



Assessing a Complaint

Your Service
Your Say

Complaints that cannot be managed using Part 9 of the Health Act 2004 but can be investigated using another pathway

Details of Complaint / Allegation	Policy, Procedure, Guideline or Legislation to be followed
Incidents (Clinical or Non -Clinical)	Refer to relevant policy developed in compliance with the requirements of the HSE Incident Management Framework
Allegation of abuse of a child	Refer to Tusla Area Manager to deal with the complaint in line with current HSE Child Protection and Welfare Policy (<i>Note under the Children First Legislation 2015 mandated persons are obliged to report suspected abuse to TUSLA</i>). In cases where an allegation / complaint is brought against a staff member the current HSE Trust in Care policy should be implemented in addition to referring the matter to Tusla
Allegation of abuse made against staff members Complaint by Staff of any inappropriate behaviour of other staff at work Complaint about bullying and harassment made against staff	Refer to Line Manager / head of discipline to deal with complaint in line with current National HSE policies and procedures for example: <ul style="list-style-type: none"> ◆ Trust in Care Policy ◆ Grievance and Disciplinary Procedures ◆ Dignity at Work Policy
Complaint against the HR Recruitment Process	Refer to Line Manager / head of discipline to deal with complaint in line with current National HSE policies and procedures such as: <ul style="list-style-type: none"> ◆ Grievance and Disciplinary Procedures ◆ Dignity at Work Policy ◆ HSE HR Policies & Procedures
Allegations of abuse or neglect of vulnerable adults (Incorporating services for elder abuse and for persons with a disability)	Safeguarding Vulnerable Persons at Risk of Abuse – National Policy and Procedures
Complaint about entitlements under Part 3, Chapter 9 of the Social Welfare (Consolidation) Act 2005	Refer to Health Services Executive Appeals Process / Social Welfare Appeals Office in relation to basic payments and supplements
Complaints in relation to decisions of Freedom of Information	Refer to local Consumer Affairs Office
Complaints in relation to breaches of Data Protection	Follow HSE Data Protection Breach Management Guidance
Complaints in relation to Environmental Issues	Refer to local Environmental Health Office to deal with the complaint in line with relevant legislation such as: <ul style="list-style-type: none"> ◆ Food Safety Authority of Ireland Act 1998 ◆ European Communities (Hygiene and Foodstuffs) Regulation 2006 ◆ Food Hygiene Regulations 1950-1989 ◆ Public Health (Tobacco) Acts 2002 & 2004
Complaints in Relation to Nursing Homes (Private)	Refer to Community Healthcare Organisation to deal with the complaint in line with the Health (Nursing Homes) Act 1993 For Private Nursing Homes please reference the Ombudsman’s Complaints about Private Nursing Homes Factsheet*
Pre-School Services	Refer to the relevant Tusla Area Manager to deal with the complaint in line with the Childcare Act 1991 (Early Years Services) Regulations 2016
Concerns that a number of people have been exposed to a specific hazard	Refer to local policy developed in compliance with the requirements of the HSE Incident Management Framework .
Protected Disclosures and Good Faith Reporting	Refer to the Authorised Person who will examine and decide based on information available what form the investigation should take in line with the Protected Disclosures Act 2014 . *
Disability Act (Part 2, Assessment of Need, Service Statements and Redress).	Refer complaints in relation to Assessment of Need to the National Disability Complaints Office . Reviews are referred to the Office of the Disability Appeals Officer, Department of Health .
Complaints relating <u>solely</u> to Clinical Judgement	Refer directly to appropriate manager / clinical professional under the appropriate pathway

* Personal details should only be forwarded in compliance with GDPR protocols