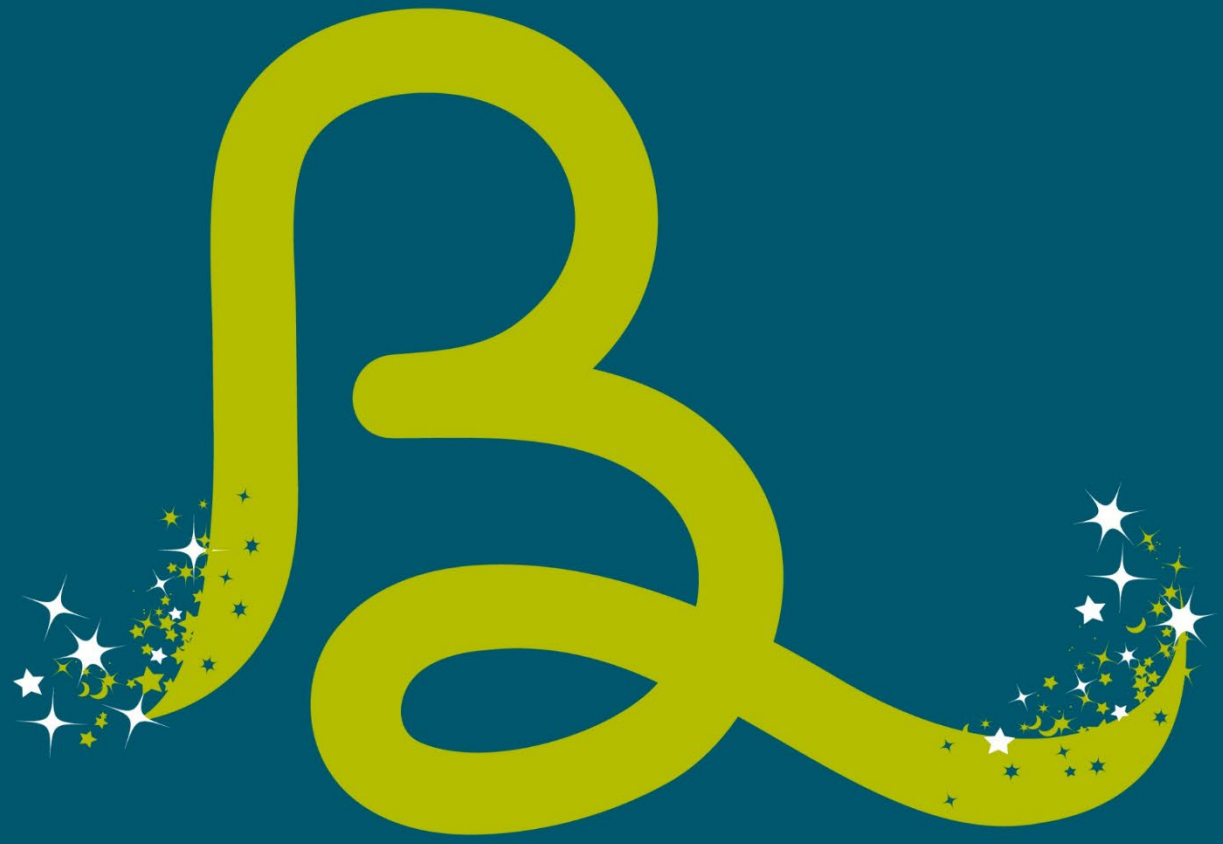
BARRETSTOWN

Complaints Policy



Barretstown
restoring young lives

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1. 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
(b) adversely affects the person by whom or on whose behalf the complaint is made;

2. Purpose

We welcome both positive and negative feedback. Therefore, we aim to ensure that:

- It is as easy as possible to make a complaint;
- We treat as a complaint any clear expression of dissatisfaction with our operations which calls for a response;
- We treat it seriously whether it is made by telephone, letter, fax, email or in person; We deal with it quickly and politely;
- We respond accordingly - for example, with an explanation, or an apology where we have got things wrong, and information on any action taken;
- We learn from complaints, use them to improve, and monitor them at our Board.

3. Who can make a complaint

Any person who is being or was provided with a health or personal social service by Barretstown 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 Barretstown that-
(a) it is claimed, does not accord with fair and sound administrative practice, and
(b) adversely affects or affected that person.

4. Scope

- As a charity seeking donations from the public, Barretstown aims to comply with the Guidelines for Charitable Organisations on Fundraising from the Public, as published by the Charities Regulators.

- We are committed to ensuring that all our communications and dealings with the general public, anyone who has used our service and our supporters are of the highest possible standard. We listen and respond to the views of the general public, users of our service and our supporters so that we can continue to improve.

5. Process

5.1 How to make a complaint

If you do have a complaint about any aspect of our work, you can contact our Chief Executive, Dee Ahearn, in writing or by telephone who will deal with your complaint in the first instance. Her contact details are below. Please give us as much information as possible and let us know how you would like us to respond to you, providing relevant contact details.

Dee Ahearn
Chief Executive
Barretstown,
Barretstown Castle,
Ballymore Eustace,
Co. Kildare.

Tel: 00 353 (0) 45 864115

Email: dee.ahearn@barretstown.org

We are open Monday - Friday from 9.00am to 5.00pm.

5.2 Acknowledgement of complaints

Upon a complaint being received by or assigned to the complaints officer (including a referral under Section 48(2)), 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.

5.3 Advocacy

All complainants have the right to appoint an advocate who, if a person is unable to make a complaint themselves can assist them in making the complaint. The Citizen Information (Comhairle 2005) defines advocacy as a means of empowering people by supporting them to assert their views and claim their entitlements and where necessary, representing and negotiating on their behalf.

5.4 What happens next?

Stage 1: If you complain in person or over the phone, we will try to resolve the issue there and then. Similarly, if you complain by email or in writing we will always acknowledge your complaint within five working days and do everything we can to

resolve it within 21 days. If this is not possible, we will explain why and provide a new deadline.

5.5 What if the complaint is not resolved?

Stage 2: Elevation to Barretstown's Board of Directors

If you are not happy with our response, you may get in touch again by writing to Barretstown's Chair at the address above. S/he will ensure that your appeal is considered at Board level and will respond within two weeks of this consideration by Board members.

Stage 3: Review

If you are not happy with the response from Barretstown's Board, you can, within 30 days of receiving your response from the Board, request a review of the response. This review will be conducted by an appointed independent specialist Review Officer.

You may also choose to go directly to the Office of the Ombudsman, Ombudsman for Children, or Charity Regulator to make an application for review.

The Review Officer's function is to:

(i) To determine the appropriateness of a recommendation made by the Board of Barretstown, having regard to the two elements:

a. All aspects of the complaint
b. The investigation of the complaint

(ii) Having determined the appropriateness of the recommendation to uphold it, vary it, or make a new recommendation if he/she considers it appropriate to do so.

Implementation of Recommendations made by the Review Officer

• Within 30 working days the Review Officer will write to you and the Board of Barretstown detailing their recommendation.
• Where a recommendation, the implementation of which would require or cause Barretstown to make a material amendment to its approved service plan, the Chief Executive may amend or reject the recommendation.
• Where the recommendation is being amended or rejected or where alternative measures are being taken, the Chief Executive must give the reasons for their decisions.
• The Chief Executive must put an action plan in place for the implementation of the recommendations of the investigation. The action plan, persons responsible and timeframes are to be identified and recorded.

Stage 4. Independent Review

If you are not satisfied with the outcome of the complaints management process you may seek a review of the complaint by the Ombudsman/ Ombudsman for Children or the Charity Regulator at any stage in the process.

The Ombudsman's contact details are as follows:

6 Earlsfort Terrace, Dublin 2
Phone: +353 1 639 5600
Email: compaints@ombudsman.ie
Website: https://www.ombudsman.ie/

The Ombudsman for Children's contact details are as follows:

Millennium House, 52-56 Great Strand Street, Dublin 1
Phone: +353 1 865 6800
Email: oco@oco.ie
Website: https://www.oco.ie/

The Charity Regulator's contact details are as follows:

3 George's Dock, IFSC, Dublin 1
Phone: +353 (01) 633 1500
Email: info@charitiesregulator.ie
Website: https://www.charitiesregulator.ie

What happens next?

The Ombudsman, Ombudsman for Children or Charities Regulator will consider complaints and will respond according to their own procedures which are available on their respective websites.

6. Time limits for making a complaint

You are entitled to make a complaint as long as it 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

We may extend the time limit for making a complaint if in the opinion of the Chief Executive 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
• The Chief Executive must notify the complainant of decision to extend / not extend time limits within 5 working days.

7. 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 either the Health Service Executive (the Executive) or Barretstown;
c) an action taken by the Executive or Barretstown solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b)
d) a matter relating to the recruitment or appointment of an employee by the Executive or Barretstown;
e) a matter relating to or affecting the terms or conditions of a contract of employment that the Executive or Barretstown proposes to enter into or of a contract with an adviser that the Executive 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 Siochana;
i) a matter that has been brought before any other complaints procedure established under an enactment.
2) Subsection (1)(i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the Ombudsman for Children or Charities Regulator and that is referred by him or her to a complaints officer.

8. Refusal to investigate or further investigate complaints.

Barretstown shall not investigate a complaint if—
a. the person who made the complaint is not entitled under *section 46* to do so either on the person's own behalf or on behalf of another,
b. 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)*.

Barretstown may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that officer— (a) is of the opinion that— 1. the complaint does not disclose a ground of complaint provided for in *section 46*,
2. the subject-matter of the complaint is excluded by *section 48*,
3. the subject-matter of the complaint is trivial, or
4. the complaint is vexatious or not made in good faith,

or
(b) is satisfied that the complaint has been resolved.

Barretstown shall, as soon as practicable after determining that he or she is prohibited by *subsection (1)* from investigating a complaint or after deciding under *subsection (2)* not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

9. Unreasonable complainant behaviour

Barretstown fully recognises the right of any service user to complain about any aspect of the service they have received. In a small minority of cases where Barretstown will take all reasonable measures to try to resolve a complaint through the complaints procedure, the complainant does not accept these efforts. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, Barretstown will withdraw from any further engagement.

At any point in the complaints process, you have the right of review to the National Advocacy Unit if they are not happy with the outcome of the complaint.

10. Redress

Barretstown will 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
• 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

11. Record of complaints

Barretstown will retain a record of all complaints and how they were dealt with and will retain this data in line with Barretstown's Data Protection policy.

12. Child Safeguarding

At Barretstown we recognise that Safeguarding is an ongoing process. Barretstown is committed to the implementation of our Safeguarding Statement and the policy and procedures that support our intention to keep children safe from harm while availing of our service. The Safeguarding policy and statement are reviewed annually or as soon as

practicable after there has been a material change in any matter to which our safeguarding policy refers. For queries please contact safeguarding@barretstown.org to speak with a Designated Liaison Person for child protection.