



CORK FOYER COMMENTS, COMPLIMENTS AND COMPLAINTS POLICY

1. PURPOSE

- 1.1 To ensure consistency of approach towards handling complaints and meet the expectations of service users and key stakeholders.
- 1.2 To achieve the highest possible standard of service provision as defined in the Resident Charter and Foyer Youth Offer.
- 1.3 To encourage service users to be involved in all aspects of Foyer development.

2. POLICY STATEMENT

- 2.1 The Foyer takes a positive approach to dealing with comments, compliments and complaints and welcomes feedback on how it can improve the service it delivers. The Foyer aims to resolve all complaints as quickly, thoroughly and informally as possible.
- 2.2 **A complaint is defined as:**
“An expression of dissatisfaction, however made, about the quality of service, actions or lack of action by the Foyer, its contractors or its staff affecting the complainant as an individual or group of individuals, whether they are residents or not. This is irrespective of whether the complaint is deemed justified by the member of staff or not”.
- 2.3 **A compliment is defined as:**
An expression of praise, commendation or admiration about the quality of service, actions by the Foyer, its contractors or its staff. Any verbal or written compliments will be recorded by the member of staff receiving the compliment and be passed to the Foyer Manager for recording on the Compliments Register. Any member of staff identified as being the subject or contributing to any matter giving rise to the compliment will be notified within three working days. Feedback on compliments will be shared with employees at appropriate timings
- 2.4 The Foyer and its Management Committee will also undertake to monitor all comments, compliments and complaints to ensure they are used to improve the quality of service provided.
- 2.5 Service users in particular will be provided with the support they need in order to make their views known. The Foyer will ensure that service users are not disadvantaged or treated less favourably as a result of complaining.

- 2.6 A copy of the comments, compliments and complaints policy and procedure can be found on the Foyer website www.corkfoyer.ie or obtained from the Foyer Reception. Reference to the Foyer comments, compliments and complaints policy and procedure shall be highly visible on the Foyer notice board and through information leaflets. The process of commenting, complimenting and complaining will be introduced during a resident's induction to the Foyer and explained thoroughly too all non Foyer resident upon complaint.
- 2.7 This policy does not relate to grievances made by residents about other residents. These will be addressed during key working sessions or at resident meetings. The policy covers comments, compliments and complaints about the services that the Foyer provides, how they are provided, and those who provide and manage them.
- 2.8 All complaints of harassment or bullying will be addressed in line with the Foyer's Harassment and Anti bullying Policy and Procedure.
- 2.9 The Foyer aims to make the process of complaining as non-threatening and as open as possible and encourages the service users to bring a friend or advocate if this makes them feel more comfortable. If appropriate, the Foyer or complainant may also elect take advice from external agencies/professionals i.e. HSE Children and Family Services
- 2.10 Who can complain?
Any member of society, especially those who are or was being provided with a service by the Foyer Project or who is seeking or has sought provision of such service may complain, in accordance with the procedures established under this Part, about any action of the Foyer Project that:
- (a) it is claimed, does not accord with fair and sound administrative practice, and
 - (b) adversely affects or affected that person.

3. HSE OPEN DISCLOSURE NATIONAL GUIDELINES – COMMUNICATING WITH SERVICE USERS AND THIER FAMILIES FOLLOWING ADVERSE EVENTS IN HEALTHCARE

- 3.1 There is significant evidence to demonstrate that the open disclosure process assists both service users and staff in the aftermath of an adverse event in relation to coping with the event and also in relation to achieving closure from the event. The HSE Open Disclosure National Guidelines have been developed following and incorporating the learning from a two year open disclosure pilot programme
- 3.2 The key objectives of the HSE guidelines are;
- (a) to establish a standardised approach by healthcare professionals across the health and social care services in relation to how we communicate with service users following adverse events and;

(b) to ensure that communication with service users and staff members involved occurs in a supportive and timely manner

- 3.3 Because a formal complaint may be submitted as a result of a serious and adverse event, all Foyer staff are to acquaint themselves with the HSE Open Disclosure National Guidelines. Following a serious and adverse event, any staff member directly involved with, or witnessing a serious and adverse event shall work closely with the Foyer Manager, ensuring the approach to disclosure is consistent, approved, true and as accurate as possible given the information at hand
- 3.4 Staff members are also reminded that a serious and adverse event can be traumatic for all those directly affected or associated with the event. It is therefore important that you consider your own wellbeing and accept the support on offer from the Foyer Manager, work colleagues, the Cork City Council Employee Assistance Programme, or others in which you find comfort, subject to maintaining confidentiality

4. PROTECTED DISCLOSURES

- 4.1 The LGMA Protected Disclosures Policy and Procedure 2017 aims to encourage employees to report internal any concerns, as soon as possible, they may have regarding potential wrongdoing in the workplace, in a manner provided by the Protected Disclosures Act 2014; and in the knowledge that their concerns will be taken seriously and investigated, where appropriate, and their confidentiality will be respected, in the manner provided by the Protected Disclosure Act 2014;
- 4.2 To highlight that it is always appropriate to raise such concerns when they are based on a reasonable belief irrespective of whether any wrongdoing is fact subsequently identified;
- 4.3 To provide employees with guidance on how to raise concerns;
- 4.4 To reassure employees that they can report relevant wrongdoings without fear of penalisation;
- 4.5 Any Foyer employee who has a reasonable belief to one or more of the relevant wrongdoings listed within the LGMA Protected Disclosures Policy and Procedure 2017, should disclose the information directly to the Designated Officer, John Ger O’Riordan, Senior Executive Officer, Corporate and External Affairs Directorate on 021 4924351 or email [john.oriordan@corkcity.ie](mailto:oriordan@corkcity.ie). There is a standard reporting form for making a Disclosure attached to the LGMA Protected Disclosures Policy and Procedure 2017 (Appendix 1).
- 4.6 It is important to distinguish between a complaint/grievance and a protected disclosure. Examples to guide you are listed within the LGMA Protected Disclosures Policy and Procedure 2017, page 4 and 5. Foyer employees are to sign understanding of both the LGMA Protected Disclosures Policy and Procedure 2017 and this Complaints Policy and Procedure to help prevent using the wrong reporting procedure and protect personal confidentiality.

- 4.7 Foyer Management Board members shall report any concerns that they may have in relation to potential wrongdoings directly to the Foyer Chairperson or the Director of Housing on 4924273 or email brian_gearney@corkcity.ie.

5. POLICY EXEMPTIONS

- 5.1 A complaint is excluded under Part 9 of the Health Act 2004 if it is in relation to 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 to the recruitment or appointment of an employee by the Cork City Council,
 - (c) a matter relating to or affecting the terms or conditions of a contract or employment that the Cork City Council proposes to enter into (includes terms or conditions relating to superannuation benefits, disciplinary procedures or grievance procedures),
 - (d) a matter relating to the Social Welfare Acts,
 - (e) a matter that could be the subject of an appeal under Section 60 of the Civil Registration Act 2004,
 - (f) a matter that could prejudice an investigation being undertaken by the Garda Síochána,
 - (g) a matter that has been brought before any other complaints procedure established under an enactment (e.g. Complaints made under Part 2 of Disability Act, 2005 or the Mental Health Act 2001).

The Foyer Manager may decide not to investigate or further investigate an action to which a complaint relates to:

- (a) the subject-matter of the complaint is trivial, or
- (b) the complaint is vexatious or not made in good faith, or
- (c) is satisfied that the complaint has been resolved.

6. UNREASONABLE COMPLAINANT BEHAVIOUR

- 6.1 The actions of complainants who are angry, demanding or persistent may ultimately result in unreasonable demands or unacceptable behaviour towards an employee. Employees are not expected to tolerate abusive or threatening behaviour, but all feedback must be given equal consideration and be investigated. The Foyer Manager should be contacted immediately for advice under such circumstances and a formal report of the incident shall be submitted to the Foyer Manager within 48 hours of the incident.

7. FREEDOM OF INFORMATION

- 7.1 The Freedom of Information Act 2014 confers on all persons the right of access to information held by public bodies, to the greatest extent possible,

consistent with the public interest and the right to privacy. It is imperative that all staff are cognisant of the right of the complainant to access any information held by the Cork Foyer in relation to the management of their complaint, subject to the exemptions set out in the Act. Staff must ensure that they adhere to the principles of the Data Protection Act 1988 and 2003, that consent to access patient confidential information is obtained where required and that decisions made during the complaint management process are supported by facts and evidence.

Further information and guidance on Freedom of Information is available at: <http://www.hse.ie/eng/services/yourhealthservice/info/FOI>

8. CONFIDENTIALITY/DATA PROTECTION

8.1 Maintaining privacy and confidentiality of residents is a basic principle of managing resident's feedback including comments, compliments and complaints. It is the role of all Foyer staff to ensure that privacy and confidentiality is maintained.

8.2 The Data Protection Acts 1988 and 2003 place an obligation on the Foyer and staff to safeguard the right of individuals in relation to the processing of their personal data. This applies to both personal data of our residents and staff. Under the Data Protection Acts, personal information should only be used or disclosed for the purpose for which it was collected for or another directly related purpose. Feedback information required for reporting and statistical purposes will be anonymised and all identifiable data will be removed.

However, the principles of natural justice and fairness require that any persons directly affected by a complaint be:

(a) informed of the complaint

(b) informed of the conclusions reached following investigation of the complaint and of the findings which informed these conclusions, and

(c) afforded the opportunity to respond to any adverse findings.

Further information and guidance on Data Protection is available at: <http://www.hse.ie/eng/services/yourhealthservice/info/DP>

9. COMPLAINTS PROCEDURE

9.1 At this point staff should make it clear to the complainant that the complaints procedure is subject to the Foyer's Confidentiality Policy, and in particular circumstances, details of the complaint whether formal or informal may need to be discussed with other appropriate individuals or agencies.

9.2 Stage One

We hope to resolve every problem at this stage. Quite simply, a complainant or their advocate should inform a member of staff about their complaint – this can be in person, by completing a Foyer complaint form (Appendix 1), by letter, by e-mail or over the telephone. Staff should clarify the following:

- Clarify the complaint, include, times, dates, names etc
- Clarify what outcome the complainant would like to see
- Check whether he/she needs support of any kind (e.g. for poor sight, hearing or language need)
- Explain the investigation/complaints procedure
- Ensure the complainant is aware of you next intentions

The complainant's complaint will be acknowledged in writing (Appendix 2). The letter will include a unique reference log number and the complaint will be recorded in the Foyer complaints log. The letter will also provide the complainant with the name of the key member of staff dealing with their complaint. The key member of staff who has accepted the complaint will endeavour to resolve the matter immediately. Where this is not possible, the key member of staff will respond in writing within five working days. Serious complaints or a complaint about a member of staff will be given priority.

Every complaint will be monitored by the Foyer Manager from start to finish. **Should the complaint be of a serious nature or about a member of staff, the complaint will bypass stage one of the procedure. The complainant will be advised to follow the procedure for Stage 2 or 3.**

Contacting the "customer" following a complaint can achieve two things – an acknowledgement of the complaint, giving the staff member an opportunity to apologise immediately, and the opportunity to clarify the details of the complaint. This can start the investigation off on the right foot, saving time in the long run, and defuse the situation.

"Customers" generally accept that things do go wrong, but expect that something will be done to put them right, and prevent a recurrence. Compensation is not necessarily what the customer wants. Even if the complaint is due to a misunderstanding rather than a mistake, a proper apology is important. Customers generally wish to be put into the position they would have been in if the mistake had not occurred, or for the problem to be rectified.

9.3 Stage Two

If the complainant is unhappy that the complaint has not been resolved, the complaint can be sent directly to the Foyer Manager. The Foyer Manager will respond within five working days from receiving the complaint. The complainant may be invited to meet with the Foyer Manager to explain the situation in person.

Where the complaint involves an allegation of misconduct or dishonesty by a particular member of staff, the initial investigation should be carried out by the Foyer Manager, taking advice from the Chair of the Foyer Management Committee, Director of Housing & Community Services and the Head of Personnel. Such an investigation must be properly documented as it may lead to action under the Cork City Council's disciplinary procedure. If at any point in the investigation this seems likely, the above should be informed immediately. In the event the Foyer Manager is the accused, the investigation

will be led by the Director of Housing & Community Services and the Chair of the Foyer Management Committee at stage 3 or 4 of the complaints procedure.

9.4 Stage Three

If the complainant is still dissatisfied with the action taken by staff members and the Foyer Manager, the complaint will be put forward to the Chair of the Foyer Management Committee, who will fully investigate the complaint. The complainant may also write to the Chair to ensure that their position is fully understood. The complainant may be invited to meet with a representative from the Foyer Management Committee to present their complaint in person. The Chair will respond within ten working days.

9.5 Stage Four

If the complainant is still dissatisfied with how the complaint has been addressed they may also write to the Director of Housing & Community Services who will investigate that all the correct policies and procedures have been followed. The complainant may be invited to meet with the Director of Housing & Community Services to explain the situation in person. Director of Housing & Community Services will aim to respond within ten working days.

The Director of Housing and Community Services and the Chair of the Foyer Management Committee should be consulted immediately on receiving a complaint from local Councillors or TD's.

Complaints from non residents will follow the same procedure. Examples of non residents include: former residents, neighbours, contractors, etc.

All parties involved with the complaints process should aim to complete all four stages within 6 weeks of receiving the initial complaint.

9.6 Stage 5 (Confidential Recipient)

If the complainant still isn't satisfied with how the complain has been addressed, or if they feel that the issue is a circumstance in which they want to go further out of the organisation to complain, they may contact the Confidential Recipient by writing to them or making a phone call to them. The Confidential Recipient will examine the concern to decide whether the office can assist. Where a concern warrants further investigation, the Confidential Recipient will determine the type of examination required and will direct the concern to the appropriate HSE National Director for further action.

A Confidential Recipient is an independent person appointed by the HSE to receive concerns and allegations of abuse, negligence, mistreatment or poor care practices in HSE or HSE funded residential care facilities in good faith from patients, service users, families, other concerned individuals and staff members.

A report outlining the concern will be prepared by the confidential recipient and will be referred formally and in writing to the nominated manager in the office of the appropriate National Director. If requested, the identity of the complainant may be withheld by the Confidential Recipient.

The office of the Confidential Recipient for Vulnerable Persons will receive all concerns or allegations of abuse in confidence.

The Confidential Recipient can be contacted at;

The Office of the Confidential Recipient for Vulnerable Persons
Training Services Centre
Dooradoyle
Limerick
Lo Call 1890 100 014, Monday to Friday, 9.00am to 5.30pm
Mobile 087 6657269
Email leigh.gath@hse.ie

10. RIGHT OF APPEAL

- 10.1 The complaints & appeals system operated by the Foyer does not preclude you from using other external offices to handle your complaint e.g. Office of Ombudsman, Office of Ombudsman for Children and An Bórd Pleanála.
- 10.2 If the complaint still isn't satisfied with how the complaint has been addressed, or if they feel that the issue is a circumstance in which they want to go further out of the organisation to complain, they may contact Office of Ombudsman/Office of Ombudsman for Children and An Bórd Pleanála by writing to them or making a phone call to them. The external offices will examine the concern to decide whether the office can assist and if the concern warrants further investigation, they will determine the type of examination required and will direct the concern to the appropriate or department.

Office of the Ombudsman:

(9.15-5.30 from Monday – Thursday; 9.15-5.15 Friday)

18 Lower Leeson Street, Dublin 2.

Phone: 016785222,

Email: ombudsman@ombudsman.irlgov.ie

Ombudsman for Children's Office:

(9.15-5.30 from Monday – Thursday; and 9.15-5.15 Friday)

Millennium House, 52-56 Great Strand Street, Dublin 1,

Free-phone: 1800202040, phone: 018656800,

Email: oco@oco.ie

11. RECORDING & MONITORING OF COMPLAINTS

- 11.1 All complaints, whether considered formal or informal, serious or trivial will be recorded on a central Log. Staff must ensure that comprehensive records are kept of any complaints received (written and verbal).
- 11.2 The nominated staff member dealing with the complaint shall keep the complainant/s fully informed of events and continue to record discussions or meetings.
- 11.3 The Foyer Manager shall submit on an HSE agreed template to the relevant CA Area Office or National Complaints Governance and Learning Team contact on a quarterly basis as outlined in schedule 8 of the HSE Service Arrangement.
- 11.4 Reports or complaints received by the Foyer in relation to alleged or suspected service user abuse involving staff or students placements should immediately be advised by telephone or email to;

Mr Denis Hickey, Project Manager, Social Inclusion, Floor 2, Aras Slainte, Wilton Road, Cork, T12 XRR0

Telephone 0214923732

Email: Denis.Hickey@hse.ie

- 11.5 In such circumstances, the Foyer Manager (Designated Officer) or Senior Project Worker, (Deputy Designated Officer) shall also refer to the Foyer's Vulnerable Adult Policy.
- 11.6 A satisfaction survey (Appendix 3) will be sent to all complainants on a periodic basis to help monitor the effectiveness of this Policy and Procedure. If procedures are amended because of a complaint or as a result of feedback from the satisfaction survey, the complainant should be informed of the changes – and thanked for helping the Foyer to improve the service it provides.
- 11.7 The Foyer Management Committee has the responsibility of monitoring the Foyer's performance which includes the handling of complaints.

12. Training

- 12.1 All employees should have knowledge of the complaints policy and procedures and where to direct complainants, or how to deal with their complaints. The quality of complaints management will depend on the skills of the employees who implement it.

COMPLAINTS PROCEDURE FLOWCHART

Complainant Makes Complaint

In Person

By Telephone

By Email

By Letter

Stage 1 Complaint

Discuss your complaint with a member of staff on duty. If necessary, you may request a copy of the Foyer's Complaints Policy and Procedure. Your complaint will receive a unique log number for reference. A serious complaint or complaint about a staff member will be given priority and the complainant will be advised to follow stage 2 or stage 3 of this procedure



Acknowledgement Response Time 5 Working Days

Stage 2 Review/Complaint

If you are unhappy with the action taken to resolve your complaint during Stage 1, or you would prefer that your complaint is addressed by the Foyer Manager



Response Time 5 Working Days

Stage 3 Review

If you are unhappy with the action taken to resolve your problem during Stage 1 or stage 2, or your complaint is about the Foyer Manager. Your complaint will be referred / reviewed by the Chair of the Foyer Management Committee



Response Time 10 Working Days

Stage 4 Review

If you are unhappy with the action taken to resolve your problem during Stages 1 to 3, the matter will be reported to the Director of Housing and Community Services who will review your complaint and investigate that the correct Policy & Procedure has been followed



Response Time 10 Working Days

Stage 5 and Right of Independent Appeal

The complaints and appeals system operated by the Foyer does not preclude you from using other external offices to handle your complaint e.g. the Office of the Confidential Recipient for Vulnerable Persons Office of Ombudsman, Office of Ombudsman for Children and An Bord Pleanala

CORK FOYER COMMENT, COMPLIMENT OR COMPLAINT FORM
PERSONAL DETAILS

Title	Mr / Mrs / Miss / Ms
First Name	<input style="width: 500px; height: 25px;" type="text"/>
Surname	<input style="width: 500px; height: 25px;" type="text"/>
Address Line 1	<input style="width: 500px; height: 25px;" type="text"/>
Address Line 2	<input style="width: 500px; height: 25px;" type="text"/>
Address Line 3	<input style="width: 500px; height: 25px;" type="text"/>
Phone (Home)	<input style="width: 300px; height: 25px;" type="text"/>
Phone (Work)	<input style="width: 300px; height: 25px;" type="text"/>
Phone (mobile)	<input style="width: 300px; height: 25px;" type="text"/>
E-mail Address	<input style="width: 500px; height: 25px;" type="text"/>

Details of comment, compliment or complaint – please attach a separate sheet of paper, if required.

If you made a complaint what happens next?

- Your complaint has been acknowledged and your log number is printed on top of the acknowledgement letter
- Your complaint will be investigated by _____
- The person investigating your complaint will reply within the set time (5 working days) unless your complaint is of a serious nature, when it will be dealt with as priority. Please note: action required to resolve the complaint may take longer than 5 working days, but you will be kept informed of progress

If you made a compliment what happens next?

- Your compliment will be recorded by the member of staff receiving the compliment
- and be passed to the Foyer Manager for recording on the Compliments Register
- Any member of staff identified as being the subject or contributing to any matter giving rise to the compliment will be notified within 3 working days, or at the soonest opportunity. Feedback on compliments will be shared with employees at appropriate timings

EQUAL OPPORTUNITIES MONITORING

We want to make sure that we deal with everyone fairly. In order to do this we need to monitor our complaints procedure, ensuring no particular group is being treated in a discriminator. Filling out the information below will help us to do this. **Completing this section is totally optional. If you select to assist our internal monitoring, please tick the boxes, which apply to you.**

Are you Female Age 25 or less
 Male 26 to 59
 60+

Are you are EU Citizen? Yes No

Do you have a disability? Yes No

How would you describe your ethnic origin?

Irish British/European
 Black African Black Caribbean
 Asian Mixed Race
 Other (Specify) _____

Signature of Complainant: _____ Date _____ Name (block capitals) _____
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Are you a member of staff completing this form on behalf of the complainant?

Name	Signature
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Action Taken:

A large empty rectangular box intended for recording actions taken.

Please use addition pages if required.

Appendix 2

Ref: (insert complaint log number/initials of staff dealing with it).

Date:

Name of complainant
Address

Dear

RE:

I am writing to acknowledge receipt of your complaint regarding..... Your personal log number is (insert complaint log number).

The matter will be investigated by (insert name of staff) and you will receive a reply within five working days from the date of this letter.

I enclose a copy of the Complaints Procedure. We aim to provide a quick and fair response to complaints and will ensure that a written response is given. At all stages your complaints will remain confidential.

Yours sincerely

Name of person inputting the complaint
Position of person inputting complaint

Enc

Appendix 3

COMPLAINT SATISFACTION SURVEY

In order to monitor our service to our customers we ask all persons who have made a complaint to answer a few questions. Please delete as appropriate, add any additional information and return in the prepaid envelope. Thank you for your time.

Log Number:

Did the response you received answer your complaint? Yes No

If no, please explain:

.....
.....
.....

Did staff understand your complaint? Yes No

If no, please explain:

.....
.....
.....

Were you kept informed of what was happening? Yes No

If no, please explain:

.....
.....
.....

Are you receiving a good service now? Yes No

If no, please explain:

.....
.....
.....

Any further comments:

Thank you for drawing this matter to our attention. If you do not return this form within 2 weeks we shall assume that you were satisfied with the way in which we dealt with your complaint.