



NAS Organisation Complaints Policy

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NAS Organisation Complaints Policy and Procedure

The National Advocacy Service for People with Disabilities (NAS) provides an independent, confidential, and free, issues-based representative advocacy service that works exclusively for the person with a disability using the service and adheres to the highest professional standards.

In addition, the organisation provides an independent, confidential and free Patient Advocacy Service that works to support and empower all patients in public acute hospitals and HSE Operated Nursing homes through the (i) HSE Complaints Process 'Your Service Your Say' and (ii) in the aftermath of Patient Safety Incidents.

Within this policy, Organisation refers to the National Advocacy Service for People with Disabilities (NAS) which incorporates both NAS and PAS.

This document is only valid if it is accessed from www.advocacy.ie.

1. Purpose

- 1.1 The purpose of this policy is to set out how a person engaging with the organisation can make a complaint about any element of the NAS or PAS service, and how such complaints will be handled.
- 1.2 Complaints provide valuable information that can lead to service improvements. This policy also sets out how information from complaints will be used to enhance the quality of the service NAS provides.

2. Scope

- 2.1 This policy applies to situations where a person wishes to make a complaint about their experience with the Organisation. This includes a person applying for or using NAS services or PAS services and any other person who has had any interaction with the Organisation. (Where the complaint relates to the Organisation's refusal of service or use of a waiting list, this policy and procedure will apply and the criteria and remit set out in the Organisation's Access and Eligibility Policy will be used to evaluate the merits of the case.)

- 2.2 The Organisation will accept complaints brought by third parties as long as they obtain appropriate consent from the person, where that is possible.
- 2.3 Allegations or suspicions of abuse made against an Organisation staff member will be dealt with under the Disclosures Suspicions and Observations of Abuse Policy. This document is primarily for Organisation staff and management to guide them through the complaints handling process. The accompanying documents in Appendix 1 “How to Make a Complaint Against NAS” and Appendix 2 “How to Make a Complaint Against the Patient Advocacy Service” are intended to set out the process for the person making a complaint about the relevant service.
- 2.4 The Organisation defines a complaint as an expression of dissatisfaction by one or more members of the public about the organisation’s actions or lack of action, or about the standard of service provided by or on behalf of the organisation.

3. Background and Guiding Principles

- 3.1 This policy relates directly to the Organisation’s core values of Respect and Equality and the associated standards in the Codes of Practice, particularly Standard 4.2: “Independent advocacy is accountable to the people who use the service”. As outlined at 4.2.a, Organisation staff are accountable to the person they are working with and to the Organisation.
- 3.2. This complaints process aims to offer a range of timely and appropriate responses, which will enhance quality for those using the services.

4. Responsibilities of Organisation Staff

- 4.1. At an early stage in the advocacy relationship, Organisation staff will inform the person they are working with of their right to make a complaint at any stage and will provide them with information on how to do this.
- 4.2 If a person indicates to an Organisation staff member that they are unhappy with an aspect of the service provided by the National Advocacy Service or the Patient Advocacy Service, they will attempt to resolve the matter to the person’s satisfaction but will also advise them of their right to make a complaint, and will provide them

with the relevant “How to Make a Complaint” document and contact details for the relevant line manager.

- 4.3 All Organisation staff will co-operate fully with the complaints procedure and will respond in a comprehensive and timely manner to requests for information during the investigation process.

5. Responsibilities of Organisation Management

- 5.1 Organisation management will ensure that an up-to-date complaints policy is in place and that the necessary structures and training are in place to support it.
- 5.2 In most instances it will be the responsibility of management to receive and handle a complaint. Where a manager is unavailable, the complaint will be handled by another member of management (Senior Advocate/ Regional Manager /Team Leader and so on). Where the complaint concerns the Regional Manager or the Service Manager, the National Manager will receive the complaint. Where the complaint concerns the Team Leader, the PAS Service Manager will receive the complaint. Where a complaint concerns the National Manager it will be received by a member of the NAS Board. A complaint about an individual Board Member will be received by the Board Chair.
- 5.3 The Organisation will collate and analyse the type, nature, number and outcome of complaints received and will report annually to the Board on all complaints received. The Organisation will, where appropriate ensure that any learning from complaints is translated into recommendations for changes to policy or practice.
- 5.4 The Organisation will maintain a complaint file containing complete and accurate records of all contact regarding each complaint and ensure that this information is easily accessible. A complaint file that progresses to Stage 2 of the complaints process will contain information such as the person’s details, the issues raised and the action taken. It will also contain, in chronological order, any correspondence (including emails) about the complaint, notes of meetings and telephone calls. The Organisation management will ensure that the complaint file is available for review by the Ombudsman, if required.

6. Time Limit and Exceptions

A complaint must be made within twelve months of the date of the action giving rise to the complaint. This time limit may however be extended at the discretion of the National Manager if special circumstances make it appropriate to do so. These special circumstances include but are not limited to:

- Complainant illness or bereavement;
- Extensive support being required by the complainant which led to the delay;
- New, relevant or significant information relating to the action in question becoming available;
- The complaint relates to an issue of such seriousness that it must be investigated;
- It is considered in the public interest to investigate the complaint.

7. Complaints Procedure

- 7.1 The Organisation manager receiving the complaint will acknowledge it in writing within 5 working days and agree with the complainant how they will communicate with them (email, phone, or letter.) Every attempt will be made to facilitate the complainant's preferred style or method of communication. They will ensure that the complainant has a copy of the relevant document, 'How to Make a Complaint against NAS' (Appendix 1) or the document 'How to Make a Complaint against the Patient Advocacy Service' (Appendix 2) and is aware of the complaints procedure and timeframes. They will also try to find out whether the complainant requires support to pursue the complaint and will insofar as possible try to assist them to source this support.
- 7.2 The Organisation will keep a log of all communications and details and a timeline of actions taken in relation to any complaint.
- 7.3 Details of the complaint will be kept confidential to those immediately concerned.

- 7.4 Data collected during the complaint will be recorded and stored in accordance with the Data Protection Act 1988 and 2003, as amended (the “DPA”), and the EU General Data Protection Regulation (the “GDPR”).
- 7.5 Throughout the process the relevant Organisation manager will keep the complainant and the subject of the complaint (if the complaint relates to a person) up-to-date with developments as set out in this policy and in the Staff Handbook.

8. Complaint Procedure Stages

Informal Review

Stage 1A

Management of a Verbal Complaint at the Point of Contact

All complaints should preferably be made informally, at point of contact in the first instance where the matter is brought to the attention of the organisation staff member concerned. The Organisation aims to ensure that every opportunity is taken to address complaints as soon as possible without resorting to a more formal stage. This process should usually take less than 15 days to complete. The person may choose to go straight to Stage 1B if they wish, without using Stage 1A.

Stage 1B

Informal resolution with a more senior member of Organisation staff

Escalate the informal complaint to the immediate more senior member of Organisation staff (depending on the role of the person against whom the complaint is made, this may be a Senior Advocate/Team Leader/ Regional Manager/Service Manager/National Manager/a member of the Board) with the aim of finding an informal resolution to the complaint with the parties concerned.

If the person is not satisfied with the results of this stage they can go on to Stage 2. If the person wishes, they may choose to go straight to the formal stage (Stage 2) without using Stage 1.

Formal Review

Stage 2

Line Manager Review - Formal Investigation

A formal complaint is brought to the appropriate line manager and a formal investigation is undertaken. The line manager will initiate a formal investigation to ascertain all the facts and identify the relevant policies and procedures. Other members of the management team may be involved at this point.

- The line manager will ensure the person is offered a complaint form to complete (Appendix 3) or facilitated to communicate their complaint in their preferred way.
- They will ensure that the complaint is acknowledged in writing within 5 working days of its receipt.
- The line manager will outline to the complainant the steps to be taken in investigating the complaint and a time limit for completion of the investigation. This investigation will usually be complete within a time frame of 30 working days.
- Once the investigation is concluded a written report will be compiled. Arrangements will be made to meet the person, where they will be advised of the outcome and provided with a copy of the findings.
- If the investigation is not concluded within 30 days, the line manager will write to the complainant and relevant people outlining why this is the case and indicating the time it will take to complete the investigation.
- Should resolution of the complaint continue to be delayed, the complainant and relevant people will be updated every twenty working days.
- Where the 30 day time frame cannot be met due to the complexity of the investigation, the unavailability of relevant parties or other exceptional circumstances, every effort should be made to conclude the investigation of the complaint within six months of the receipt of the complaint.
- If the six month timeframe cannot be met, the complainant will be informed in writing that the investigation is taking longer than six months, giving an explanation as to why and outlining the alternative options open to the complainant.

Stage 3

National Manager And/ Or Board of NAS Review

Where the investigation at Stage 2 fails to resolve the complaint, the complainant may seek to appeal the outcome of their complaint and seek a further review by the Patient Advocacy Service Manager/National Manager of the Organisation. A timeframe for response will be agreed and communicated to the complainant. Where a complaint relates to the PAS Service Manager, this further review will be carried out by the Organisation's National Manager. Where a complaint relates to the Organisation National Manager, this review will be carried out by a member of the Board.

Independent Review

Stage 4

Where stage 3 fails to resolve the complaint:

Ombudsman Review

If the organisation does not succeed in resolving the complaint, the person may complain to the Ombudsman. The Ombudsman is totally independent and can look at the complaint if a person believes that they personally, or the person on whose behalf they are complaining:

- Have been treated unfairly or received a bad service through some failure on behalf of the organisation.
- Have been disadvantaged personally by a service failure.

The Ombudsman expects people to bring complaints to the attention of the Organisation first and to give the Organisation a chance to put things right. The Ombudsman can be contacted by:

- Telephone: 01 6395600
- Lo-Call: 1890223030
- Email: ombudsman@ombudsman.ie
- The website: www.ombudsman.ie
- By writing to: The Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773

9. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious

- 9.1 The Organisation commits to treating all people who use its services with respect and dignity in all interactions. The Organisation understands that those who interact with staff in a difficult or abusive manner may still have a legitimate complaint and the organisation will therefore treat all complaints seriously.
- 9.2 In a small minority of cases, despite efforts to take all reasonable measures to try to resolve a complaint through the complaints procedure, the complainant may not accept the organisations efforts. Where a complainant's interaction with the organisation could be considered abusive, unreasonable or vexatious, they will be advised and requested to desist from such behaviour. If it persists then complaints will be acknowledged but not actioned. Such a complainant will be advised of other channels with full contact details they can use to pursue their complaint.
- 9.3 The organisation will take steps to protect its members of staff in circumstances where the behaviour of a person is abusive, vexatious or unreasonable. This may include informing the person that a decision has been taken to restrict their access to and contact with a staff member. In such circumstances, the organisation will provide a brief statement to the person outlining the reasons for this.

10. Related Policies

Other policies which may be of particular relevance to situations covered by this policy include:

- Access and Eligibility Policy
- Prioritisation Policy
- Case Management Policy
- Data Protection policies

11. Review

This document will be reviewed as necessary and no later than within 2 years of approval date.

ENDS

Appendix 1



How to make a Complaint against NAS Complaints Policy and Procedure

Our values and our policies and procedures are all aimed at ensuring that everyone who uses NAS gets a good service from us. One of our core values is respect for the people we work with, and part of showing respect is being accountable for how we do our work. Equality is another of our core values and if anyone feels they have been discriminated against or treated unfairly we need to know so that we can put it right.

We take all complaints seriously. You will not be refused a service or receive poor treatment from NAS just because you make a complaint. We strive to deal fairly with all complaints and will try our best to put things right for you and for other users of our service.

This document will tell you what you need to do if you want to complain about any aspect of your experience with NAS.

If you find this document difficult to read you can ask a NAS advocate or manager to go through it with you or you can ask for it in other formats.

Who can make a complaint?

- Anyone who makes a complaint about NAS can do it themselves or be represented or assisted by whomever they choose. If you wish to make a complaint but feel that you need support, NAS will try to help you find someone to support you who is independent of NAS.
- NAS will accept a complaint made by someone on behalf of another person when that person cannot complain by themselves. We will ask for the person's own consent where possible for a third party to make a complaint for them.

- Third parties such as service providers or family members can also make a complaint in their own right if they feel NAS has not treated them properly in its dealings with them.

What can you make a complaint about?

You can make a complaint about any situation where you feel:

- We have not treated you with respect
- We have given you a poor service
- We have not stuck to our policies or procedures

If you have applied for advocacy services from NAS and have been refused or placed on a waiting list, you may appeal if you think that this decision is unfair. You will be given a copy of the Access and Eligibility Policy, which explains how decisions about eligibility for services are made. The complaints procedure will investigate whether NAS has correctly followed the Access and Eligibility Policy and whether there are any other circumstances which should have been taken into account.

Complaints Procedure:

You can let us know that you have an issue:

- through the National Number: 0818 07 3000
- in person
- by email at info@advocacy.ie
- via the NAS website: <https://advocacy.ie/>
- or by post at:

National Advocacy Service for People with Disabilities,
National Office,
Unit 3,
Marshalsea Court,
22/23 Merchants Quay,
Dublin 8

You may use our complaints form (attached) if you like, but you do not have to use it.

We will acknowledge receipt of your complaint within 5 working days.

The procedure is in 3 stages:

Informal Complaint

Stage 1A

- Your complaint is raised informally in the first place with the organisation staff member concerned. The NAS organisation staff member concerned will speak with you or write to you about the complaint and explore whether there is a solution that meets your needs without a formal investigation taking place.
- This process should usually take less than 15 days to complete.
- You may, if you wish, go straight to Stage 1B below, without using Stage 1A.
- If you are not satisfied with the results of this stage, you can go on to Stage 2.

Stage 1B

- You may bring your informal complaint to the next more immediate senior staff member of organisation staff (depending on the role of the person against whom the complaint is made, this may be a Senior Advocate/Regional Manager/National Manager/a member of the NAS Board).
- If you are not satisfied with the results of this stage you can go on to Stage 2 – Formal complaint.
- If you wish, you may choose to go straight to the formal stage (Stage 2) without using Stage 1A or 1B.

Formal Complaint

Stage 2

- This stage is very much like Stage 1, but this time the line manager will undertake an exhaustive formal investigation to ascertain all the facts and will produce a written report at the end of the process.
- The manager will contact you within 5 days to let you know they have received your complaint.

- The manager will probably meet with you to ensure that they have all the relevant details. The manager will also speak to the person against whom you are making the complaint.
- Stage 2 will usually take less than 30 days. If it is going to take longer, the manager will explain the reasons for the delay and discuss your options with you.
- At the end of the process the manager will tell you the outcome. If you are not satisfied with the results of this stage, you can go on to Stage 3.

Stage 3 - Referral to the National Manager and/or Board of NAS

- The National Manager and/or a member of the Board of NAS will consider the manager's report from Stage 2 and may also decide to investigate certain aspects of the complaint further.
- They may ask you to meet with a member of the Board or representatives of the Board or may look for further information from you.
- The timeframe for this stage will be agreed with you.

Independent Review

Stage 4 – Ombudsman Review

- If we do not succeed in resolving your complaint, you may complain to the Ombudsman. The Ombudsman is totally independent and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
 - Have been treated unfairly or received a bad service through some failure on behalf of the organisation.
 - Have been disadvantaged personally by a service failure.

The Ombudsman expects you to bring your complaint to the attention of NAS first and to give us a chance to put things right. You can contact the Ombudsman by:

- Telephone: 01 6395600
- Lo-Call: 1890223030
- Email: ombudsman@ombudsman.ie
- The website: www.ombudsman.ie
- By writing to: The Office of the Ombudsman , 6 Earlsfort Terrace, Dublin 2, D02 W773.

How to make a Complaint against the Patient Advocacy Service

Complaints Policy and Procedure

Our values and our policies and procedures are all aimed at ensuring that everyone who uses the Patient Advocacy Service (PAS) gets a good service from us. One of our core values is respect for the people we work with, and part of showing respect is being accountable for how we do our work. Equality is another of our core values and if anyone feels they have been discriminated against or treated unfairly we need to know so that we can put it right.

We take all complaints seriously. You will not be refused a service or receive poor treatment from the Patient Advocacy Service just because you make a complaint. We strive to deal fairly with all complaints and will try our best to put things right for you and for other users of our service.

This document will tell you what you need to do if you want to complain about any aspect of your experience with the Patient Advocacy Service. If you find this document difficult to read you can ask an advocacy officer/advocate or team lead to go through it with you or you can ask for it in other formats.

Who can make a complaint?

- Anyone who makes a complaint about PAS can do it themselves or be represented or assisted by whomever they choose.
- PAS will accept a complaint made by someone on behalf of another person when that person cannot complain by themselves.
- Third parties such as HSE staff or family members can also make a complaint in their own right if they feel PAS has not treated them properly in its dealings with them.

What Can You Make A Complaint About?

You can make a complaint about any situation where you feel:

- we have not treated you with respect
- we have given you a poor service
- we have not stuck to our policies or procedures

If you have applied for advocacy services from PAS and have been refused or placed on a waiting list, you may appeal if you think that this decision is unfair. You will be given a copy of the Access and Eligibility Policy, which explains how decisions about eligibility for services are made. The complaints procedure will investigate whether PAS has correctly followed the Access and Eligibility Policy and whether there are any other circumstances, which should have been taken into account.

Complaints Procedure

You can let us know that you have an issue with PAS

You can let us know that you have an issue

- through the National Number: 0818 293003
- by email at info@patientadvocacyservice.ie
- via the PAS website: <https://www.patientadvocacyservice.ie/>
- or by post at:
National Advocacy Service for People with Disabilities,
National Office,
Unit 3,
Marshalsea Court,
22/23 Merchants Quay,
Dublin 8

You may use our complaints form if you like but you do not have to use it.

We will acknowledge receipt of your complaint within 5 working days.

The procedure is in 3 stages.

Stages 1 and 2 will normally be handled by the Team Lead. (If your complaint relates to the Team Lead, it will be dealt with by the PAS Service Manager.)

Informal Complaint

Stage 1A

- Your complaint is raised informally in the first place with the staff member concerned. The staff member concerned will talk or write to you about the complaint and explore whether there is a solution that meets your needs without a formal investigation taking place.
- This process should usually take less than 15 days to complete.
- You may, if you wish, go straight to Stage 1B below, without using Stage 1A.
- If you are not satisfied with the results of Stage 1A and/or 1B, you can go on to Stage 2.

Stage 1B

- You may bring your informal complaint to the next more immediate senior staff member of organisation staff (depending on the role of the person against whom the complaint is made, this may be a Team Leader/Service Manager/ National Manager).
- If you are not satisfied with the results of this stage you can go on to Stage 2 – Formal complaint.
- If you wish, you may choose to go straight to the formal stage (Stage 2) without using Stage 1A or 1B.

Formal Complaint

Stage 2

- This stage is very much like Stage 1, but this time the line manager will undertake an exhaustive formal investigation to ascertain all the facts and will produce a written report at the end of the process.
- The line manager will contact you within 5 days to let you know they have received your complaint.

- The line manager will probably meet with you to ensure that they have all the relevant details. The line manager will also speak to the person against whom you are making the complaint.
- Stage 2 will usually take less than 30 days. If it is going to take longer, the line manager will explain the reasons for the delay and discuss your options with you.
- At the end of the process the line manager will tell you the outcome. If you are not satisfied with the results of this stage, you can go on to Stage 3.

Stage 3 - Referral to the PAS Service Manager

- The Patient Advocacy Service Manager will consider the Team Leader's report from Stage 2 and may also decide to investigate certain aspects of the complaint further. (Where a complaint relates to the PAS Service Manager, it will be dealt with by the National Manager).
- They may ask you to meet with them or may look for further information from you.
- The timeframe for this stage will be agreed with you.

Independent Review

Stage 4 – Ombudsman Review

- If we do not succeed in resolving your complaint, you may complain to the Ombudsman. The Ombudsman is totally independent and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
 - Have been treated unfairly or received a bad service through some failure on behalf of the organisation.
 - Have been disadvantaged personally by a service failure.

The Ombudsman expects you to bring your complaint to the attention of the Patient Advocacy Service first and to give us a chance to put things right. You can contact the Ombudsman by:

- Telephone: 01 6395600
- Lo-Call: 1890223030

- Email: ombudsman@ombudsman.ie
- The website: www.ombudsman.ie
- By writing to: The Office of the Ombudsman , 6 Earlsfort Terrace, Dublin 2, D02 W773.

Review Date

This policy will be reviewed as necessary.

ENDS

Appendix 3



NAS Complaint Form

- *The person who experienced the problem should normally fill in this form (Section A + B only).*
- *If you are filling this in on behalf of someone else, please fill in Section A + C only. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.*

Section A

Your details

Surname: _____

Forename: _____

Title: Mr/Mrs/Miss/Ms/if other please state: _____

Address: _____

Your email address: _____

Daytime phone number: _____

Mobile number: _____

Please explain how you would like us to contact you: (phone/email)

Your requirements

If you need support to make your complaint, please tell us so that we can discuss how we might help you.

Section B

About your complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

What do you think we did wrong, or failed to do?

Describe how you have been affected:

What do you think should be done to put things right?

Have you already put your concern to the NAS staff responsible for delivering the service? If so, please give brief details of how and when you did so:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature: _____

Date: _____

When you have completed this form, please send it to:

[Name:

[Address and other Contact Details]

Section C

Making a complaint on behalf of someone else: Their details

Their name in full:

Their address:

What is your relationship to them?

Why are you making a complaint on their behalf?

Describe how you or the person you are representing suffered or has been affected:

What do you think should be done to put things right?

Have you already put your concern to the NAS staff member responsible for delivering the service? If so, please give brief details of how and when you did so:

If you have any documents to support the concern/complaint, please attach them with this form.

Signature: _____

Date: _____

When you have completed this form, please send it to:

[Name:

[Address and other Contact Details]

Appendix 4



PAS Complaint Form

- *The person who experienced the problem should normally fill in this form (Section A + B only).*
- *If you are filling this in on behalf of someone else, please fill in Section A + C only. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.*

Section A

Your details

Surname: _____

Forename: _____

Title: Mr/Mrs/Miss/Ms/if other please state: _____

Address: _____

Your email address: _____

Daytime phone number: _____

Mobile number: _____

Please explain how you would like us to contact you: (phone/email)

Your requirements

If you need support to make your complaint, please tell us so that we can discuss how we might help you.

Section B

About your complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

What do you think we did wrong, or failed to do?

Describe how you have been affected:

What do you think should be done to put things right?

Have you already put your concern to the PAS staff member responsible for delivering the service? If so, please give brief details of how and when you did so:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature: _____
Date: _____

When you have completed this form, please send it to:
Name:
Address and other Contact Details:

Section C

Making a complaint on behalf of someone else: Their details

Their name in full:

Their address:

What is your relationship to them?

Why are you making a complaint on their behalf?

Describe how you or the person you are representing suffered or has been affected:

What do you think should be done to put things right?

Have you already put your concern to the PAS staff member responsible for delivering the service? If so, please give brief details of how and when you did so:

If you have any documents to support the concern/complaint, please attach them with this form.

Signature: _____

Date: _____

When you have completed this form, please send it to:

Name:

Address and other Contact Details: