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FOR DEAF PEOPLE**

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**ST. JOSEPH'S HOUSE
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ST. JOSEPH'S HOUSE
FOR ADULT DEAF & DEAFBLIND
BREWERY ROAD, STILLORGAN CO. DUBLIN

**St. Joseph's House
for Adult Deaf & Deafblind
Complaints Policy & Procedures**

October 2009

St. Joseph’s House for Adult Deaf & Deafblind

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At St. Joseph's we want to give you the best possible care and treatment.

But there may be times when you think we could do a little better. And sometimes you may even want to tell us about something we have done well.

Whatever age you are, you have rights when it comes to your health including:

The right to have your say and be listened to.

The right to complain if you are not happy about something we have done.

We want you to tell us if you have a comment, suggestion or complaint about the service of care in St. Joseph's House. In order to help you to do so the following options are available to you:

- **In Person:**
You can talk to any member of St. Joseph's staff.

- **By Comment Card:**
Complete and submit the St. Joseph's comment card.

- **By Email:**
Email us at stjhouse@yahoo.ie with your feedback.

- **By Letter:**
Send a letter of fax into us at: Brewery Road, Stillorgan, Co. Dublin. Fax: 012899463.

- **By Phone:**
Call us on 012893160 and you will be looked after by a member of staff.

In the case of a comment or a complaint we will send you a letter of acknowledgement if contact details are provided. All comments or compliments will be forwarded to the relevant member of staff.

A verbal complaint will be acknowledged as soon as possible by a relevant member of staff.

A written complaint will be acknowledged in writing within five working days.

Depending on the nature and seriousness of your complaint:

- A staff member / manager will attempt to resolve your complaint as soon as possible or
- A staff manager will look into the issues raised in your complaint.

St. Joseph's will respond to all forms of correspondence within five working days and will always do our best to act quickly and efficiently and promise to keep you updated regularly on progress made.

St. Joseph's House

Complaints Policy and Procedures Manual

Introduction

Anyone has the right to comment, compliment or complain about any of the services provided by St. Joseph's House. Responding effectively to comments, compliments and complaints received and learning from them is a key aspect to providing a high quality care service.

St. Joseph's House aims to create an environment where people feel comfortable and have the opportunity to provide feedback about services experienced and equally where staff feel comfortable about taking ownership of the services delivered. Openness and accountability are key elements in care service and this is a philosophy adopted in relation to managing any feedback received.

Where standards of care, treatment and practice are perceived to fall short of what is acceptable service, users should have ease of access to an effective and fair system to deal with their complaint. St. Joseph's House is committed to providing a system for the management of complaints that facilitates effective feedback from and communication to all service users.

It is important to acknowledge that both the service user and the service provider have an equal voice and are of equal importance in this process. Co-operation with the investigation of a complaint is essential and the use of a standardised approach is of benefit to complainants and to staff. The emphasis is on the swift and positive resolution of complaints where possible. Empathy and willingness to listen may be all that is necessary in some cases. St. Joseph's House provides ongoing training for staff which is necessary to support and facilitate this process.

It is important to note that the St. Joseph's House Policy and Procedure for the management of feedback is complementary to other existing procedures e.g. disciplinary procedures, grievance procedures, etc. Matters appropriate for these other procedures will continue to be treated in confidence and in accordance with the agreed procedures.

Policy Statement:

St. Joseph's House welcomes comments, compliments and complaints from the residents, their families and representatives, visitors and staff about the services provided. Any comment or complaint will be viewed as an opportunity to continuously improve the quality of the services that we provide and to learn lessons so as to prevent similar occurrences in the future.

Complaints, criticisms or suggestions, whether oral or written will be taken seriously, handled appropriately and sensitively. The essential elements of St. Joseph's House complaints system are:

- Consistent and timely approach.
- Fairness and impartiality.
- Accessibility, flexibility and transparency.
- A quality care service.
- Improvements in service as a result of learning from the complaints made.

St. Joseph's House commits to safeguarding the rights and dignity of the service user and staff members in the implementation of this policy.

Role of the Management Team:

It is the responsibility of St. Joseph's House Management Team:

- To ensure that all St. Joseph's House managers and staff are aware of and comply with the complaints management policy and procedures.
- To ensure that there is effective monitoring and evaluation of the complaints system on an agreed routine basis.
- To ensure that organizational improvements are implemented in response to complaints received as far as is reasonably practicable.

Role of Staff:

All of St. Joseph's House staff have an obligation to effectively deal with complaints made to them, either through dealing with the complaint at the point of contact where appropriate or forwarding the complaint to the management team.

In addition, it is the role of staff to:

- Participate in Complaints Management Training.
- Partake in any investigation of a complaint where necessary.
- Be involved in improvement initiatives within their service.
- Provide data on complaints to the management team.

Comments and Compliments:

It is important to listen to comments and compliments from service users. Comment cards will be made available in St. Joseph's House to enable people (including staff members) make constructive suggestions to further improve services. Comments will be logged, followed up and monitored.

1. Confidentiality

All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity, if you so wish. However, if your concerns require further action, you may at some future date have to act as a witness and/or provide evidence.

2. Accountability

Procedures should be transparent to the complainant during the process of complaint investigation. Where action is not justified, the complainant must be advised as to why action should not be taken. A process of monitoring and evaluation will be implemented at all levels of the process and organisation to ensure that the processes are being adhered to and complaints are appropriately managed.

3. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of St. Joseph's House.

In exercising this discretion the factors to be taken into account include:

- The seriousness of the issues raised.
- The credibility of the concern.
- The likelihood of confirming the allegation from attributable sources.

4. Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, action may be taken against you.

What is meant by a complaint

A complaint is about any action of St. Joseph's House, Staff, Management or Volunteers which does not meet fair administrative or care practices and adversely affects the person by whom on who's behalf the complaint is made.

How to Raise a Concern/Complaint

1. As a first step, you should normally raise your concerns/complaints with a member of staff or a member of the Management Team. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the misconduct. For example, if you believe that a manager is involved, you should approach the Director of St. Joseph's House.
2. Concerns/Complaints should be raised in writing. Anyone wishing to make a written report should ask for a complaints form which enables you to identify:
 - The background and history of the concern/complaint (giving relevant dates).
 - The reason why you are particularly concerned about the situation.
3. The earlier you express the concern/complaint the easier it is to take action.
4. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern/complaint.
5. Advice/guidance on how to pursue matters of concern may be obtained from:
 - The Director of St. Joseph's House.
 - A member of staff.
 - A member of the Management Team.

How St. Joseph's House will respond:

1. St. Joseph's House will respond to your concern/complaint. Do not forget that testing out your concern/complaint is not the same as either accepting or rejecting it.
2. Where appropriate, the matters raised may:
 - Be investigated by appropriate management representatives, internal audit or through the disciplinary process.
 - Be referred to An Garda Síochána or the Health Service Executive.
 - Be referred to an external auditor.
 - Form the subject of an independent inquiry.
 Or a combination of the above.
3. In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle that St. Joseph's House will have in mind is the public interest. Concerns or Complaint allegations that fall within the scope of specific procedures (for example, child protection and adult abuse or discrimination issues) will normally be referred for consideration under these procedures.
4. Some concerns/complaints may be resolved by agreed action without the need for investigation. If urgent action is required this approach will be taken before any investigation is conducted.

5. Within five working days of a concern/complaint being raised, the nominated person will write to you in confidence:
- Acknowledge that the concern/complaint has been received.
 - Indicating how it is proposed to deal with the matter.
 - Giving an estimate of how long it will take to provide a final response.
 - Telling you whether any initial enquiries have been made.
 - Supplying you with information on staff support mechanisms.
 - Telling you whether further investigation will take place and if not, why not.

Every effort will be made to ensure that your concerns/complaints are dealt with as speedily as possible and you are kept informed of progress made.

6. The amount of contact between the personnel considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, St. Joseph's House will seek further information from you.
7. Where any meeting is arranged, off site if you so wish, a representative or a friend can accompany you.
8. St. Joseph's House will take steps to minimize any difficulties that you may experience as a result of raising a concern/complaint. For instance, if you are required to give evidence in criminal or disciplinary proceedings St. Joseph's House will arrange for you to receive advice and support throughout the procedure.
9. St. Joseph's House accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

The Responsible Officer:

The Director of St. Joseph's House has overall responsibility for the maintenance and operation of this policy. He/she will maintain a record of concerns/complaints raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the CEO of the Catholic Institute for Deaf People (CIDP).

How the Matter can be Taken Further:

This policy is intended to provide you with an avenue within St. Joseph's House and CIDP to raise concerns/complaints. St. Joseph's House hopes you will be satisfied with action(s) taken. However, if you are not satisfied and if you feel it is right to take the matter outside St. Joseph's House, the following are your possible contact points.

1. The Chief Executive Officer (CEO) of the CIDP- 40, Lwr. Drumcondra Road, Drumcondra, Dublin 9
2. The Head of Consumer Affairs HSE Oak House, Millennium Park, Naas, Co. Kildare.
3. The Ombudsman.
4. An Garda Síochána.

If you do take the matter outside St. Joseph's House, you should ensure that you do not disclose confidential information. Check with the Director of St. Joseph's House before disclosing any information, or in the event that the Director of St. Joseph's House is the subject of complaint then the CEO of the CIDP should be consulted.

St. Joseph's will always welcome your views and experiences. Your comments and feedback combined with St. Joseph's House expertise will grow the care service, to meet the needs of St. Joseph's House residents.

The stages of the complaints / concerns management process

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

It has been made clear to staff to resolve verbal concerns / complaints at the first point of contact wherever possible.

Stage 2a: Informal Resolution

The Director of St. Joseph's House must consider whether it would be practicable, having regard to the nature and the circumstance of the concern / complaint, to seek the consent of the complainant and any other person to whom the complaint / concern relates to finding an informal resolution of the complaint /concern by the parties concerned.

Mediation may be used to attempt resolution of the complaint / concern at Stage 2 if both parties agree.

Where informal resolution was not successful or was deemed inappropriate, the Director of St. Joseph's Houser will initiate a formal investigation of the complaint / concern.

Stage 2b: Formal Investigation

The Director of St. Joseph's House is responsible for carrying out the formal investigation of the complaint / concern 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 / concern, the complainant may seek a review of their complaint / concern by the CIDP CEO or HSE Internal Process at Stage 3.

Stage 3: CIDP or HSE Review

All requests for a CIDP review should be forwarded to the CEO of the CIDP:

Please refer to the CIDP website for full address: www.cidp.ie

40 Lower Drumcondra Road, Dublin 9

All requests for a HSE review should be forwarded to:

The Head of Consumer Affairs, HSE, Oak House, Millennium Park, Naas, Co.Kildare

The CEO of the CIDP or Head of Consumer Affairs will examine the request for review and appoint a Review Officer if appropriate to carry out the review of the complaint / concern.

Review Officer(s) will review the processes used to carry out the investigation of the complaint / concern 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 concern / complaint or recommend that a local re-investigation of the concern / 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 / concern 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.

Managing complaints / concerns

Timeframes involved once a complaint / concern is received

The Director of St. Joseph's House will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint / concern will not be investigated and the reasons for it.

- Where the complaint / concern will be investigated, the Director must endeavour to investigate and conclude the investigation of a complaint / concern within 30 working days of it being acknowledged.

- If the investigation cannot be investigated and concluded within 30 working days then the person investigating the complaint must communicate this to the complainant and the relevant 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 Director of St. Joseph's House must update the complainant and the relevant staff/ service member every 20 working days.
- The Director of St. Joseph's House must endeavour to investigate complaints within 30 working days. However, where the 30 working days time frame cannot be met despite every best effort, the complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.
If this timeframe cannot be met, the complaints person must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. He/She should encourage the complainant to stay with the local St. Joseph's House, CIDP, and HSE 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 Director must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that:

- A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint. The Director of St. Joseph's House may extend the time limit for making a complaint if, in his/her opinion, special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:
 - If the complainant is ill or bereaved
 - If new relevant, significant and verifiable information relating to the action becomes available to the complainant
 - If it is considered in the public interest to investigate the complaint
 - If the complaint concerns an issue of such seriousness that it cannot be ignored
 - Diminished capacity of the resident 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
 - The Director of St. Joseph's House 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)

48.—(1) A person is not entitled to make a complaint about any of the following matters:

- a matter that is or has been the subject of legal proceedings before a court or tribunal;
- a matter relating solely to the exercise of clinical judgment by a person acting on behalf of either St. Joseph's House, CIDP or the HSE;
- an action taken by the St. Joseph's House solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b);
- a matter relating to the recruitment or appointment of an employee by St. Joseph's House, or the HSE;
- a matter relating to or affecting the terms or conditions of a contract of employment that the HSE or St. Joseph's House proposes to enter into or of a contract with an adviser that the HSE or St. Joseph's House propose 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 residents of St. Joseph's House. It will have a positive effect on staff morale and improve relations with the public. It will also provide useful feedback to St. Joseph's House 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 St. Joseph's House and its staff.

St. Joseph's House and the HSE 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

The Director of St. Joseph's House may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause—

- (a) St. Joseph's House and the HSE to make a material amendment to its approved service plan, or
 - (b) St. Joseph's House and the HSE to make a material amendment to an arrangement under section 38.
- (2) 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 the HSE

St. Joseph's House will provide the HSE with a general report on the complaints received by St. Joseph's House 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

Complaint Form

St. Joseph's House welcomes comments, compliments and complaints from the residents, their families and representatives, visitors and staff about the services provided. Any comment or complaint will be viewed as an opportunity to inform service provision to continuously improve the quality of the services provided and to learn lessons so as to prevent similar occurrences in the future.

Name of Person Filing Complaint:

Address:

Daytime Phone: _____ Please indicate Voice: or Text:

Evening Phone: _____

Name(s) of Resident(s) on whose behalf the Complaint is being made:

Name of Staff Person(s) Involved:

Summary of Complaint:

Date(s) of Incident(s): _____

Shift(s) When Incident(s) Occurred - Day: Afternoon: Night:

Time(s): _____

Witness(es): _____

Have you discussed your complaint with anyone? Yes/No:

Records that should be examined: _____

Check ALL that apply:

I want to talk with the investigator before he/she starts the investigation _____

I want my identity to remain confidential (i.e. not revealed to care facility) _____

I want a copy of the final complaint report _____

Signed: _____

Date: _____

St. Joseph's House will always welcome your views and experiences. Your comments and feedback combined with St. Joseph's House expertise will grow the care service, to meet the needs of St. Joseph's House residents.

The law requires care providers to have in place measures to safeguard people who use their services from harm or abuse and to promote their rights and welfare. National Standards expand on this requirement and call upon care services providers to have whistleblowing arrangements.

The term 'whistleblowing' is used to describe the reporting of bad practice of an employer or volunteer where they work. Employees may whistleblow within their organisation or, if they do not have confidence in their employer or fear detriment as a result, may disclose their concerns to others.

Employees are often the first to realise that there may be something seriously wrong in their place of work. Normally, employees would be expected to raise any concerns initially with their line manager. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to St. Joseph's House. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.

St. Joseph's House is committed to the highest possible standard of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of St. Joseph's work, or those who work for St. Joseph's House, to come forward and voice their concerns. It is recognised that most cases will proceed on a confidential basis.

This policy makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise concerns within St. Joseph's House rather than overlooking a problem or 'blowing the whistle' outside.

This policy applies to all employees and those contractors working for St. Joseph's House on St. Joseph's House premises, for example, agency staff, advisors, builders and drivers. It also covers suppliers and those providing services under a contract with St. Joseph's House in their own premises or in other premises where services are delivered.

These procedures are in addition to the St. Joseph's House complaints, procedures and other statutory reporting procedures applying to some services e.g. residences. St. Joseph's House is responsible for making service users aware of the existence of these procedures.

This policy has been discussed with the relevant trade unions and has their support.

If you would like to know more about St. Joseph's House or would like to visit us you will be warmly welcomed, please do not hesitate to contact us.

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