



Deputy Mattie McGrath,

Dáil Éireann,

Kildare Street,

Dublin 2.

Re: PQ 51545/22

Question: To ask the Minister for Health if he has plans to introduce an independent complaints body to investigate complaints of failures by the HSE in relation to disability services; and if he will make a statement on the matter.

Dear Deputy McGrath,

I refer to the above Parliamentary Question which has been referred by the Minister for Health to the Health Service Executive for direct response.

The HSE has a very open, transparent and accessible feedback policy and procedure which is designed to encourage and support all service users to share their experience of service with us. The HSE proactively welcomes, encourages and embraces feedback from all service users and their families through its Your Service Your Say Policy. This includes disability services.

Listening to all our service users, patients and their families and providing the opportunity for them to share their experience is at the core of our commitment to improving care and their experience of our health services.

In accordance with Section 46, Part 9 of the Health Act 2004, anyone who is being or was provided with a health or social service by the HSE or service provider or anyone seeking provision of such services is entitled to make a complaint.

The Your Service Your Say, the Management of Service User Feedback for Comments, Compliments and Complaints Policy 2017 is designed to be flexible, accessible and responsive to the needs of all service users and ensures that all feedback is acknowledged, reviewed and responded to within the agreed policy and legislative timeframes. The mechanisms of feedback available are:

- Tell the people caring for you today.
- Fill in [the online feedback form](#).
- Email yoursay@hse.ie.
- Fill out the paper feedback form and put it in the feedback box or give it to a member of staff.
- Send a letter to the service - a staff member can give you the contact details.
- Call us on [1890 424 555](tel:1890424555) from 9am to 5pm Monday to Friday. Call [045 880 429](tel:045880429) from a mobile.
- Call HSELive on 1800 700 700 from 8am to 8pm Monday to Friday and 10am to 5pm on Saturday. Call [+353 1 240 8787](tel:+35312408787) from outside of Ireland.

All HSE staff are encouraged and trained to deal with feedback and to provide the necessary supports and assistance to any person wishing to provide feedback, including signposting to advocacy services. Many hospitals now have patient liaison and Patient Advocacy Services (PAS) in place to support patients throughout their stay. It is a free and confidential service, independent of the HSE. The service is an additional commitment by the HSE that all people receive a compassionate and comprehensive response to any complaint made. The contact details for this are:



Website: www.patientadvocacyservice.ie

Phone: [0818 293 003](tel:0818293003)

Email: info@patientadvocacyservice.ie

The Office of the HSE Assessment of Need (AoN) Complaints Officers provides a service for persons who wish to make a complaint in relation to Assessment of Need under one or more of the following five grounds for complaint specified in Part 2 of the Disability Act 2005;

A complaint in relation to;

- (a) a determination by the assessment officer concerned that he or she does not have a disability;
- (b) the fact, if it be the case, that the assessment under *section 9* was not commenced within the time specified in *section 9(5)* or was not completed without undue delay;
- (c) the fact, if it be the case, that the assessment under *section 9* was not conducted in a manner that conforms to the standards determined by a body referred to in *section 10*;
- (d) the contents of the service statement provided to the applicant;
- (e) the fact, if it be the case, that the Executive or the education service provider, as the case may be, failed to provide or to fully provide a service specified in the service statement.

On receipt of a complaint the AoN Complaints Officer must determine if the complaint is valid and meets the statutory timeframe for submitting a complaint.

Once the complaint is deemed valid the AoN Complaints Officer considers if the complaint is suitable for informal resolution.

If the complaint is deemed unsuitable for informal resolution the AoN Complaints Officer proceeds to a formal investigation of the complaint. This will consist of contacting persons concerned, for responses and evidence as required to consider the complaint.

Once the AoN Complaints Officer has received the information and evidence required, and allowed all parties to respond to any information received, he or she will prepare a report in writing in relation to the complaint, setting out his or her findings and recommendations, and will furnish a copy of the report to the applicant, the HSE, and if appropriate, the head of the education service provider concerned.

As per Section 15(2) of the Act the AoN Complaints Officer is independent in the performance of his or her functions.

An appeal may be made by the complainant to the Disability Appeals Officer (an independent officer appointed by the Minister for Health) in relation to the following;

- against a finding or recommendation of an AoN Complaints Officer.
- against a failure of the HSE or an education service provider to implement a recommendation of an AoN Complaints Officer, or

The HSE or the head of an education service provider may also appeal to the Disability Appeals Officer against;

- a finding or recommendation in relation to ground (e) above.

In addition, where recommendations are made by an AoN Complaints Officer, if they are not carried out within 3 months of the date of the investigative report, the complainant can apply to the Circuit Court for an order directing the HSE, or the education service provider, to implement the recommendation.



Also, Leigh Gath, a well-known disability advocate, was appointed as a "Confidential Recipient", independent of the HSE, to whom anyone can make a complaint or raise concerns about the care and treatment of any vulnerable person receiving residential care in a HSE or HSE funded facility. Details for this service are at the link below:

<https://www2.hse.ie/complaints-feedback/report-a-concern-about-a-vulnerable-adult/>

The HSE is committed to ensuring the patient voice is at the heart of improving service user and patient experience and efforts to support all those who use health services to share their experience with us continues to be a priority and key focus.

If you require any further information or clarification please do contact us.

Yours sincerely,

A handwritten signature in cursive script that reads "Christopher Rudland".

Christopher Rudland,
Assistant National Director,
Patient & Service User Experience Integrated Operations
National Complaints Governance & Learning Team,
31/33 Catherine Street, Limerick.