



COMPLAINTS POLICY

DYSPRAXIA/DCD IRELAND

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2. Responsibility for implementation	<i>Chief Executive Officer</i>
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1. Introduction

Dyspraxia/DCD Ireland is constantly working to improve the services we provide. If you believe that we have not given you the best possible service, then tell us about it. Your complaints give us the information we need to improve our services for you and for others. Dyspraxia/DCD Ireland is committed to taking seriously any complaint that concerned individuals have about your interaction with the organisation.

1.1 Purpose

This policy is intended to ensure that a formal process for registering complaints is put in place and that all complaints are taken seriously and addressed in an appropriate and professional manner.

1.2 Scope

This policy covers the process and all actions to be taken in respect to a complaint by a concerned individual. Complaints can be made in respect of any aspect of Dyspraxia/DCD Ireland's service delivery.

1.3 Glossary of Terms

Advocate: For the purposes of this policy an advocate is taken as being anyone who has the complainant's written permission to complain on their behalf, excluding staff members. A parent or guardian may complain on behalf of a child.

Complaint: In line with the Health Act 2004, "complaint" means a complaint about any action of the organisation that:

- (a) it is claimed, does not accord with fair or sound administrative practice, and
- (b) adversely affects the person by whom or on whose behalf the complaint is made

For the avoidance of doubt, complaints may only be made in respect of actions which have already been taken.

Complaints Officer: The individual responsible for ensuring that complaints are properly recorded and investigated. Generally, this is the Chief Executive Officer of the organisation unless it is inappropriate for the CEO to be the complaints officer. In those circumstances a member of the board will be appointed to the position of complaints officer.

Concerned individuals: Includes anyone who is directly affected by the actions of the organisation, but excludes anyone who works for the organisation either in a paid or voluntary capacity, such as staff members or volunteers. These groups should use internal management structures and / or the organisation's grievance procedure if they wish to complain about a decision affecting them.

Staff member: Should be construed broadly, and includes, for the purposes of this policy, staff members, volunteers, interns, and locums.

Executive: The Health Service Executive (HSE)

1.4 Principles

- As far as possible complaints should be notified to the organisation in a timely manner and as soon as possible following the issue or incident being complained of taking place.
- All complaints should be dealt with promptly, and within the timescales outlined.
- As far as possible all complaints should be resolved as quickly and efficiently as possible.
- All complaints must be properly recorded. The complaints officer is responsible for ensuring that complaints are properly recorded and signed by the complainant, the staff member recording the complaint and the manager. Alterations to the complaint should be recorded and signed and dated.
- Complainants should be consulted about what they would like to happen about their complaint.
- Complainants should be supported and given appropriate assistance throughout the procedure. They should be given the opportunity to be supported by an advocate.
- The complaints procedure should be well publicised. All new service users will be given a brief explanation of the complaints procedure as part of their induction.
- A complaints file shall be maintained and regularly monitored by the complaints officer.

1.5 Roles and Responsibilities

1.5.1. Management are responsible for:

- Ensuring all staff members and volunteers are aware of this policy and can advise concerned individuals on same.
- Ensuring that all complaints received are recorded and handled in line with this policy.
- Regularly monitoring the number, nature, and outcome of complaints as part of the continuous quality improvement process.

1.5.2. Staff members are responsible for:

- Ensuring that all service users are informed of the complaints policy as part of their introduction to the service. By having a copy of this policy on our website the organisation is deemed to have taken a significant step in addressing this requirement.
- Ensuring that any other concerned individual is made aware of the complaints policy as appropriate.
- Assisting concerned individuals to make a complaint as outlined in this policy when requested to do so.
- Following all other steps regarding complaints as outlined in this policy.
- Ensuring they keep themselves informed in relation to this policy.

2. General Information

2.1 Who can make a complaint?

- Any person who is a "concerned individual" as defined above.
- An advocate may also complain on a concerned individual's behalf provided they have the concerned individual's written consent.
- A parent / guardian may complain on behalf of a child.

2.2 What can they complain about?

Any action of the organisation that has directly affected them. This might include but is not limited to:

- The way the organisation has treated them.
- Being denied a service.
- A change in service provision.
- The actions of a specific member of staff.

2.3 How can complaints be made?

Complaints may be made in any form. However, once a complaint moves to Stage 2 (see below), it must be recorded in writing.

2.4 Acknowledgement of written complaints

Dyspraxia/DCD Ireland will notify, the complainant in writing within 5 working days of any written complaint being received:

- That the complaint has been so received.
- An outline of the steps that the organisation proposes to take in investigating the complaint.
- A proposed time limit for the completion of the investigation.
- A contact person for the complainant.

2.5 Complaints involving staff

If the complaint is about a member of staff, the complainant should immediately be referred to a more senior person than the person about whom they wish to complain. If the complaint cannot be resolved locally, the complainant:

- may be supported to put the complaint in writing,
- will be told that the staff member will be notified of the complaint against them,
- will be told that their complaint will be acknowledged.

2.6 Time limits for making complaints

Time limits for complaints are 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 complaints officer may decide to extend the time limit for making a complaint if in the opinion of the complaints officer special circumstances make it appropriate to do so. Special circumstances may include but are not limited 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 complaints officer must notify the complainant of the decision to extend /not extend the time limits within 5 working days.

2.7 Matters excluded from the complaints

Pursuant to Section 48(1), 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 Executive or a service provider.
- (c) An action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgement in the circumstance described at paragraph (b).
- (d) A matter relating to the recruitment or appointment of an employee by the Executive or a service provider.
- (e) 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 advisor that the Executive proposes to enter into under Section 24 of the Health Act 2004.
- (f) A matter relating to the Social Welfare Acts.
- (g) A matter that could be the subject of an appeal under Section 60 of the Civil Registration Act 2004.
- (h) A matter that could prejudice an investigation being undertaken by the Garda Síochána.
- (i) A matter that has been brought before any other complaints procedure established under an enactment.

2.8 Redress

Dyspraxia/DCD Ireland will endeavour to ensure that redress is consistent and fair for both the complainant and the party or parties against whom the complaint was made. Where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the complainant personally and that this loss, detriment or disadvantage was caused solely by the actions of the organisation, or its staff member Dyspraxia/DCD Ireland will aim to offer forms of redress or responses that are appropriate and reasonable. 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

3. The Complaint Process

There are four stages to the complaints procedure:

- Stage 1 Local resolution at the point of contact
- Stage 2 Managing a written complaint
- Stage 3 HSE review (if applicable)
- Stage 4 Independent review

3.1 Stage 1 - Local resolution at the point of contact

If a complainant has a problem with an aspect of the service provided by Dyspraxia/DCD Ireland, they should inform a staff member. The staff member will make every effort to resolve the problem locally at first point of contact. The staff member may seek assistance from management at this stage in resolving the problem.

If the problem cannot be resolved locally it must be recorded as a formal complaint to be progressed further.

3.2 Stage 2 - Managing a Written Complaint

The complainant will be asked to complete the Complaint Form. A copy of the Complaints Form is contained in Appendix A of this document. but is also available on our website www.dyspraxia.ie or can be requested from a member of staff. If the complainant needs help completing this form, they should contact a member of staff. The staff member will forward the complaint to the complaints officer.

3.2.1 Stage 2a - Informal resolution of a complaint

- The complaints officer will consider whether it is practicable having regard to the nature and 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.
- If the complaint relates to a specific person, that person will be informed and given a fair opportunity to respond.
- The complaints officer may suggest mediation be used in an attempt to resolve the complaint at this stage however both parties agree must agree to mediation.
- Where the complaints officer deems the complaint to be of a trivial nature the complaints officer has the right not to investigate the complaint.
- The complaints officer will inform the complainant in writing within 5 working days of the making of the decision/determination that the complaint will not be investigated and the reasons for it.
- If at any stage the complainant is dissatisfied with the way the complaint has been dealt the complainant may, at any time, request a review of the complaint by the HSE or Ombudsman or Ombudsman for Children, as outlined below.

Where an informal resolution was not successful or deemed inappropriate the complaints officer will proceed to Stage 2b and initiate a formal investigation of the complaint.

3.2.2 Stage 2b - Formal resolution of a complaint

- The complaint should be reviewed by the complaints officer, to confirm that they are in possession of a written record of the complaint, which is signed and dated by the complainant and clearly sets out the nature of the complaint, why the initial response was unsatisfactory and what the complainant's desired outcome is.
- The complaints officer will write to the complainant acknowledging receipt of the complaint in line with the procedure outlined above.
- The complaints officer will investigate the complaint and may draw on appropriate expertise, skills etc. as required.
- The complainant and other persons to whom the complaint relates will be given the opportunity to discuss the complaint with the complaints officer individually in private.
- The complaints officer will complete an investigation of the complaint within 30 working days of acknowledging the complaint. If this is not possible, within 30 working days of acknowledging the complaint, the complainant will be informed of

the delay and given an indication of the time it will take to complete the investigation. The complainant and other persons to whom the complaint relates must be updated by the complaints officer every 20 working days.

- Where the investigation passes the 30 working days timeframe, the complainant must be informed of the delay and the complaints officer must endeavour to complete the investigation within 6 months.
- Where deadlines are not met, the complainant must be informed that they can choose to move to stage 3 (if relevant) / stage 4 of the complaints management process.
- The complaints officer will inform the complainant and other persons to whom the complaint relates of the outcome of the investigation in writing. The letter must state whether the complaint has been upheld, and whether any further action will be taken.

If the complainant is not satisfied with the outcome of the investigation, they will be informed of the Stage 3 and 4 reviews.

3.3 Stage 3 - HSE Review

Where a complainant is not satisfied with the outcome of an investigation in Dyspraxia/DCD Ireland, the complainant may request a review of the complaint by the HSE.

All requests for reviews should be addressed to:
The Head of Consumer Affairs,
HSE,
Oak House, Millennium Park,
Naas,
Co. Kildare.
Tel: 045 880400

- The Head of Consumer Affairs will examine the request for review and appoint a Review Officer, if appropriate, to carry out the review of the complaint.
- Review Officer(s) will review the processes used to carry out the investigation of the complaint and the findings and recommendations made post-investigation.
- The Review Officer(s) will either uphold, vary or make a new finding and recommendation.
- The Review Officer(s) may carry out a new investigation of the complaint or recommend that re-investigation of the complaint be carried out by the complaints officer separately to the initial investigation team.

3.4 Stage 4 - Independent Review

At any stage in the complaint management process the complainant may seek to have a review of the complaint conducted by the Ombudsman or the Ombudsman for Children.

All requests for an independent review should be forwarded to one of the following:

Office of the Ombudsman,
18 Lower Leeson Street,
Dublin 2.
Telephone: 01 639 5600
Lo-call: 1890 223030
Fax: (01) 639 5674

Ombudsman for Children's Office,
Millennium House,
52-56 Great Strand Street,
Dublin 1.
Telephone: 01-8656800

4. Reporting to the HSE

As a service provider who has entered into a Service Level Agreement (SLA) with the HSE under Section 38 or Section 39 of the Health Act 2004 Dyspraxia/DCD Ireland are obliged to report to the HSE on a bi-annual basis on the complaints received by Dyspraxia/DCD Ireland indicating:

- The total number of complaints
- The nature of complaints
- The number of complaints resolved by informal means
- The number of formal written complaints
- The outcome of any investigations into the complaints

5. Feedback

Dyspraxia/DCD Ireland seeks to make ongoing improvements to the way it operates this policy. Constructive feedback on the policy is always welcomed and will be recorded. It should be given to the CEO who will ensure that it is given due consideration.

6. Policy Review

This policy will be reviewed on a regular basis. Any information gathered will be used to evaluate the policy and procedures at regular intervals to identify changes if necessary to improve the policy. All changes to this policy will be communicated to all volunteers.

