



Grow Mental Health Compliments and Complaints Policy

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Grow Mental Health Compliments and Complaints Policy

1. Definition of a Complaint

A complaint means a complaint made about any action that, it is claimed, does not accord with fair or sound administrative practices, and adversely affects the person by whom or on whose behalf the complaint is made.

This policy applies to all staff, volunteers and Grow Mental Health members or anyone who approaches the organisation for information. The policy is binding on paid employees, volunteers, and Grow Mental Health members including members of the Executive, Other Sub Committees of the Organisation and Regional Teams.

1.1 Definition of a Compliment

A compliment means a compliment made about any action that, it is claimed, reflects fair and sound administrative practices and positively affects the person by whom or on whose behalf the compliment is made.

This policy applies to all staff, volunteers and Grow Mental Health Members or anyone who approaches the organisation for information. The policy is binding on paid employees, volunteers, and Grow Mental Health members including members of the Executive, Other Sub Committees of the Organisation and Regional Teams.

2. Purpose

This policy is designed to:

- Indicate to those to whom the document applies what constitutes a complaint
- What action the organization will take should a complaint be made by or against them
- To act as a guide to procedure.
- To support and inform any person who makes a complaint and advise on what action Grow Mental Health will take

3. Who Can Make a Complaint

Any person who is being or has been provided with a service by Grow Mental Health or who is seeking or has sought provision of a service may complain. The complaint must be made in accordance with the procedures established under this policy and can be about any action by Grow Mental Health:

- That it is claimed does not accord with fair and sound administrative practice under the following headings
 - Access to the Service
 - Dignity and Respect
 - Safe and Effective Services
 - Communication and Information
 - Privacy
 - Accountability

- And that adversely affects or affected that person

4. Procedure

Compliments and Complaints can be made:

- Verbally
- In Writing
- By E mail

A complaint must have identification included for further action to be taken. Complainant must be willing to provide a first name and surname and contact details and complete a GROW MENTAL HEALTH complaints form.

Complaints can be received across the organisation within Grow Mental Health:

All those who receive a compliment or complaint must follow the acknowledgement process outlined below and forward to Regional Managers and the HR Officer

5. Acknowledgements

Upon a compliment or complaint being received a ‘Grow Mental Health. Compliments and Complaints form needs to be completed. Completed forms are sent to Regional Managers and the HR Officer. If this cannot be resolved at local level and requires a formal process the HR Officer, acting as Complaints Officer, will action an investigation.

Upon a formal complaint being received by or assigned to the Human Resource Officer, he or she shall notify the complainant in writing within 5 working days, 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

6. Advocacy

If a person is unable to make a complaint themselves, all complainants have the right to appoint an advocate, who can assist them in making the complaint. This empowers individuals by supporting them to assert their views and claim their entitlements and where necessary, representing and negotiating on their behalf. irishadvocacynetwork.com

7. Stages of the Complaints Management Process

Stage 1 - Point of Contact Resolution

Stage 2 - Formal Investigation Process

Stage 3 - Internal Review (GROW MENTAL HEALTH)

Stage 4 - Independent Review (Ombudsman)

7.1 Point of Contact Resolution

The verbal complaint is resolved locally at point of contact. All Complaints and Compliments must be documented on a Grow Mental Health Compliments and Complaints form

7.2 Formal Investigation Process

Unresolved complaints at stage 1 may need to be referred to The Human Resources Officer (Complaints Officer). More serious or written complaints may need to be addressed immediately under stage 2. There may be need for investigation and actions as appropriate.

The HR Officer must consider whether it would be practicable, having regard to the nature and the circumstances of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned

Where informal resolution is not successful or was deemed inappropriate, the HR Officer will initiate a formal investigation of the complaint.

The HR Officer is responsible for carrying out the formal investigation of the complaint at stage 2 but may draw on appropriate expertise, skills etc. as required. Staff, Volunteers and Grow Mental Health membership have an obligation to participate and to support the investigation of any complaint where requested.

At the end of the investigation, the HR Officer, must write a report of their investigation and give a copy of the report to the manager of the service (Accountable Officer). This report will not contain sensitive information and will be determined by the terms of reference of the investigation. The outcomes and recommendations will be circulated to the relevant parties. The complainant will receive a letter outlining the outcome of the investigation and stating the complainant’s right to appeal to the Review Officer or Ombudsman.

The final report will include any outcomes and recommendations needed to resolve the matter. The HR Officer will invite everyone involved to contact them with questions about any issues and will advise the complainant of their right to a review of the recommendations made by the HR Officer.

Where the investigation at stage 2 fails to resolve the complaint, the complainant may seek an internal review of their complaint as identified in stage 3 or the complainant may seek an independent review of their complain from, for example, the Ombudsman.

Implementation of Recommendations made by HR Officer

- Within **20 working days** the relevant Regional Manager (Accountable Officer) will write to the HR Officer detailing their **Recommendation Action Plan** which will be communicated to the complainant within 30 days
- Where a recommendation, the implementation of which would require or cause the Executive to make a material amendment to its approved service plan, the relevant Regional Manager may amend or reject the recommendation.
- Where the recommendation is being amended or rejected or where alternative measures are being taken, the relevant Regional Manager must give reasons for their decision
- The relevant Regional Manager must put an action in place for the implementation of the recommendations of the investigation. The action plan, person’s responsible and timeframes are to be identified and recorded.
- Where a complainant has requested a review of the outcome of the investigation, the relevant Regional Manager will suspend the implementation of a recommendation and will notify the Complainant of this suspension.
- If, after a period of time, recommendations made are not implemented and the Complainant is dissatisfied, they should be advised to return to the Complaints Officer /Review Officer who will link in with the Accountable Officer for actioning the recommendations. If the Complainant remains dissatisfied, the Complaints Officer/Review Officer can escalate this to the CEO.

- Where no Recommendation Action Plan is forthcoming from the relevant Regional Manager, the HR Officer must follow up

7.3 Internal Review

These are complaints where the Complainant is dissatisfied with the outcome of the complaint investigation at stage 2. A request for a review must be made within 30 days of the investigation report being sent.

The HR Officer will notify the complainant as to whom, in GROW MENTAL HEALTH; the complainant may apply for a complaint review. This will be carried out by a senior member of the GROW MENTAL HEALTH Management Team who has not been part of investigations to date. If GROW MENTAL HEALTH do not have the capacity to allocate an independent team member to carry out a review, GROW MENTAL HEALTH will link in with their local HSE Complaints Managers to identify an appropriate person to carry out the review.

The complainant may also go directly to the Office of the Ombudsman to whom an application for review can be made

The Function of the Review Officer

- To determine the appropriateness of a recommendation made by the Complaints Officer having due regard to two elements
 - All aspects of the complaint
 - The investigation of the complaint
- Having determined the appropriateness of the recommendation, to uphold it, vary it, or make a new recommendation if they consider it appropriate to do so.

Implementation of Recommendations made by the Review Officer

- Within **20 working days** the relevant Regional Manager (Accountable Officer) will write to the Review Officer detailing their Recommendations. The Review officer will communicate these to the complainant within 30 days
- Where a recommendation, the implementation of which would require or cause the Executive to make a material amendment to its approved service plan, the relevant Regional Manager may amend or reject the recommendation.

- Where the recommendation is being amended or rejected or where alternative measures are being taken, the relevant Regional Manager must give reasons for their decision
- The relevant Regional Manager must put an action in place for the implementation of the recommendations of the investigation. The action plan, person’s responsible and timeframes are to be identified and recorded.

7.4. Stage 4: Independent Review

If the complainant is not satisfied with the outcome of the complaints management process they may seek a review of the complaint by the Ombudsman.

The complainant must be informed of their right to seek an independent review from the Ombudsman at any stage of the Complainant management process.

Nothing in this Part prohibits or prevents any person who is dissatisfied with a recommendation made or a step taken in response to a complaint under this part or with a review under this part from referring the complaint to the Ombudsman

Address: 6 Earlsfort Terrace Dublin 2, D02 W773.

Phone: +353 1 639 5600

Email: <https://www.ombudsman.ie/contact/>

See process summary overleaf

8. Time Limits for Making a Complaint

The HR Officer must determine if the complaint meets the time frame as set out in Section 47, Part 9 of the Health Act 2004 which requires that:

- 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.

The HR Officer may extend the time limit for making a complaint if in the opinion of the HR Officer special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

- If the complainant is ill or bereaved
- If the new relevant, significant and verifiable information relating to the action becomes available to the complainant
- If it is considered in the public interest to investigate the complaint
- If the complaint concerns an issue of such seriousness that it cannot be ignored

- Diminished capacity of the service user at the time of the experience e.g. mental health, critical/ long-term illness.
- Where extensive support was required to make the complaint and this took longer than 12 months
- The HR Officer must notify the complainant of decision to extend / not extend time limits within 5 working days.

9. Principles Governing the Investigation Process

The investigation will be conducted thoroughly and objectively with due respect for the rights of the complainant and the rights of GROW MENTAL HEALTH/staff members/volunteers/Growers to be treated in accordance with the principles of natural justice.

The HR Officer will have the necessary expertise to conduct an investigation impartially and expeditiously. Where appropriate, the HR Officer may request appropriately qualified persons to carry out clinical assessments, validation exercises etc.

Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of fair investigation.

A written record will be kept of all meetings and treated in the strictest confidence.

The HR Officer may interview any person who they feel can assist with the investigation. Staff/Volunteers/Grow Mental Health members are obliged to co-operate fully with the investigation process and will be fully supported throughout the process.

Those who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside the organisation.

It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness or to attempt to obstruct the investigation process in any way.

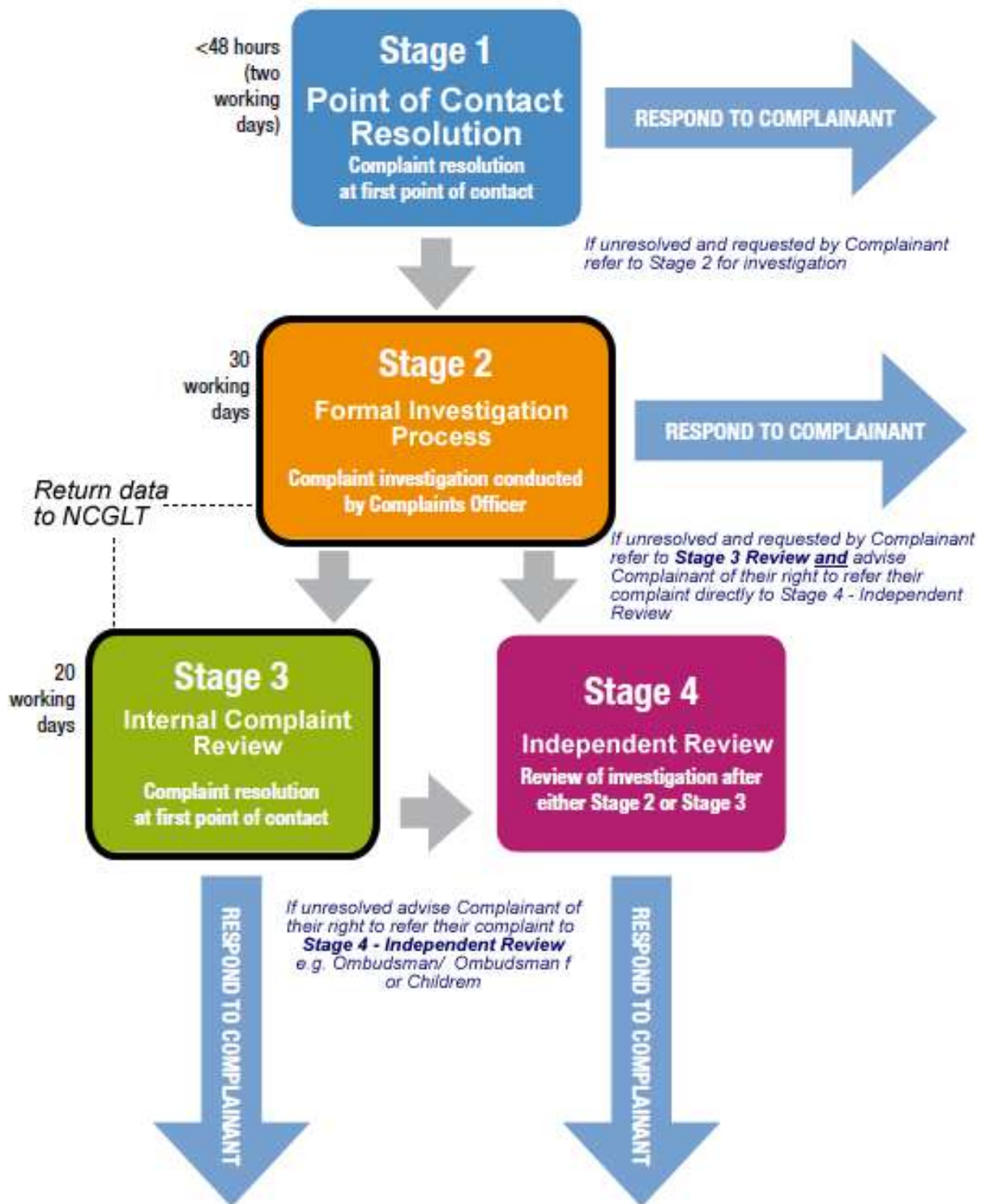


Figure 1

Service User / Complainant Timeframes	
To make a complaint	12 months
If Complainant does not wish confidential information to be accessed	5 working days from date of Acknowledgement Letter
Withdraw complaint	At any stage
Request a review of a complaint	30 working days
Refer complaint to Ombudsman	At any stage
All staff	
Respond to request for information	10 working days
All staff at Point of Contact	
Point of Contact Resolution	Immediately / < 48 hours* – where possible (working days)
Point of Contact Resolution – Line Manager	< 48 hours* – where possible (working days)
HR Officer Timeframes	
Notify Complainant of decision to extend/not extend 12 months’ timeframe	5 working days
HR Officer Resolution	< 48 hours* – if appropriate (working days)
Notification Letter to Local HSE Complaints Officer	On receipt of complaint – if appropriate
If complaint does not meet criteria for investigation – inform Complainant	5 working days
Acknowledgment Letter	5 working days from receipt of complaint in GROW MENTAL HEALTH HR
Seeking further information	10 working days
Update Complainant and relevant staff	Every 20 working days after initial 30 day due date
Investigate and conclude (Report)	30 working days from date of Acknowledgement Letter
Conclude at latest	6 months
Review Officer Timeframes	
Notify Complainant of decision to extend/not extend 30 days’ timeframe	5 working days
Review Officer should make contact with Complainant & explain process	< 48 hours* – if appropriate (working days)

Acknowledgement Letter	5 working days from receipt of review request in GROW MENTAL HEALTH Review office
If complaint does not meet criteria for review – inform Complainant	5 working days
Seeking further information	10 working days
Update Complainant and relevant staff	Every 20 working days after initial 20 day due date
Investigate and conclude (Report)	20 working days from date of Acknowledgement Letter
Regional Manager / Accountable Officer Timeframes	
Complaint – Recommendation(s) Action Letter	30 working days (to the complainant)
Review – Recommendations(s) Action Letter	30 working days (to the complainant)

10. Timeframes Involved

The HR Officer will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint will/will not be investigated and the reason for it.

Where a complaint is to be investigated, the HR Officer will endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged. If the investigation cannot be investigated and concluded within 30 working days then the complaints person must communicate this to the complainant and the relevant service/staff member within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation. The HR Officer must update the complainant and the relevant staff/service member every 20 working days.

The HR Officer must endeavour to investigate complaints within 30 working days. However, where 30 working days time frame cannot be met despite every best effort, the HR Officer must endeavour to conclude the investigation of the complaint with 6 months of the receipt of the complaint.

If this timeframe cannot be met, the HR Officer must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the option open to the complainant. They should encourage the complainant to stay with the local complaints management process while informing them that they may seek a review of their complaint by the Ombudsman.

10.1. Time Limits for Making a Complaint

The HR Officer must determine if the complaint meets the time frames as set out in Section 47, Part 9 of The Health Act 2004 which requires that:

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. The HR Officer may extend the time limit for making a complaint if, in the opinion of the hr officer, special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

- If the complainant is ill or bereaved
- If new, relevant, significant and verifiable information relating to the action becomes available to the complainant
- If it is considered in the public interest to investigate the complaint
- If the complaint concerns an issue of such seriousness that it cannot be ignored
- diminished capacity of the service user at the time of the experience e.g. mental health, critical/long term illness
- Where extensive support was required to make the complaint and this took longer than 12 months
- The HR Officer must notify the complainant of decision to extend/not exceed time limits within 5 working days

11. Matters Excluded

(As Per Section 48, Part 9 of The Health Act 2004)

A person is not entitled to make a complaint about any of the following matters:

- (a) a matter that is or has been the subject of legal proceedings before a court or tribunal
- (b) a matter relating solely to the exercise of clinical judgment by a person acting on behalf of either the organisation or a service provider
- (c) an action taken by the organisation or a service provider solely on the advice of a person exercising clinical judgement in the circumstances described in paragraph (b)
- (d) a matter relating to the recruitment or appointment of an employee by the organisation or a service provider
- (e) a matter relating to or affecting the terms of condition of a contract of employment that the organisation or a service provider proposes to enter into or of a conflict with an advisor that the organisation proposes to enter into under section 24
- (f) A matter relating to Social Welfare Acts
- (g) A matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004

60.—

(1)

Where—

- (a) a registrar fails or refuses to register in the appropriate register specified in [section 13](#) a birth, stillbirth, death or marriage or to enter in such a register one or more of the particulars required by this Act to be so entered, and furnished to him or her by a person pursuant to this Act, or
- (b) an tArd-Chláraitheoir or an authorised officer fails or refuses to comply with a request of a person under [section 63](#),

the registrar, an tArd-Chláraitheoir or the authorised officer, as the case may be, shall notify the qualified informant (within the meaning of Part 3 or 5, as may be appropriate) concerned, the parties to the marriage or the person in writing of the reasons for the failure or refusal.

(2) If a person (“the appellant”) affected by a failure or refusal by a person under subsection (1) is dissatisfied with it, he or she may appeal against it by lodging a notice of appeal in writing in a form standing approved by an tArd-Chláraitheoir or in a form to the like effect with the authority concerned, not later than 28 days from the date of his or her receipt of the notification under subsection (1), and the appeal shall be referred by the authority to such officer of the authority (not being the person in relation to whom the appeal is brought) as the authority may determine (“the appeals officer”), and the appeals officer shall determine the appeal.

(3) If an appellant is dissatisfied with the decision of an appeals officer under subsection (2), he or she may appeal against it by lodging a notice of appeal in writing in the form standing approved by an tArd-Chláraitheoir or a form to the like effect with an tArd-Chláraitheoir not more than 28 days after his or her receipt of the decision and an tArd-Chláraitheoir shall determine the appeal and, subject to subsections (6) to (8), the decision shall be final.

(4) The Minister may by regulations make provision in relation to notices of appeal under this section and the procedure to be followed on appeals under this section.

(5) In relation to an appeal under this section, the appeals officer concerned or an tArd-Chláraitheoir, as the case may be—

- (a) shall notify the parties concerned in writing of his or her decision in relation to the appeal and of the reasons therefor, and
- (b) may give such directions in relation to the registration or correction concerned to the registrar or authorised officer concerned as he or she considers appropriate, and any such direction shall be complied with by the person to whom it is given.

(6) An appeals officer (“the officer”) may revise a decision of another appeals officer under this section if it appears to the officer that the decision was erroneous having regard to evidence first given to the officer, or a fact first made known to the officer,

since the date of the decision.

(7) An tArd-Chláráitheoir may revise a decision (including a revised decision under this subsection) of an tArd-Chláráitheoir or an appeals officer if it appears to him or her that the decision was erroneous by reason of a mistake of law or fact.

(8) A person who is dissatisfied with a decision (including a revised decision) of an tArd-Chláráitheoir may appeal against it to the High Court.

(9) A revision under subsection (6) by an appeals officer shall be deemed, for the purpose of subsections (2) to (5) and (7) of this section, to be a decision under subsection (2), and those subsections shall apply and have effect accordingly, with any necessary modifications, in relation to the revision.

(10) A decision or a revision under this section—

(a) shall be in writing and be signed by the person by whom it is made, and

(b) shall, subject to any appeal under this section, have effect in accordance with its terms.

(11) A document purporting to be a decision or a revision of an tArd-Chláráitheoir or an appeals officer shall be deemed to be such a decision or revision and to have been signed by the person purporting to have signed it unless the contrary is shown and shall be prima facie evidence of the decision or revision and it shall not be necessary to prove that that person was an tArd-Chláráitheoir or, as the case may be, an appeals officer.

- (h) A matter that could prejudice and investigation being undertaken by the Garda Siochanna
- (i) A matter that has been brought before any other complaints procedure established under an enactment

Subsection (1) (i) does not prevent the HR Officer from dealing with a complaint that was made to the Ombudsman and that is referred by him or her to the hr officer

12 Refusal to Investigate of Further Investigate Complaint

The HR Officer shall not investigate a complaint if—

- a. The person who made the complaint is not entitled under *section 46* to do so either on the complaint is made after the expiry of the period specified in *section 47(2)* or any extension of that period allowed under *section 47(3)*.
- b. The HR Officer may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that officer is of the opinion that :

1. the complaint does not disclose a ground of complaint provided for in *section 46*, (See Section 3)
2. the subject-matter of the complaint is excluded by *section 48*, (See Section 11)
3. the subject-matter of the complaint is trivial, or
4. the complaint is vexatious or not made in good faith,

or

Is satisfied that the complaint has been resolved.

The HR Officer shall, as soon as practicable after determining that he or she is prohibited by *subsection (1)* from investigating a complaint or after deciding under *subsection (2)* not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

13 Unreasonable Complainant Behaviour

Grow Mental Health notes that in any such cases where Grow Mental Health takes all reasonable measures to try to resolve a complaint through the complaints procedure, the complainant does not accept these efforts or where a complainant’s behaviour could be considered abusive, unreasonable or vexatious, the organisation may consider invoking their equivalent of the HSE Policy for Dealing with Vexatious Complaints.

If upon completion of either internal or external reviews, an investigation shows that an individual has made malicious or vexatious complaints /allegations, and particularly if they persist in making them, action may be taken against the individual concerned.

The complainant must be notified of their right of review to the Irish Advocacy Network if they are not happy with the outcome of the complaint.

irishadvocacynetwork.com

14. Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to those who access GROW MENTAL HEALTH. It has a positive effect on staff/volunteer and Grow Mental Health member morale and improves Grow Mental Health’s relations with the public. It will also provide useful feedback to both Grow Mental Health and the HSE and enable it to review current procedures and systems which may be giving rise to complaints.

Redress should be consistent and fair for both the complainant and Grow Mental Health. Grow Mental Health should offer forms of redress or responses that are appropriate and

reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally. This redress could include:

- Apology
- An explanation
- Refund
- Admission of fault
- Change of decision
- Replacement
- Repair /rework
- Correction of misleading or incorrect records
- Technical or financial assistance
- Recommendation to make a change to a relevant policy or law
- A waiver of debt

The HR Officer may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause:

- a) the Executive to make a material amendment to its approved service plan, or
- b) Grow Mental Health and the Executive to make a material amendment to an arrangement under section 38.

If, in the opinion of the relevant person, such a recommendation is made, that person shall either—

- (a) Amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
- (b) Reject the recommendation and take such other measures to remedy, mitigate or alter the adverse effect of the matter to which the complaint relates as the relevant person considers appropriate.

15. Annual Report to H.S.E.

Grow Mental Health has established a complaints procedure by agreement with the H.S.E. and must provide the H.S.E. with a general report on the complaints received by Grow Mental Health during the previous year indicating as specified by the HSE Complaints Reports Format

- the total number of complaints received
- the nature of the complaints
- the number of complaints resolved by informal means
- the outcome of any investigations into the complaints

As well as providing an Annual Report the H.S.E. will collect statistics/details of complaints on a quarterly basis. It is also requested that where a serious complaint is made that the Local Health Manager will be made aware of same.