

Revision 00	<b>COMPLAINTS POLICY</b>			
Policy No. CRP-PO-01		Review 28/02/17	Review 28/02/18	Review 28/02/19
Location: MS Therapy Centre		Review 28/02/20	Review 28/02/21	Review 28/02/22

## Complaints Policy

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### 1. Definition of a complaint

- a. (Definition as per the Health Act 2004). “Complaint” means a complaint made under this Part about any action of the executive or a service provider that:
  - i. It is claimed, does not accord with fair or sound administrative practice and
  - ii. Adversely affects the person by whom or on whose behalf the complaint is made.

### 2. Who can make a complaint

- a. Any person who is being, or was provided with, any services from the MS North West Therapy Centre or who is seeking or has sought provision of such a service, may complain in accordance with the procedures established under this Part, about any action of the executive or service provider that:
  - i. It is claimed does not accord with fair and sound administrative practice, and
  - ii. Adversely affects or affected that person.

### 3. How complaints can be made

- a. Verbal, written, email, fax or if you can call to the office and speak with members of our team in private.

### 4. Acknowledgements

- a. Upon a complaint being received, he or she shall notify, within 5 working days, the complainant, in writing that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.
- b. All complainants have the right to appoint an advocate, if a person is unable to make a complaint themselves, who can assist them in making the complaint.

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**5. Stages of the complaints management process**

- a. Stage 1 – Register your complaint with the MS North West Therapy Centre
- b. Stage 2 – Local investigation of written and serious complaints by MS North West Therapy Centre Manager and/or Complaints Officer
- c. Stage 3 – HSE
- d. Stage 4 – Independent Review (Ombudsman)

**6. Managing complaints**

- a. Any complaint should be lodged with and in the following order:
  - i. MS North West Therapy Office Manager
  - ii. MS North West Therapy Services Manager
  - iii. MS North West Therapy Centre Board (nominated Complaints Officer)
- b. If the complaint cannot be resolved, or the complainant is not happy with the resolution offered, the complaint will be referred to the HSE to be re-examined.

**7. Timeframes involved once a complaint is received**

- a. A member of our Complaints Team will inform the complainant in writing, within 5 working days, of making the decision/determination, that the complaint will or will not be investigated and the reasons for it.
- b. Where the complaint will be investigated, the person dealing with the complaint must endeavour to investigate and conclude the investigation of a complaint within 3- working days of it being acknowledged.
- c. If the complaint cannot be investigated and concluded within 30 working days, then the Complaints Team member must communicate this to the complainant within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation
- d. The Complaints Team Member must endeavour to investigate complaints within 30 working days. However, where the 30 working days’ time frame cannot be met despite every best effort, complaints team member must endeavour to conclude the investigation of the complaint within 5 months of the receipt of the complaint.
- e. If this timeframe cannot be met, the Complaints Officer must inform the complainant that the investigation is taking longer than 6 months, give an

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explanation why and outline the options open to the complainant.

## 8. Time limits for making a complaint

- a. The Complaints Officer must determine if the complaint meets the timeframes as set out in Section 47, Part 9 of the Health Act 2004 which requires that:
  - i. A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint
  - ii. A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer, special circumstances make it appropriate to do so. These special circumstances include, but are not exclusive to the following:
    1. If the complainant is ill or bereaved
    2. If the new relevant significant and verifiable information relating to the action becomes available to the complainant
    3. If it is considered in the public interest to investigate the complaint
    4. If the complaint concerns an issue of such seriousness that it cannot be ignored
    5. Diminished capacity of the service user at the time of the experience e.g. mental health, critical/long-term illness
    6. Where extensive support was required to make the complaint and this took longer than 12 months
    7. A Complaints Officer must notify the complainant of the decision to extend/not extend time limits within 5 working days.

## 9. Matters excluded (as per Part 9 of the Health Act)

- a. A person is not entitled to make a complaint about any of the following matters:
  - i. A matter that is or has been the subject of legal proceedings before a court or tribunal

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- ii. A matter relating solely to the exercise of clinical judgment by a person acting on behalf of either the executive or a service provider
  - iii. An action taken by the executive or a service provider solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b)
  - iv. A matter relating to the recruitment of appointment of an employee by the executive or a service provider
  - v. A matter relating to or affecting the terms or conditions of a contract of employment that the executive or a service provider proposes to enter into or of a contract with an adviser that the executive proposes to enter into under Section 24
  - vi. A matter relating to the Social welfare acts
  - vii. A matter that could be the subject of an appeal under Section 60 of the Civil registration Act 2004
  - viii. A matter that could prejudice an investigation being undertaken by An Garda Siochana
  - ix. A matter that has been brought before any other complaints procedure established under an enactment
- b. Subsection (i) does not prevent a Complaints Officer from dealing with a complaint that was made to the Ombudsman.