



Your Service  
Your Say

Health Service Executive

# Guidance for the Delegation of Complaints Officers and Review Officers

*Your Service Your Say, The Management of Service User Feedback for Comments, Compliments and Complaints, HSE Policy 2017*

## Delegation of Complaints Officers and Review Officers

It is the role and responsibility of Chief Officers of Community Healthcare Organisations, Chief Executive Officers of Hospital Groups and national Directors of National Divisions to:

- *Delegate Complaints Officers and Review Officers in their respective administrative area.*

It is recommended that the numbers of delegated Complaint Officers within a CHO or Hospital Group is kept to the minimum needed to ensure a timely response to complaints received but also to ensure that the Officers delegated deal with complaints in sufficient volume to build experience and expertise. In addition those delegated as Complaints Officers should have sufficient seniority to discharge the role. (See appendices for Roles and Responsibilities)

### Delegation Forms

*Note: Delegation Forms now include a 'from - to date'. It is recommended that end dates of delegations are recorded and delegations reviewed at that time to ensure that the appointment is still appropriate. The recommended duration for a delegation is three years.*

*Where a delegation is no longer deemed appropriate the Complaints Officer / Review Officer should be issued with an Appointment Revocation Notification [Version 1.0]. (See appendix 2). A copy of the Appointment Revocation Notification should be issued and stored as per the Delegation Orders.*

### Community Healthcare Organisations

Chief Officers of Community Healthcare Organisations must complete the following authorised delegation forms to appoint Complaints Officers and Review Officers (see Appendix 1 for sample forms with copies of the original forms attached to this Guidance):

- **Appointment of Complaints Officers pursuant to Article 5(1) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 3]**

#### Sub-Delegation No.

The Sub-Delegation No. referred to in the forms relates to the delegation (no.) the Chief Officer received from the four National Directors to act as Chief Officer.

### **Hospital Groups**

Further to their engagement with the HSE National Delegations Office, the following procedure for the delegation of Complaints Officers / Review Officers shall **only** apply to the Hospital Groups listed below:

- **Saolta Hospital Group**
- **University of Limerick Hospital Group**
- **South / South West Hospital Group**
- **Dublin Midlands Hospital Group**

In these Hospital Groups, Chief Operations Officers, who have a delegation from the Group Chief Executive Officer, have delegated to General Managers of the HSE statutory Hospitals in their Group the authority to appoint Complaints Officers / Review Officers.

General Managers of the HSE Statutory Hospitals within the Group must complete the following authorised delegation forms to appoint Complaints Officers and Review Officers (see Appendix 1 for sample forms with copies of the original forms attached to this Guidance):

- **Appointment of Complaints Officers pursuant to Article 5(1) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 3]**

### **Sub-Delegation No.**

The Sub-Delegation No. referred to in the forms relates to the delegation (no.) the General Managers of the HSE statutory Hospitals within the Group will have received from the Chief Operations Officer to appoint Complaints /Review Officers.

For the **Ireland East Hospital Group** and the **RCSI Hospital Group**, **only** the Chief Executive Officer has the delegated authority to appoint Complaints Officers / Review Officers.

Therefore, the Chief Executive Officers of these Hospital Groups (Ireland East and RCSI) must complete the following authorised delegation forms to appoint Complaints Officers and Review Officers (see Appendix 1 for sample forms with copies of the original forms attached to this Guidance):

- **Appointment of Complaints Officers pursuant to Article 5(1) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 3]**

#### **Sub-Delegation No.**

The Sub-Delegation No. referred to in the forms relates to the delegation (no.) the Chief Executive Officer received from the National Director of Acute Services to act as CEO.

#### **Voluntary Hospitals**

Under the Health Act 2004 delegation of statutory functions is limited to HSE employees only. Therefore, staff in Voluntary Hospitals is excluded from this Delegation Process.

#### **National Divisions**

The delegation of Complaints Officers and Review Officers will need to be made by the relevant National Director. The National Delegations Office can advise a Manager or Director of a national service if they have delegated authority to appoint complaints officers / review officers other than the National Director of that National Division. Inquiries can be forwarded to [breda.moore@hse.ie](mailto:breda.moore@hse.ie)

#### **Issuing and Storage**

Once completed, the original Delegation Order must be sent to the Complaints Officer / Review Officer with a copy sent to the following:

1. the **Complaints Manager** for filing or held by the Chief Officer / Chief Executive Officer / Chief Operations Officer / General Manager (as appropriate) where no Complaints Manager is appointed,
2. your **local Consumer Affairs Office**
3. **National Complaints Governance and Learning Team** at [nationalcglt@hse.ie](mailto:nationalcglt@hse.ie) as this is needed as part of the governance for the Complaints Management System
4. **The National Delegations Office** at [breda.moore@hse.ie](mailto:breda.moore@hse.ie)

The same process should be followed for Appointment Revocation Notifications.

## **Change of post for Complaints Officer or Review Officers**

It is important that Complaints Officers and Review Officers notify the following should they leave or change their post for any reason.

- Complaints Manager for their Community Healthcare Organisation, Hospital Group or National Division
- Local Consumer Affairs
- The National Complaints Governance and Learning Team ([nationalcgl@hse.ie](mailto:nationalcgl@hse.ie))
- The National Delegations Office at [breda.moore@hse.ie](mailto:breda.moore@hse.ie)

**Further queries regarding Delegation Forms can be directed to the National Complaints Governance and Learning Team on 061 483307**

## **Appendices**

***Appendix 1: Sample of the Delegation Forms for Complaints Officers and Review Officers***

## **Sample Delegation Form for the Delegation of Complaints Officers**



### **Appointment of Complaints Officers pursuant to Article 5(1) of the Health Act 2004 (Complaints) Regulations, 2006**

*[insert list of names]*

Pursuant to the provisions of the Health Act 2004 (Complaints) Regulations 2006 (the "**Regulations**") (or any other amending or replacement regulations which have been issued or may issue from time to time) and in accordance with the power conferred on me by Sub-Delegation No. *[insert no]*, I, *[insert name, insert title]* do hereby appoint each of the persons listed above as Complaints Officer within the *[insert CHO/Hospital Group name/ area]* to perform the role and functions of Complaints Officer (as set out in the relevant legislation).

The authorisations listed above should be read together with any other enactment or regulations which has issued or may issue (to include all amendments, revocations, substitutions or other changes or additions to such legislation or regulations) insofar as same directly or indirectly relate to or are connected with or ancillary to the matters in this authorisation.

In performing their functions as Complaints Officers each Complaints Officer shall comply with the relevant legislative provisions and all relevant policies, protocols, clinical and care standards, directions, circulars, codes of practice and guidelines and documents of a similar nature specified by the Board of the HSE or that has issued or may issue from time to time by the HSE or any Government Department (to the extent that such Departmental policies, protocols, etc., may affect or relate to the functions and objectives of the HSE).

The appointment of any person listed above is effective until formally revoked. If the appointment of any person listed above is amended, it shall continue in force as amended from the effective date of such amendment. The revocation or amendment of the appointment of any of the persons listed above, or their ceasing to be a Complaints Officer for any reason, shall not affect the appointment of the other persons listed.

Any dispute as to whether or not a person has been appointed as a Complaints Officer will be decided by the *[insert title]*.

The appointment of the persons listed above is effective from *[insert date]* to *[insert date]*.

## Sample Delegation Form for the Delegation of Review Officers



### Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006

*[Insert list of names]*

Pursuant to the provisions of the Health Act 2004 (Complaints) Regulations 2006 (the "Regulations") (or any other amending or replacement regulations which have been issued or may issue from time to time) and in accordance with the power conferred on me by Sub-Delegation No. *[insert no.]*, I, *[insert name, insert title]* do hereby appoint each of the persons listed above as Review Officer within the *[insert CHO/Hospital Group/National Service name]* to perform the role and functions of Review Officer as defined in the Regulations.

The authorisations listed above should be read together with any other enactment or regulations which has issued or may issue (to include all amendments, revocations, substitutions or other changes or additions to such legislation or regulations) insofar as same directly or indirectly relate to or are connected with or ancillary to the matters in this authorisation.

In performing their functions as Review Officers each Review Officer shall comply with the relevant legislative provisions, all relevant policies, protocols, clinical and care standards, directions, circulars, codes of practice and guidelines and documents of a similar nature specified by the Board of the HSE or that has issued or may issue from time to time by the HSE or any Government Department (to the extent that such Departmental policies, protocols, etc., may affect or relate to the functions and objectives of the HSE).

The appointment of any person listed above is effective until formally revoked. If the appointment of any person listed above is amended, it shall continue in force as amended from the effective date of such amendment. The revocation or amendment of the appointment of any of the persons listed above, or their ceasing to be a Review Officer for any reason, shall not affect the appointment of the other persons listed.

Any dispute as to whether or not a person has been appointed as a Review Officer will be decided by the *[insert title]*.

## Appendix 2: Appointment Revocation Notification



[Insert name]  
[Insert address]

Dear \_\_\_\_\_

I refer to your appointment as Complaints / Review Officer (*delete as appropriate*)  
and hereby inform you that this appointment is revoked from [insert date]

Yours sincerely,

\_\_\_\_\_  
[insert name]  
[insert grade]

Date \_\_\_\_\_



### ***Appendix 3: Roles and Responsibilities of Complaints Officers and Review Officers***

#### **Role and Responsibilities of the Complaints Officer**

For the purpose of the implementation of the updated Your Service Yours Say policy, the statutory role and responsibilities of the Complaints Officer is to:

- Ensure service user friendly information on how to offer feedback and, in particular, on how to make a complaint is widely available throughout their health service locations.
- Ensure that the complaints management process is implemented and being adhered to in their area and that the rights and legitimate interests of Service Users and Staff are protected.
- Support Staff and Service Users in the implementation of the complaints management process.
- Identify non-excluded matter of the complaint, and investigate.
- Co-ordinate complaints where both Your Service Your Say and clinical judgment elements are involved.
- Ensure that any risks identified as part of a complaint are assessed and immediately notify the Complaints Manager of any high risk complaints to ensure appropriate investigation and learning.
- Inform relevant parties of decision to extend or not extend time frames.
- Find resolution of the complaint using approaches identified in Your Service Your Say, the Management of Service User Feedback for Comments, Compliments and Complaints Policy 2017 and Guidance Manual and through implementation of the complaints management process.
- Investigate and conclude within 30 working days or inform Complainant by due date and update every 20 working days.
- Advise a person if a finding in the report is adverse to that person and afford them the opportunity to consider the finding and to make representations in relation to it.
- Make recommendations, which may also support organisational learning and improvement.
- Provide Complainant and relevant Head of Service (Accountable Officer) with a report on the complaint investigation.
- Advise the Service User that they may seek a review of the complaint by requesting a HSE Internal Complaint Review (Stage 3) or by contacting the Office of the Ombudsman/Ombudsman for Children's Office (Stage 4).

- Where a complaint has been withdrawn the Complaints Officer may bring this to the attention of the relevant Head of Service (Accountable Officer) to determine if the investigation should continue.
- Ensure complaints data is recorded on the Complaints Management System (CMS)
- Determine the overall effectiveness of the complaints management process within their area of responsibility.
- Generate anonymised complaints data and disseminate this information as appropriate.
- Submit reports as appropriate to the Office of Consumer Affairs for their respective areas.

### **Role and Responsibilities of the Review Officer**

Review Officers are appointed by the Chief Officer of the Community Healthcare Organisation and the Chief Executive Officer of the Hospital Group in line with the Health Act 2004 (Complaints) Regulations 2006. Upon an application for review being made the Complaints Manager will appoint a Review Officer to review the recommendations made by Complaints Officers after the investigation of a complaint. It is the role of the Review Officer to:

- Engage with the Complainant as appropriate throughout the review process.
- Determine the appropriateness of the recommendations by reviewing the processes used to investigate the complaint and having regard to all aspects of the complaint and its investigation.
- Uphold, vary or make a new recommendation.
- Complete the review within 20 working days. A Review Officer may request in writing an extension and indicate the additional time considered necessary for completion.
- Prepare a report on the review and circulate same as appropriate under the Your Service Your Say, the Management of Service User Feedback for Comments, Compliments and Complaints Policy and Guidance Manual.
- Advise a person if a finding in the report is adverse to that person and afford them the opportunity to consider the finding and to make representations in relation to it.
- Advise the service user that they may seek a further review of the complaint by contacting the Office of the Ombudsman/Ombudsman for Children's Office.

### **Appendix 4: Additional Resources**

More information on Your Service Your Say is available on [www.hse.ie/yoursay](http://www.hse.ie/yoursay)