

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*

1.0 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)

2.0 Delegation Forms

The form versions referred to in this guidance are correct as at November 2022. Please check with the National Delegations Office for the current version at the time of completion.

2.1 Timeframe

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.

2.2 Revocation

*Where a delegation is no longer deemed appropriate the Complaints Officer / Review Officer should be issued with an **Appointment Revocation Notification** [version 2.0 (Nov 2022)]. A copy of the Appointment Revocation Notification should be issued and stored as per the Delegation Orders.*

3.0 Community Healthcare Organisations

Chief Officers of Community Healthcare Organisations must complete the following authorised delegation forms to appoint Complaints Officers and Review Officers:

- **Appointment of Complaints Officers pursuant to Article 5(1) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 7 (Nov 2022)]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5 (Nov 2022)]**

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.

4.0 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 7 (Nov 2022)]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5 (Nov 2022)]**

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 7 (Nov 2022)]**
- **Appointment of Review Officers pursuant to Article 5(2) of the Health Act 2004 (Complaints) Regulations, 2006. [Version 5 (Nov 2022)]**

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.

5.0 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.

6.0 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

7.0 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. **The National Delegations Office** at breda.moore@hse.ie
3. **National Complaints Governance and Learning Team** at nationalcgl@hse.ie as this is needed as part of the governance for the Complaints Management System.

The same process should be followed for Appointment Revocation Notifications.

8.0 Public Availability of Delegated Complaints Officers and Review Officers

Under Section 19 **Public Awareness of Complaints Procedures** of the Health Act 2004 (Complaints) Regulations 2006 (<https://www.irishstatutebook.ie/eli/2006/si/652/made/en/print>) it states:

The Executive, service providers and bodies to whom or persons to which the Executive has assigned its functions under section 49(4) shall make publicly available information on their complaints and review procedures, as appropriate, including-

- (i) the names and contact details of all complaints officers,*
- (ii) the names of all review officers*
- (iii) the procedures, if any, available under Regulation 8 (2), and*
- (iv) advice on all matters relevant to making a complaint or seeking a review.*

Please ensure that online information on your service contains a section on, or link to, how to provide feedback and the procedures involved, as well as a listing of the **names and contact details** of your delegated Complaints Officers and **names only** of your delegated Review Officers.

You can include on your webpage that the information is valid as at, and insert the date, and that the information will be next updated, and specify when. You may also wish to advise that it will be your Complaints Manager that will appoint a Review Officer to any review request received.

9.0 Change of post for Complaints Officer or Review Officers

It is important that Complaints Officers and Review Officers are advised of their requirement to 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 Delegations Office at breda.moore@hse.ie
- The National Complaints Governance and Learning Team (nationalcglthse.ie)

Further queries regarding Delegations can be directed to Breda Moore in the National Delegations Office (breda.moore@hse.ie)

The National Complaints Governance and Learning Team can be contacted on nationalcglthse.ie

Appendices

Appendix 1: Roles and Responsibilities of Complaints Officers and Review Officers

Role and Responsibilities of the Complaints Officer

For the purpose of the implementation of this Policy, the roles and responsibilities of the Complaints Officer is to:

- Ensure they hold an appropriate delegation order and have received training.
- Keep themselves appraised and fully briefed in the latest developments, training, policies, procedures, protocols and guidelines in relation to managing feedback.
- Ensure information on how to offer feedback and, in particular, on how to make a complaint is easily accessed and widely available throughout their health service locations.
- Ensure staff are aware of the availability of online information on Your Service Your Say and how to access different language and easy read versions to as to provide or signpost Service Users to these as needed.
- Ensure that the complaints management process is implemented and adhered to in their area.
- Ensure that the rights and legitimate interests of Service Users and staff are protected.
- Support staff in the implementation of the complaints management process.
- Support Complainants throughout Stage 2 of the complaints management process.
- Advise Complainants of the advocacy services available to assist them with their complaint.
- Assess complaints, forwarding issues to alternative pathways as appropriate.
- Utilise the Complaints Officer Template Letter Suite.
- Attempt informal resolution where possible through appropriate contact with the Complainant.
- Where informal resolution is unsuccessful or only partially successful, investigate and respond to issues falling under Part 9 of the Health Act 2004.
- 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.
- Engage with the Complainant as appropriate throughout the investigation process.
- Investigate and conclude within 30 working days or inform Complainant of delay and update every 20 working days.

- Endeavour to conclude the investigation within 6 months or advise Complainant of reasons for delay and options open to them.
- Advise a member of staff 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.
- Provide the member(s) of staff as appropriate with a copy of the final finding in the report pertaining to their involvement in the complaint.
- Escalate any staff issues to the Line Manager for action and follow up as appropriate.
- Advise the Complainant that they may seek a review of the complaint by requesting a HSE Internal Complaint Review under Stage 3 and/or Independent Review by contacting the Office of the Ombudsman/Ombudsman for Children's Office under Stage 4.
- Bring a complaint that has been withdrawn to the attention of the relevant head of service (Accountable Officer) to determine if the investigation should continue where essential for service improvement.
- Bring an anonymous complaint to the attention of the relevant head of service (Accountable Officer) to determine what action or quality improvements may be needed on the basis of the issues raised within the complaint.
- Ensure all data pertaining to a Stage 2 Formal Investigation is recorded on the Complaints Management System (CMS) including the Action Plan from the head of service (Accountable Officer).
- Capture and escalate anonymised learning from complaint investigations to the Complaints Manager.
- Determine the overall effectiveness of the Stage 2 complaints management process within their area of responsibility raising any concerns with their Complaints Manager.

Role and Responsibilities of the Review Officer

Review Officers are appointed 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;

- Ensure they hold an appropriate delegation order and have received training.
- Keep themselves appraised and fully briefed in the latest developments, training, policies, procedures, protocols and guidelines in relation to managing feedback.
- Ensure that the rights and legitimate interests of the Complainant and staff are protected.
- Support staff in the implementation of the complaints management process.
- Support Complainants throughout Stage 3 of the complaints management process.
- Advise Complainants of the advocacy services available to assist them with their complaint review.
- Assess review request, forwarding issues to alternative pathways as appropriate.
- Attempt informal resolution where possible through appropriate contact with the Complainant.
- Where informal resolution is unsuccessful or only partially successful, review issues falling under Part 9 of the Health Act 2004.
- 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.
- 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.
- 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.
- Uphold, vary or make a new recommendation.
- Prepare a report on the review and circulate to the Complainant and relevant head of service (Accountable Officer).
- Provide the member(s) of staff as appropriate with a copy of the final finding in the review report pertaining to their involvement in the complaint.
- Escalate any staff issues to the Line Manager for action and follow up as appropriate.
- 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.

- Capture and escalate anonymised learning from the complaint review to the Complaints Manager.
- Determine the overall effectiveness of the Stage 3 complaints management process within their area of responsibility raising any concerns with their Complaints Manager.

Appendix 2 Additional Resources

More information on Your Service Your Say is available on www.hse.ie/yoursay