If the caller continues advise that you intend to disconnect and that they must not call again unless they cease using unacceptable language.
4. If the caller continues – disconnect.
5. If the caller calls back repeat Step 2 and inform caller that their behaviour could be regarded as abusive, and it is Bluebird Care's policy not to prolong telephone calls that the staff member deems abusive.
6. Repeat Step 4.

Persistent Callers

1. Advise the caller that you are aware that they have made previous calls.
2. Advise the caller that the issue they are seeking to resolve is being addressed / has been answered to the best of our ability and that nothing further can be done.
3. Advise the caller that you are unable to spend any further time discussing the matter and that you therefore intend to disconnect the call.
4. Advise the caller that you are now disconnecting the call and that they should not call again unless there is a new matter they wish to discuss.
5. Disconnect the call.
6. If the caller calls back repeat Step 3 and advise the caller that their behaviour could be regarded as harassment and there is a policy in place in Bluebird Care to protect staff against harassment. Repeat Steps 4 and 5.

7. If the caller calls back again repeat Step 4 and advise the caller that you intend to report the matter to an appropriate Clinical Nurse Manager/Care Manager. Repeat Step 5.

Appendix 7:

Timeframes for Complaints Management

The following table outlines the time frames involved once a complaint is received and demonstrates the maximum time in days for each element of the complaints process.

| Customer / Complainant Timeframes | |
|--|--|
| To make a complaint | 12 months |
| If Complainant does not wish confidential information to be accessed | 5 working days from date of Acknowledgement Letter |
| Withdraw complaint | At any stage |
| Request a review of a complaint | 30 working days |
| Refer complaint to Ombudsman | At any stage |
| All staff | |
| Respond to request for information | 10 working days |
| All staff at Point of Contact | |
| Point of Contact Resolution | Immediately / < 48 hours – where possible |
| Point of Contact Resolution – Line Manager | < 48 hours – where possible |
| Complaints Officer Timeframes | |
| Notify Complainant of decision to extend/not extend 12-months timeframe | 5 working days |
| If complaint does not meet criteria for investigation – inform Complainant | 5 working days |
| Acknowledgment Letter | 5 working days from receipt of complaint |
| Seeking further information | 10 working days |
| Update Complainant and relevant staff | Every 20 working days after initial 30-day due date |
| Investigate and conclude (Report) | 30 working days from date of Acknowledgement Letter |
| Conclude at latest | 6 months |
| Review Officer Timeframes | |
| Notify Complainant of decision to extend/not extend 30 days' timeframe | 5 working days |

| | |
|--|--|
| Review Officer should make contact with Complainant & explain process | < 48 hours – if appropriate |
| Acknowledgement Letter | 5 working days from receipt of review request |
| If complaint does not meet criteria for review – inform Complainant | 5 working days |
| Seeking further information | 10 working days |
| Update Complainant and relevant staff | Every 20 working days after initial 20-day due date |
| Investigate | 20 working days from date of Acknowledgement Letter |
| Clinical Nurse Manager/Care Manager/ Franchise Managing Director Timeframes | |
| Complaint – Recommendation(s) Action Letter | 30 working days |
| Review – Recommendations(s) Action Letter | 30 working days |

Appendix 8:

BBCI06 Complaints Policy

Version number 3

Date issued 22/10/2021

Date and time prepared: 12/09/2022

RECORD OF SERIOUS CONCERN(S) OR COMPLAINTS

Use this template to record formal complaints that require an investigation. Complete all sections, attach copies of correspondence and reports and store in the 'Compliments, concerns and complaints' file. Record a brief summary in customer file and cross reference to central log for further information.

The purpose of this report is to share the findings of an internal investigation carried out by Bluebird Care in response to a complaint or serious concern.

| | | | |
|--|--|--|--|
| Name of person completing this form | | Date completed | |
| Information about the customer | | | |
| Customer's name | | Tel number | |
| Customer's address including postcode | | Email address | |
| Information about the complainant <i>(if different from above)</i> | | | |
| Name | | Relationship to customer | |
| Address | | Tel number & Email | |
| Details of complaint | | | |
| Date complaint received | | Is customer aware of complaint/ have they given consent? | |
| Date acknowledgement sent | | Category of concern/ complaint | |
| Name of investigating officer | | Designation | |
| Complaint <i>(Date/time of event(s), what did/didn't happen, context, person(s) involved, impact)</i> <i>(Is this a safeguarding matter? If 'yes' please complete form SD29(3) - RECORD OF SAFEGUARDING INVESTIGATION instead of this record and follow safeguarding/adult support and protection procedures.)</i> | | | |
| | | | |
| Background <i>(any relevant information about the customer/staff that is pertinent to provide context to the complaint)</i> | | | |
| | | | |
| Complaint Number: | | | |
| Does this complaint relate to or is it linked to any previous complaint? | | | |

| | | | |
|--|-------------------|---------------------------------|----------------------------|
| <i>(If so please note the related complaint number.)</i> | | | |
| Initial immediate actions taken <i>(actions taken immediately after learning of the complaint to ensure the safety of the customer/staff and address any initial performance issues)</i> <i>(Does this relate to an issue about staff conduct or performance? If so, have the staff disciplinary procedures been followed? If not state any action that has been taken in relation to the staff member.)</i> | | | |
| Date | Action taken | | |
| | | | |
| | | | |
| | | | |
| Details of investigation | | | |
| Methodology <i>(all resources utilised during the investigation e.g. statements, rotas, supervision notes, meeting notes, care notes, customer care and support plans, risk assessments and related documents, etc. Include details of who else has been consulted or the complaint has been discussed with)</i> | | | |
| Date | Action / Resource | Finding | |
| | | | |
| | | | |
| | | | |
| Views and wishes of people affected <i>(What are the views and wishes of the people affected, at the beginning and over time, and where appropriate include the views of any family member of the customers)</i> | | | |
| | | | |
| Findings of Investigation and Outcome | | | |
| Summary of findings <i>(Facts you have found out during your investigation and whether you consider the complaint to be substantiated)</i> | | | |
| Findings based upon the evidence | | Is the complaint substantiated? | |
| | | | |
| | | | |
| | | | |
| Learning Outcomes and Improvements <i>(List all the actions taken to reduce the risk of a further complaint or substantiated complaint relevant to customer/staff)</i> | | | |
| Improvement action | By whom | By when | Date completed / monitored |
| | | | |
| | | | |
| | | | |

| | | | |
|---|--|---|--|
| Summary of Learning Outcomes | | | |
| | | | |
| Investigation Outcomes <i>(was the complaint substantiated?)</i> | | | |
| | | | |
| Date complaint investigation report completed | | | |
| Date report sent to complainant for response | | | |
| Date response received from complainant | | | |
| Details of response and/or comments from complainant following receipt of report. Was complaint resolved to complainant's satisfaction? | | | |
| | | | |
| Further action required by Bluebird Care? <i>(Give details):</i> | | | |
| | | | |
| Date closed | | Signed by person carrying out investigation | |

Keep a copy of this form in the complaint file, with all evidence to support the investigation.

Appendix 9

COMPLAINTS LOG

| Date complaint formally received | Name of complainant | Nature of complaint | Complaint acknowledged (date and signature) | Complainant advised of their options and rights (date and signature) | Progress / Outcome of Complaint | Any improvements required (specify) | Date and signature on completion of any improvements required | Date complaint closed out | Comments |
|----------------------------------|---------------------|---------------------|---|--|---------------------------------|-------------------------------------|---|---------------------------|----------|
| | | | | | | | | | |
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