

# Where and how to complain about health and social care service in Ireland

An Information Guide for Employees





# Contents

<b>Introduction</b>	<b>4</b>
<b>Steps to take when receiving a complaint</b>	<b>5</b>
<b>Using the LISTEN approach</b>	<b>6</b>
<b>Effective questions to best direct a service user</b>	<b>7</b>
<b>Checklist for making a complaint</b>	<b>8</b>
<b>Steps in the Complaints' Management Process</b>	<b>9</b>
<b>Advocacy</b>	<b>10</b>
<b>Information from each organisation</b>	<b>11</b>
<b>Case Studies</b>	<b>21</b>
<b>Glossary of terms</b>	<b>23</b>
<b>Complaint options for public and private patients</b>	<b>24</b>
<b>Agencies involved in healthcomplaints</b>	<b>25</b>

# Introduction

This guide is designed to assist you as an employee of an organisation involved in dealing with complaints about health and social care. It will help you to understand your own and other organisations' roles in the management of complaints so that you, in turn, can assist service users.

It offers advice on how to receive complaints and what questions to ask service users in order to best direct their complaint within your own organisation or, when appropriate, to another organisation.

The initiative which gave rise to this guide - **healthcomplaints** - is made up of:

- an information website ([www.healthcomplaints.ie](http://www.healthcomplaints.ie))
- a booklet. Leaflet and a poster for service users
- this Information Guide for Employees.

It has been a collaborative effort between;

- complaints-handling bodies (the Ombudsman and Ombudsman for Children's Office)
- health and social care providers (Health Service Executive)
- regulators of services (Health Information and Quality Authority, Mental Health Commission)
- professional regulators (the Medical Council, An Bord Altranais, CORU) and
- service-user representatives (the Irish Patients' Association).

The steering group for the initiative is chaired by the Office of the Ombudsman.

This guide is available throughout these organisations and is to be used as part of induction sessions, customer service training, complaints officer training and will also be published on intranet sites.

Further information can be found online at [www.healthcomplaints.ie](http://www.healthcomplaints.ie)

See the logos of all the organisations involved in this initiative on **page 25**.

# Steps to take when receiving a complaint

You receive a verbal complaint from a service user either in face-to-face communication or over the telephone

## LISTEN

- **Listen** to the complainant
- **Identify** the issues (remember there may be more than one) and what outcome the complainant is looking for
- **Summarise** the issues
- **Thank** the complainant for taking the time to give feedback
- **Empathise** and **Explain** what the next step is going to be
- **Now Act** – determine the appropriate action

Is the complaint appropriate for my organisation?

Yes

Complaint can be dealt with:  
Follow usual process within the organisation

No

Complaint is not appropriate

Direct service user to the appropriate organisation

See pages 10-16 of this guide

# Using the LISTEN approach

Use the **LISTEN** approach to assist you when receiving a verbal complaint.

## **Listen:**

- Listen carefully to the issues being raised by the complainant. Give them your name

## **Identify:**

- Identify if there are multiple issues relevant to the complaint and separate each issue. Attempt to identify any hidden or underlying issues that may exist
- Summarise the issues to clarify and check that you understand what the person is telling you
- Ask the complainant to confirm that they agree with your interpretation of their complaint
- Find out from the complainant what they want to happen as a result of their complaint

## **Summarise:**

- Summarise the issues to clarify and check that you understand what the person is telling you
- Ask the patient/service user to confirm that they agree with your interpretation of the complaint

## **Thank the person:**

- Thank the person for taking the time to make the complaint

## **Empathise and Explain:**

- Empathise and acknowledge the feelings of the complainant. An early expression of regret or apology can minimise the possibility of a verbal complaint becoming a formal written complaint
- Explain to the complainant that there will be no negative repercussions
- Explain what will happen next (for example, that you may need to contact your manager)

## **Now Act:**

- Assess the verbal complaint. Once a verbal complaint is received, the person receiving the complaint must ensure that they get as much information as possible about the complaint to assist them in assessing the seriousness and/or the complexity of the complaint. This in turn assists you to determine if the complaint should be resolved locally at the point of contact or if the complaint should be referred elsewhere for management.

**You should only attempt to manage complaints received at the point of contact if due care has been taken to establish that all issues can be addressed appropriately.**

# Effective questions to best direct a service user

This section provides some questions you can ask to help decide how best to direct someone's complaint.

**1. Where did the incident occur?**

**2. Who/what is the complaint about?**

**3. Have you made the complaint elsewhere?**

In the case of services provided by, or on behalf of, the HSE, if the person has already made the complaint at the place where the incident occurred it may be appropriate to advise them of their right to request a review from the HSE (see page 12) or to refer their complaint to the Ombudsman/Ombudsman for Children (see page 13). In cases where there may be an issue of professional misconduct these can be referred to the appropriate professional regulator (see pages 14-18 )

**4. Did you get a response to your complaint?**

- If they have not yet received a response, they should be advised to contact the person dealing with their complaint
- If they have received a response, see Question 5

**5. Are you happy with the response you received?**

- If the person is unhappy with the response they received, they should be advised of the following steps:
  - ✓ For complaints relating to services provided by, or on behalf of, the HSE refer for HSE review– see page 12

OR YOU CAN

- ✓ Refer complaint to the Ombudsman or Ombudsman for Children – see page 13
- ✓ Refer to the appropriate regulatory body – see pages 14-18

**All of the organisations listed on pages 13 – 20 of this guide have a duty to help service users. They are happy to give them information, help and support.**

**Where they have the power to do so, they can investigate complaints or take a case on behalf of a service user. Where they do not have this power, they will be able to direct service users to the best place to get help, advice, information and support.**

# Checklist for making a complaint

To help people when making a complaint, ensure the following information is provided:

- ✓ Name and contact details or, in the case of an advocate, the name and contact details of the person on who's behalf they are acting
- ✓ Postal address for correspondence
- ✓ Email address and telephone number (if they would like to be contacted in this way)
- ✓ Summary of the complaint

## 7 Areas to cover in a complaint

To help summarise a complaint and describe what happened, the following questions may be useful:

- ✓ What happened?
- ✓ Who was involved?
- ✓ When did it happen?
- ✓ Where did it happen?
- ✓ How did it happen?
- ✓ Why did it happen?
- ✓ What is the desired outcome?



# Steps in the Complaints Management Process

	Complaints regarding Health & Social Care Services	Complaints regarding Health & Social Care Services
Public/Private	Public – HSE or on behalf of the HSE	Private
Step 1	<b>Local Resolution at the point of contact</b>	
↓ If the complaint is not resolved proceed to Step 2		
Step 2	<b>Local Investigation of Complaint by appropriate delegated person (Complaints Officer, Risk Manager, General Manager etc.)</b>	
↓ If the complaint is not resolved proceed to Step 3		
Step 3	<b>Review of Complaint (Internal)</b>	
	Review can be requested from the HSE Director of Advocacy	Internal Review Mechanisms
↓ If the complaint is not resolved proceed to Step 4		
Step 4	<b>Review of Complaint (External)<sup>1</sup></b>	
	A complaint can be referred to the Ombudsman or Ombudsman for Children as appropriate <sup>1</sup> .	N/A
Other Options	➤ Some professions have a Regulatory Body <sup>1</sup> . Complaints regarding these professions can be referred to the appropriate Regulatory Body.	
	➤ Concerns regarding some services can be referred to the appropriate Regulator of Services for their information	
	➤ Seek legal advice	
	➤ If a crime is involved, report this to the Gardaí	

<sup>1</sup> A complaint can be referred to the Ombudsman/Ombudsman for Children or one of the professional regulatory bodies at any time in the complaints process, however it should be noted that the complaint may be referred back for local investigation if this has not taken place already or has not been completed.

# Advocacy

The most important thing is that people feel safe. If someone feels their immediate care may be compromised by making a complaint or, if they feel intimidated in any way by the complaints process, they may want some support when making a complaint. This is where having an advocate may help.

An advocate is a person who will **listen** and **speak for someone** in times of need. Advocacy is a process of supporting and enabling people to:

- Express their views and concerns
- Access information and services
- Defend and promote their rights and responsibilities
- Explore choices and options

A staff member or trusted person may also act as an advocate for people wishing to make a complaint.

Anyone who is an advocate should respect the principles of advocacy listed below:

- Empowerment of the person where possible
- Respect for the person and their wishes
- Acting in the person's best interest
- Acting independently
- Maintaining confidentiality
- Acting with diligence and competence

Contact details for some independent advocacy services are listed on **pages 19 – 20**.

# Information on each organisation

The organisations in the following pages can be broken down into three categories:

## 1. Service Providers (see page 12)

- Public – services received directly from the HSE or on its behalf, services received under the Medical Card or GP Visit Card schemes
- Private - private hospitals, private nursing homes, any service which was paid for by the service user

## 2. Independent Complaints Handling Bodies (see page 13)

- Ombudsman
- Ombudsman for Children

These are independent organisations which deal with individual complaints in relation to services provided by, or on behalf of, the HSE.

## 3. Regulators (see pages 14-18)

There are a number of organisations in the health and social care sector in Ireland with responsibility for protecting the quality and safety of health and social care services.

These organisations are called regulators and they regulate such areas as:

- **professional practice** (for example, the Medical Council of Ireland, An Bord Altranais, Pharmaceutical Society of Ireland) – pages 14-16
- **service quality**, (for example, Mental Health Commission, Health Information and Quality Authority) – page 17, and
- **medicines and healthcare products** (Irish Medicines Board) – pages 18-20.

# Service Providers

**Public** health and personal social services in Ireland are provided by, or on behalf of, the HSE. These include services provided to anyone who has a Medical Card or GP Visit Card.

In most instances people are encouraged to provide feedback as close to the point of contact so that issues can be resolved as they arise. Therefore, there are complaints officers for each service in the HSE and contact details are available at each location or on [www.hse.ie](http://www.hse.ie).

You can make a complaint:

- In person – talk to any member of HSE staff, a service manager or complaints officer
- By telephone
- By sending a letter fax or email to any HSE location, or email [yoursay@hse.ie](mailto:yoursay@hse.ie). Staff can help you put your complaint in writing, if you require assistance
- By completing 'Your Service Your Say' comment or complaint form.

For further information available from the HSE National Information Line on: 1850 24 1850 (8am – 8pm Monday to Saturday)

If you are unhappy with the recommendations made by a complaints officer following a complaint investigation, you can request a review in writing from the:

HSE's Director of Advocacy  
Oak House  
Millennium Park  
Naas  
Co Kildare.

Telephone: 1890 424 555.

**Private** health and personal social services are provided by individual companies and feedback should be directed to where the incident took place.

**Note:**

It should be noted that neither the HSE nor the Office of the Ombudsman can investigate complaints in relation to private health and social care unless it is being provided by the private company on behalf of the HSE.

# Independent Complaints Handling Bodies

If the person making the complaint is not satisfied with how it is being managed, they can refer it to the Office of the Ombudsman or Ombudsman for Children.

## Office of the Ombudsman

**1890 223 030; [www.ombudsman.ie](http://www.ombudsman.ie)**



The Ombudsman investigates complaints from members of the public who feel they have been unfairly treated by certain public bodies. You can complain on your own behalf or for someone else if they ask you to. The Ombudsman service is impartial, independent and free.

## Ombudsman for Children

**1800 202 040; [www.oco.ie](http://www.oco.ie)**



The role of the Ombudsman for Children's Office (OCO) is to promote and monitor children's rights by:

- investigating complaints
- advising Ministers
- publishing research
- consulting children directly

# Regulators of Healthcare Professionals

## CORU

(Health and Social Care Professionals Council)



**(01) 2933160; [www.coru.ie](http://www.coru.ie)**

CORU is in the process of opening a register for 12 health and social care professionals so that it can regulate those professions. It will provide statutory registration of these 12 professions: Clinical Biochemists; Physiotherapists; Dietitians; Psychologists; Medical Scientists; Radiographers; Occupational Therapists; Social Care Workers; Orthoptists; Social Workers; Podiatrists; and Speech and Language Therapists.

CORU's role is to protect the public by promoting high standards of professional:

- conduct
- education
- training
- competence

CORU recently opened its register of Social Workers. The registers for each of the other professionals will open on a phased basis. CORU will be unable to deal with complaints until the end of 2012.

## Dental Council

**(01) 676 2069; [www.dentalcouncil.ie](http://www.dentalcouncil.ie)**



The Dental Council is the regulatory body for the dental profession. Its main role is to promote high standards of professional education and professional conduct among dentists.

It also looks after the public interest.

It advises the dental profession and the public on dental ethics and professional behaviour.

# Regulators of Healthcare Professionals

## Medical Council



**(01) 498 3100; [www.medicalcouncil.ie](http://www.medicalcouncil.ie)**

The Medical Council is responsible for the regulation of doctors in Ireland. The Medical Council's responsibilities include to:

- protect the public by promoting and ensuring the highest professional standards among doctors; and
- investigate complaints and institute disciplinary procedures.

The Medical Council also sets and monitors standards for:

- medical education
- training
- conduct
- professional competence
- ethics

## Pre-Hospital Emergency Care Council



**(045) 882 042; [www.phecc.ie](http://www.phecc.ie)**

The Pre-Hospital Emergency Care Council (PHECC) makes sure the standards of pre-hospital emergency care are delivered in a way that protects the public.

It does this by specifying, reviewing, maintaining and monitoring the standards of excellence for this care.

PHECC is an independent statutory agency and is also responsible for the standards, education and training in pre-hospital emergency care in Ireland.

# Regulators of Healthcare Professionals

## An Bord Altranais

**(01) 639 8500; [www.nursingboard.ie](http://www.nursingboard.ie)**



An Bord Altranais investigates any complaints received about the professional conduct of a nurse or midwife.

It is a State body that regulates nurses and midwives.

Its job is to set and promote high standards of:

- professional education
- training
- practice
- conduct

An Bord Altranais requires nurses and midwives to remain competent by keeping their knowledge and skills up to date.

## Pharmaceutical Society of Ireland

**(01) 218 4000; [www.thepsi.ie](http://www.thepsi.ie)**



The Pharmaceutical Society of Ireland (PSI) is an independent statutory body, established by the Pharmacy Act, 2007.

The PSI works in the public interest to protect the health and safety of the public by regulating the professional practice of pharmacists and pharmacies.

The PSI is responsible for the registration of pharmacists and pharmacies. Among its other responsibilities are to:

- handle complaints and disciplinary matters, including the imposition of sanctions;
- improve the profession of pharmacy; and
- provide accreditation of educational programmes for the pharmacy profession at different levels.



# Regulators of Service Quality

## Health Information and Quality Authority (HIQA)

**(021) 240 9300; [www.hiqa.ie](http://www.hiqa.ie)**



The Health Information and Quality Authority (HIQA) is an independent organisation. It has the legal power and responsibility for improving the quality, safety and value of health and social care in Ireland (excluding mental health services).

HIQA is also responsible for:

- setting standards
- monitoring and inspecting services
- providing guidance on health information
- carrying out health technology assessments

## Mental Health Commission

**(01) 636 2400; [www.mhcirl.ie](http://www.mhcirl.ie)**



The Mental Health Commission is an independent statutory organisation that was set up in 2002, by law, under the Mental Health Act 2001.

Among its functions, the Mental Health Commission makes sure that mental health services:

- maintain high standards and good practices; and
- protect the interests of people detained in approved centres.

# Regulators of Service Quality

## Irish Medicines Board (IMB)

**(01) 676 4971; [www.imb.ie](http://www.imb.ie)**



IMB's role is to protect and enhance public and animal health through the regulation of:

- medicines
- medical devices
- healthcare products
- cosmetics

As the regulatory authority, the IMB aims to make sure that all medicines that can be purchased in the Republic are safe, effective and of high quality.

IMB identifies and addresses safety issues so that healthcare products and cosmetics do not compromise the health of those who use them.

## Food Safety Authority of Ireland

**1890 336 677; [www.fsai.ie](http://www.fsai.ie)**



The Food Safety Authority of Ireland (FSAI) is the national body responsible for enforcing food safety legislation in Ireland.

Its job is to protect consumers' health and interests by making sure that food consumed, distributed, marketed or produced in the State meets the highest standards of food safety and hygiene.

FSAI works together with a number of other bodies.

## Radiological Protection Institute of Ireland

**(01) 269 7766; [www.rpii.ie](http://www.rpii.ie)**



The Radiological Protection Institute of Ireland (RPII) is an independent public body under the Department of Environment, Heritage and Local Government. It was set up under the 1991 Radiological Protection Act.

One of its key roles is to regulate hospitals and medical practices where radioactive substances and X-ray equipment are used in the diagnosis and treatment of illness.

# Useful Contacts and Sources of Help

## **Irish Advocacy Network**

(responsible for mental health issues)

Phone: (047) 38918

Address: c/o The Health Care Unit, Rooskey, Co.Monaghan.

Website: [www.irishadvocacynetwork.com](http://www.irishadvocacynetwork.com)

## **Irish Patients' Association**

Phone: (01) 272 2555

Mobile: 087 6594183 (emergency)

Address: 24 Church Road, Ballybrack, Co. Dublin.

Website: [www.irishpatients.ie](http://www.irishpatients.ie)

## **Patient Focus**

Phone: (01) 885 1611

Address: Sky Business Centre, Plato Business Park,  
Damastown, Dublin 15.

Website: [www.patientfocus.ie](http://www.patientfocus.ie)

## **Citizens Information Board**

(responsible for disability-related issues)

Phone: 1890 777 121

Address: Citizens Information Board, George's Quay House,  
43 Townsend St., Dublin 2.

Website: [www.citizensinformation.ie](http://www.citizensinformation.ie)

# Useful Contacts and Sources of Help

## **Cairde**

(responsible for ethnic minority health issues)

Phone: (01) 855 2111

Address: 19 Belvedere Place, Dublin 1.

Website: [www.cairde.ie](http://www.cairde.ie)

## **Empowering People in Care (EPIC)**

(responsible for issues about young people in care)

Phone: (01) 872 7661

Address: 7 Red Cow Lane, Smithfield, Dublin 7.

Website: [www.epiconline.ie](http://www.epiconline.ie)

# Case Studies

## Case Study 1

Mark attended a large teaching hospital, as a public patient, following referral from his GP. He had a mole on his left calf for some time, which had recently started to change colour. His wife, Anne, noticed the changes and made sure he went to his GP. His GP referred him to the local hospital to have the mole removed. The hospital removed the mole and carried out some testing on the tissue. The results came back stating it was a Malignant Melanoma. This is an aggressive form of cancer and needs immediate attention. Mark was booked into hospital to have further testing and surgery.

However, the hospital he attends has an extremely busy Emergency Department and he had had his bed cancelled on 3 occasions. He was extremely anxious about the impact of his delayed admission to hospital. His GP was also pressing to get Mark into hospital to get the procedure completed as soon as possible. Mark and Anne have had a very anxious time as they are very unhappy about the delays and worried about Mark's health.

Who can they raise their concerns with?

Mark has a number of options available to him.

1. Mark should raise the concern with the hospital directly. This can be done through the hospital's Complaints Officer.
2. If he does this and is not happy with the recommendations of the complaints officer, he can request a review of his complaint in writing from the HSE's Director of Advocacy, HSE, Oak House, Millennium Park, Naas, Co. Kildare.
3. Mark may also wish to raise his concern with his GP who can contact the hospital on his behalf.
4. Mark can also contact the Office of the Ombudsman.
5. If Mark needs assistance to pursue his complaints he may want to contact an advocacy organisation, or appoint a friend or trusted person to act as an advocate.

# Case Studies

## Case Study 2

Barbara attended her GP as a private patient with concerns about a cough that will not go away. She is 50 years old, gave up cigarettes 10 years ago and has had no previous health problems. Following a check up, her GP refers her to the local hospital to have a number of tests. Barbara attends her hospital has a test and the results are sent back to her GP. On her next visit to her GP, he says the results are nothing to worry about. Over the next 6 months the cough persists, she loses weight, is tired and does not feel well. Barbara while not feeling great, is feeling reassured that her series of tests were clear. Eventually she returns to her GP.

Her GP refers her to the hospital again where the tests show that she has lung cancer. She is very upset. When meeting with the Consultant's team it is clear that the test results sent to the GP in the first instance stated that she needed to return to the hospital for further tests.

Who can Barbara raise her complaint with?

1. Barbara needs to raise her concern with the GP to see why she was not asked to return to the hospital
2. If not satisfied with the response, she may choose to make a complaint about the GP to the Medical Council. The Medical Council will review the complaint and decide how to proceed. If there is a complaint to answer, a hearing will be held to review the doctor's behaviour.

# Glossary of Terms

## **Complaint**

A statement saying you are dissatisfied or unhappy about a situation.

## **Concern**

Information you have which may indicate an unacceptable standard of care. This concern may affect the wellbeing of people using health and social care services.

## **Healthcare Services**

Services provided to people to promote, maintain, monitor or restore their health.

## **Professional Misconduct**

Behaviour by a member of a profession that is considered unacceptable by the governing body of that profession.

## **Regulator**

A Government organisation that has legal responsibility for regulation.

## **Regulation**

A rule or order issued by a Government agency (regulator) that often has the force of law.

## **Service**

Anywhere health or social care is provided. Examples include:

- ✓ dental surgeries
- ✓ GP clinics
- ✓ hospitals
- ✓ nursing homes
- ✓ services for people with disabilities
- ✓ children's residential services

## **Service Provider**

A person or organisation that is responsible for providing health, or social care services, or both.

## **Social care services**

The range of services and supports provided to older people, people with disabilities and children to help with daily living and functioning. For example, help with:

- ✓ washing
- ✓ eating
- ✓ dressing
- ✓ maintaining social contact with friends and family

## **Standard of Care**

The quality of care that can be expected from any service that provides health and social care.

# Complaint Options for Public and Private Patients

## Public patients' options for making a complaint:

Complain locally first

Request a Health Service Executive (HSE) review

Complain to the Ombudsman or Ombudsman for Children's Office

Contact a regulator

Get legal advice

## Private patients' options for making a complaint:

Complain locally first

Contact a regulator

Get legal advice



# Agencies involved in healthcomplaints

Any of the agencies listed here have a duty to help members of the public.

Some may be more relevant to each person's particular circumstances than others. The **healthcomplaints** initiative aims to help the public identify who is best placed to help them.

All these agencies are happy to give the public information, help and support.

Where they have the power to do so, they can investigate the complaint or take a case on behalf of the complainant. Where they don't have this power, they will direct the complainant to the best place to get help, advice, information and support.

For information on the role and area of responsibility of each of the agencies, please see **pages 13 - 20**.



# Notes

# Notes



## More information

You can get more information on how to complain about health and social care services in Ireland from:

**[www.healthcomplaints.ie](http://www.healthcomplaints.ie)**

Or you can contact either of the following organisations:

**HSE National Information Line**

8am – 8pm, Monday – Saturday

**1850 241 850**

**Office of the Ombudsman**

9am – 5pm, Monday - Friday

**1890 223 030**