



**WOMEN'S AID**

Listening. Believing. Supporting.

## Complaints Policy for Service Users

### Definition of a complaint

(Definition as per the Health Act 2004)

A “complaint” is defined as any action of Women’s Aid 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;

### Purpose of Policy

- **Philosophy**

Women’s Aid seeks to deliver high quality services in a manner that will earn the respect and confidence of our service users. In doing so, we are committed to confidentiality<sup>i</sup> efficiency, effectiveness, honesty, integrity and quality improvement. We recognize, however, that clients may not always be satisfied with the service they receive, and we desire to address any dissatisfaction with review and discussion in an attempt to identify areas for possible improvement.

- **Scope**

This policy and procedures shall apply to any client complaint about any of the services offered by Women’s Aid.

### Who can make a complaint

Any person seeking service or information from any employee of the above named services offered by Women’s Aid is potentially covered by the provisions of this policy. All full and part-time employees, and/or other persons conducting work for or on behalf of Women’s Aid.

### How complaints can be made

Verbal, written (posted to Women’s Aid main office, 5 Wilton Place, Dublin 2.), email [[info@womensaid.ie](mailto:info@womensaid.ie)]

### Complaint Acknowledgement

Upon receipt of a complaint , the Complaints Officer shall within 5 working days, notify, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that she proposes to take in addressing the complaint and the time limits for the completion of the process. (Where the Complaints Officer is on annual leave on receipt of the complaint the complainant will be notified of receipt of the complaint and that the Complaints Officer is on leave, they will also be notified of when the complaints officer will return from leave).

#### WOMEN'S AID

5 Wilton Place, Dublin 2, Ireland.

Tel: 01-6788858

Email: [info@womensaid.ie](mailto:info@womensaid.ie)

[www.womensaid.ie](http://www.womensaid.ie)

**24hr National Freephone Helpline 1800 341 900**

Registered charity number 6491



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### Advocacy

All complainants have the right to appoint an advocate who can assist them in making the complaint. Citizen Information (Comhairle 2005) defines advocacy as a means of empowering people by supporting them to assert their views and claim their entitlements and where necessary, representing and negotiating on their behalf.

### Managing complaints

- **Expectations for Clients Receiving Service**

Service users are entitled to be treated with respect, courtesy, efficiency, honesty and confidentiality by staff and are expected to treat employees of Women's Aid in a similar manner, and are also entitled to have a complaint heard in accordance with the following procedures:

- **Expectations for Employees Providing Service**

Staff are expected to provide service which is responsive to clients' requests in a courteous, efficient, respectful and confidential manner. Employees are similarly entitled to be treated with respect and courtesy and confidentiality by clients. In addition, staff are entitled to access supervisory assistance, as needed, when dealing with dissatisfied clients and to appropriate training when need is identified.

### Principles

Staff will be open to hearing and addressing any comment or complaint from a service user. Whatever the basis of the complaint, it is accepted that it would be unusual that there cannot be some learning from any complaint for the organization regarding how we carry out our work.

Service users will be informed of the complaint procedures and reassured that no action will be taken against them if they complain in good faith and that they will continue to have the same level of access to the services.

If the complaint is about an individual or group of individuals, it must be made clear that the complaint will be made available to them, and they will be given an opportunity to respond.

Given the nature of the service provided by both the Helpline and the Support and Outreach service – it is acknowledged that complaints made may be based on a service user's difficulty with external systems rather than the actual support provided by any staff member. In these cases, Women's Aid will endeavor to give information on where these complaints can be referred.

Complaints will be dealt with on a confidential basis, with information being shared on a "need to know" basis only.

### Stages of the Complaints Management Process

Stage 1 – Local resolution of verbal complaints at point of contact (Informal)

Stage 2 - Local investigation of written and serious complaints (Formal)

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Stage 3 – Internal Review (Tusla, Child and Family Agency)

Stage 4 – Independent Review (Ombudsman)

### Timeframes involved once a complaint is received

- A Complaints Officer will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint will not be investigated and the reasons for it. If there is any delay in this process, for example annual leave, the complainant will be notified.
- Where the complaint will be investigated, the Complaints Officer must 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 Complaints Officer must update the complainant and the relevant staff/ service member every 20 working days.
- The Complaints Officer must endeavour to investigate complaints within 30 working days. However, where the 30 working days time frame cannot be met despite every best effort, Complaints Officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.
- If this timeframe cannot be met, the Complaints Officer must inform the complainant that that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. She should encourage the complainant to stay with the local HSE complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/ Ombudsman for Children.

### Time Limits for making a complaint

The Complaints 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

A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints 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.

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- 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.

A Complaints Officer must notify the complainant of decision to extend / not extend time limits within 5 working days of receipt of the complaint.

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

48.—(1) 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 judgment in the circumstances described in 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 adviser that the Executive proposes to enter into under section 24;
- (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) 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.

Matters excluded from right to complain. Complaint and review procedures to be established. Refusal to investigate or further investigate complaints.

### **Review Process**

#### **Stage 3 - carried out by Tusla:**

If you are not satisfied with the recommendations made by the complaints officer (Women's Aid – Stage 1 & Stage 2), you have a right to request a review.

#### **You can contact the National Services User Experience Office at:**

National Service User Experience Office, Tusla – Child and Family Agency, 4<sup>th</sup> Floor, Brunel Building Heuston South Quarter, Dublin 8, Tel: 01-771 8500, Email: [tellus@tusla.ie](mailto:tellus@tusla.ie).

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If a Review officer is appointed to investigate your request for a review, s/he will try to conduct and conclude the review process within 20 working days. If this is not possible, you will be informed of the additional time needed to complete the review.

If you are not satisfied with the outcome of the internal review or Tusla's response to your request for review, you have the right to refer the matter to the office of the Ombudsman or the Office of the Ombudsman for Children.

### Office of the Ombudsman

(9.15 – 5.30 from Monday – Thursday, 9.15 – 5.15 Friday)

18 Lr. Leeson Street, Dublin 2.

Tel: 01-678 5222

Email: [ombudsman@ombudsman.irlgov.ie](mailto:ombudsman@ombudsman.irlgov.ie)

Website: <http://www.ombudsman.gov.ie/>

### Ombudsman for Children's Office

(9.15 – 5.30 from Monday – Thursday, 9.15 – 5.15 Friday)

Millennium House

52-56 Great Strand Street

Dublin 1

Free-phone: 1800 20 20 20

Phone: 01-865 6800

Email: [oco@oco.ie](mailto:oco@oco.ie)

Website: <http://www.oco.ie>

Whilst we attempt to respond to all forms of correspondence quickly, when local investigation is required you will understand that this takes time, but we will always do our best to act quickly and efficiently. We promise to keep you updated regularly on progress made.

### Redress

Women's Aid will strive to ensure that any redress should be consistent and fair for both the complainant and the service against which the complaint was made. Women's Aid will 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 may include:

- Apology
- An explanation
- Admission of fault

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- Change of decision
- Correction of misleading or incorrect records
- Recommendation to make a change to a relevant policy or law

A Complaints Officer may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause—

(a) Women's Aid to make a material amendment to its approved service plan, or

(b) Women's Aid and the Executive to make a material amendment to an arrangement under section 38.

(2) 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

### Annual Report to Tusla

Women's Aid will provide Tusla with a general report on the complaints received by the organisation during the previous year indicating:

- 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

Where a serious complaint has been made Tusla will be made aware of same.

Approved by Board of Women's Aid 20th January 2018

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<sup>i</sup> See Women's Aid Confidentiality policy and limits to confidentiality

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