



## **Vision Sports Ireland Complaints Management Policy**

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Version 2.0	20 <sup>th</sup> June 2022	Table updated to include Vision Sports Ireland policies	KM
<b>Adopted by VS Board of Directors on July 13<sup>th</sup> 2022</b>			
Version 3.0	17 <sup>th</sup> May 2023	Addition of 'How to Make a Complaint' - NCBI online Complaints form.	KM

## NCBI Policy on Complaints

It is the policy of the NCBI to obtain the views from people who use our services, about the services provided and the way in which they are provided. Any complaint will be viewed as an opportunity to inform and to continuously improve the quality of service provision.

Complaints can be made about any aspect of NCBI organisation, inclusive of all subsidiary companies, including **Vision Sports Ireland**. A complaint can be made about something that should have been done but was not, or where services are perceived to fall short of what is expected or is acceptable. In such instances the NCBI is wholly committed to identifying the reason(s) why, and rectifying any shortcomings which may arise in our service delivery. Any complaint will be viewed as an opportunity to inform and to continuously improve the quality of service provision.

NCBI's complaints management policy is guided by, but not limited to, the definition as outlined in the Health Act 2004 which defines a complaint as follows:

*"A Complaint means a complaint made about any action of the Executive, or a Service Provider (NCBI) that, it is claimed, does not accord with fair or sound administrative practice, and adversely affects the person by whom, or on whose behalf, the complaint is made".*

In the Health Act 2004 Action is defined as:

*"..anything done or omitted to be done by the Executive, or by a Service Provider(NCBI) in connection with the provision of a health or personal social service that is the subject of an arrangement under Section 38 of the Act, or a service in respect of which assistance given under Section 39 of the Act"*

This policy relates to all of the activities engaged in by NCBI as an organisation and not just activities which are subject to funding and contract arrangements with the HSE.

NCBI's commitment to safeguarding the rights and dignity of service users and staff members is furthered with the implementation of this policy, and complaints

or criticisms will be taken seriously, handled appropriately and dealt with sensitively.

The policy emphasizes that staff should work to resolve issues as quickly and as close to the point of contact as possible. All staff have a responsibility to effectively handle any complaint they receive and to convey to service users that their views and opinions are important and valued. NCBI recognises that responding effectively to all complaints received and learning from them is a key aspect to providing a high quality customer focused service.

This Policy and Procedure for the management of complaints is complementary to other existing procedures e.g. NCBI Disciplinary procedures, NCBI Grievance procedures, HSE Trust in Care, NCBI Child Protection Policy & Children First Guidelines etc. Matters appropriate for these other procedures will continue to be treated in the same manner and in accordance with these agreed procedures.

This Complaints policy will be consistent nationwide. It is important to acknowledge that both the service user and the service provider have an equal voice and are of equal importance in this process.

## **Principles Underpinning This Policy**

It is the policy of NCBI to ensure that:

- the complaints management process is fair, transparent, non- prejudiced, non- discriminatory and impartial.
- the rights of the complainant and the staff member/service against whom the complaint is made will be safeguarded throughout the process.
- All NCBI staff will be empowered to appropriately handle complaints and have a responsibility to respond to concerns raised in an appropriate manner.
- Effective information and communication systems will be in place to ensure service users and staff are aware of, and

understand the complaint management processes.

- Complaints will be recorded appropriately and collated in a manner that allows effective monitoring, evaluation and analysis to identify patterns and trends.
- Inherent to the complaints management process will be a process of organisational improvement.

## **Stages in the Management of Complaints Process**

NCBI management of complaints process consists of four distinct stages:

### **Stage 1: Informal Resolution.**

NCBI Staff are entrusted to resolve verbal complaints at or close to the first point of contact wherever possible. Where a complaint is resolved in the initial stages, the complaint must be examined to identify any quality improvements that should be implemented as a result.

Where complaints cannot or should not be resolved at this point due to their seriousness or complexity, these complaints must be referred to the appropriate Line Manager / Complaints Officer for resolution or investigation at Stage 2. There may be instances where the Complainant does not accept the outcome of the management of the complaint at stage 1 and may seek an investigation of their complaint at stage 2 of the process.

### **Stage 2 (A & B):**

#### **2A- Informal Resolution & Stage 2B- Formal Investigation**

Complaints that could not be resolved at Stage 1 or should not be resolved at this stage due to their seriousness or complexity are then subject to informal resolution or formal investigation under Stage 2.

#### **Stage 2A Informal resolution**

Where resolution at the point of contact was not appropriate or was not successful at Stage 1, the relevant Line Manager / Complaints Officer will attempt informal

resolution prior to commencing a formal investigation of the complaint.

### **Stage 2B Formal Investigation**

It is the responsibility of the Complaints officer to determine the validity of a complaint prior to embarking on a formal investigation.

The Complaints Officer is responsible for carrying out a formal investigation of a complaint at Stage 2 but may draw on appropriate expertise, skills etc. as required. Staff have an obligation to participate and support the investigation of any complaint where requested. Where the investigation at Stage 2 fails to resolve the complaint, the complainant may use the Review Process at Stage 3. However the investigation must be completed prior to a review being requested.

Where a complaint is deemed to be vexatious or malicious it will not be investigated.

Appeal - if the complainant is not satisfied with the outcome of the investigation they have a right to appeal the outcome to the CEO or their designate.

### **Stage 3a HSE Review**

(Services which are subject to funding and contract arrangements with the HSE)  
Under the Health Act 2004 (Complaints) and regulations 2006 the HSE has been designated the authority to appoint review officers and all requests for reviews must be addressed to:

Ms. Mary Culliton,

Head of Consumer Affairs, Health Service Executive, Oak House,  
Millennium Park, Naas, Co. Kildare.

### **Stage 3b Internal NCBI Review**

All review requests relating to non-funded/contracted services will be handled by the CEO's office.

### **Stage 4 Independent review**

If the complainant is not satisfied with the outcome of the NCBI Complaints Management Process and/or review, he/she may seek a further review of the complaint by the Ombudsman/ Ombudsman for Children. NCBI must inform the complainant that they have a right at all times to have their complaint reviewed by the Ombudsman / Ombudsman for Children. However, they must be made aware that the Ombudsman/ Ombudsman for Children will, in most cases, require that the NCBI complaints management process be exhausted before they will initiate a review of the complaint.

Office of the Ombudsman

18 Lr. Leeson Street, Dublin 2.

Tel: 01-639 5600 Lo-call: 1890 223030

Ombudsman for Children's Office Millennium House

52-56 Great Strand Street Dublin 1

Tel: 01-8656800

## **Procedures For The Management Of Complaints**

### **Who can make a complaint?**

Any person who is or was a consumer of NCBI, or who is seeking or has sought services from NCBI may complain in accordance with the established procedures of this complaints policy.

### **How to make a complaint?**

Complaints can be made verbally, in writing or Braille, to NCBI, Whitworth Road, Drumcondra, D09RP70, or online via NCBI's website: <https://www.ncbi.ie/leave-your-feedback/>

Complaints that may be resolved at or close to the first point of contact may be made verbally, face to face or by telephone. However, if the complaint cannot be resolved or should not be resolved informally, the complainant must be encouraged to make the complaint in writing or electronically in order to ensure the accurate recording of the facts of the complaint. Cognisance must be taken of the fact that some individuals may have difficulty in effectively recording their complaint and may require assistance.

Information on how to make a complaint and complaint forms will be available from all of NCBI offices.

### **Receiving a Complaint**

A complaint may be received by any member of NCBI staff, who must then determine the most appropriate process for dealing with it. All NCBI staff have a responsibility to accept a complaint made to them. Where appropriate staff should endeavour to manage the complaint close to the point of contact or alternatively to refer the complaint to a designated person / line manager / complaints officer to manage and resolve the complaint in line with NCBI standard operating procedure. A complaint may also be made directly to a designated Complaints Officer.

### **Timeframes for the management of complaints**

Every effort should be made to resolve a complaint immediately or within 24 hours of receiving the complaint **if it is deemed appropriate** to manage the complaint, with a view to resolution, at the first point of contact.

Where a complaint requires investigation the complainant will be notified in writing within **5 working days** of receipt of the written complaint acknowledging it's receipt, and outlining the steps that will be taken in the investigation as well as the time limits involved.

The complaints officer must endeavour to investigate and conclude the investigation of a complaint within **30 working days** of it being acknowledged. If this is not possible it must be communicated to the complainant and the relevant staff member within 30 working days of the acknowledgment of the complaint with an indication of the time it will take to complete the investigation. Every effort must be made to conclude the investigation within 6 months. The complaints officer



must update the complainant and the relevant staff member every 20 working days.

Where it is determined that a complaint will not be investigated a complaints officer will inform the complainant in writing, within 5 working days of making the decision that the complaint will not be investigated and the reasons why an investigation will not be pursued.

**Note: The complainant is to be advised that a formal investigation of the complaint may not take place unless the complainant provides contact details to enable the NCBI to validate the complaint and to liaise with the complainant in the course of the investigation.**

If requested the staff member/ Complaints Officer may provide assistance to the complainant to make a written complaint.

### **Time limits for making complaints**

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. A Complaints officer may extend the time limit for making a complaint if there are special circumstances which in their opinion make it appropriate to do so.

### **Advocacy**

Any individual unable to make a complaint themselves has the right to appoint an advocate to assist them. Where necessary, NCBI will endeavour to assist an individual to access an advocacy service in order to assert their views about NCBI. Where the complaint is against a staff member, in line with best practice, the advocacy service would be external to NCBI.

### **Organisational improvement**

The NCBI is committed to using complaints data analysis to improve decision making and service provision to the service user.

### **Redress & response**

The NCBI is committed to giving fair and balanced redress or response for unfair or wrong decisions or actions where when taken results in a measurable loss, detriment or disadvantage being sustained by the claimant personally. Redress or response will be appropriate and reasonable for both the complainant and service against which the complaint was made. This could include an apology, an explanation, an admission of fault, change of decision, replacement / repair, recommendation to make a change to a relevant policy, correction of records in line with Irish legislation.

### **Confidentiality**

All personal information is held under strict legal and ethical obligations of confidentiality. Complainant identifiable information will only be made available on a strict need to know basis and with the consent of the complainant. For the purpose of data analysis and the identification of trends, no consumer identifiable information will be made available with the complaints data.

### **Reporting of complaints data**

Complaints Officers will submit complaints data reports to the lead Complaints Officer on a three monthly basis.

NCBI will provide information to HSE on a quarterly basis relevant to the contracted services which will include

- 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

### **Complaints About a Named Staff Member**

Where a complaint is made about a staff member and the complainant does not provide contact details to enable the validation of the complaint, the complaint will not be investigated in the interest of procedural fairness.

However although anonymous complaints cannot be the subject of a formal investigation unless there is supporting evidence, management should assure

itself that the systems in place are robust and the welfare of service users is not at risk.

### **Complaints From Children**

Children of sufficient age, reason and understanding may also make a complaint about any aspect of the service they have received from NCBI. Their complaints must always be taken seriously and responded to appropriately.

The welfare of the child is paramount at all times and when the recipient of a complaint from a child is concerned about the safety and well-being of the child, that person must ensure that they act appropriately in the best interest of the child and to appropriately implement Children First, National Guidelines for the Protection and Welfare of Children (1999).

The process for dealing with complaints from children will follow the same procedures as outlined in the SOP for dealing with complaints. However, a formal procedure may not always be the most appealing way for Children to air grievances. Therefore local complaints procedures must place adequate emphasis on informal ways of dealing with complaints from children where required.

### **Recording Complaints**

Best practice complaints management indicates that all complaints, verbal and written, should be documented. Line Managers should maintain a record of all verbal complaints to inform local quality improvement initiatives.

### **Complaints Officers**

There are 5 Complaints Officers across the NCBI Organisation, as well as a lead Complaints Officer. In general the role of the Complaints Officer is to co-ordinate and manage the complaints received which relate to services delivered in that region. The role of the lead Complaints Officer is to ensure that all complaints are dealt with effectively in line with this policy as well as the overall management of data in relation to all complaints received and ensuring that all necessary service improvements are concluded.

### **Complaints Not Within The Remit Of This Policy**

Not all complaints received by the NCBI can be investigated using the procedures

outlined in this document. The Complaints Officer must, upon initial examination of the complaint, determine if the complaint or aspects of the complaint requires management under other established NCBI Policies, Procedures or Guidelines.

The following tables detail the relevant and most-up-to-date NCBI Policies, Procedures or Guidelines, and Vision Sports Ireland Policies and Guidelines to be referred to in particular circumstances. The below summary details examples of policies and guidance which may be relevant in specific circumstances or events, but are not an exhaustive list.

<b>Details of complaint or allegation</b>	<b>Policy, procedure, guideline or legislation to be followed</b>
Allegation of abuse of a child	NCBI Child Protection Policy, Vision Sports Ireland – Child Safeguarding Statement/Policy Children First – National Guidelines for the protection and welfare of children
Allegation of abuse made against a staff member  Professional misconduct  Complaints by staff of any inappropriate behaviour of other staff at work	Refer to line manager to deal with under some or all of the following Trust in Care – policy for health services employers on upholding the dignity and welfare of service users, and the procedures for managing allegations of abuse against staff NCBI Grievance and Disciplinary procedures

	<p>NCBI Dignity at Work policy  NCBI Code of Practice for front line staff  Vision Sports Ireland Employee Handbook</p>
Complaints against HR	<p>Refer to line manager / HR to deal with under some or all of the following:  NCBI Dignity at Work policy  NCBI Grievance and Disciplinary policy  NCBI Employment &amp; Recruitment policy</p>
Complaints about bullying and harassment made against staff	<p>Refer to line manager / HR to deal with Complaint under some or all of the following:  Trust in Care Policy  NCBI Dignity at Work Policy  NCBI Grievance and Disciplinary policy  Vision Sports Ireland Employee Handbook</p>
Complaints in relation to Breaches of Data Protection Rights	<p>Refer to Data Protection Commissioner  NCBI Privacy and Data Protection Policy</p>
Complaints in relation to environmental issues	<p>Refer to local environmental office</p>
Complaints in relation to activities engaged in by NCBI that are not subject to HSE funding or contract arrangements	<p>Refer to the manager of that Department</p>

### **Matters excluded (As per Part 9 of the Health Act)**

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

1. a matter that is or has been the subject of legal proceedings before a court or tribunal;
2. a matter relating solely to the exercise of clinical judgment by a person acting on behalf of NCBI;
3. an action taken by the NCBI solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b);
4. a matter relating to the recruitment or appointment of an employee by the NCBI;
5. a matter relating to or affecting the terms or conditions of a
6. contract of employment that the NCBI proposes to enter into or of a contract with an adviser that the NCBI proposes to enter into.
7. a matter relating to the Social Welfare Acts;
8. a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
9. a matter that could prejudice an investigation being undertaken by the Garda Síochána;
10. a matter that has been brought before any other complaints
11. procedure established under an enactment.

(2) Subsection (1)(i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.