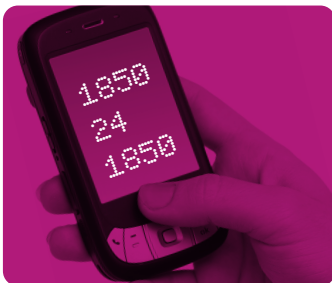
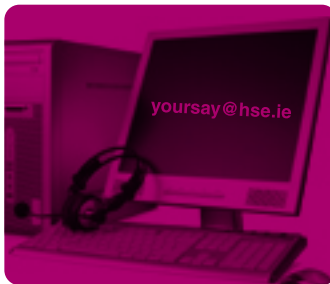




Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

# your service your say

Your Guide to the Health Service Executive's Feedback Policy



## **Your Service - Your Say**

Your Guide to the Health Service Executive's  
Feedback Policy

The HSE provides high quality health and social services to young and old nationwide. Services are provided in hospitals, health facilities and communities across the country, either directly by the HSE or by voluntary service providers. At some stage every year, everybody in Ireland will use one or more of the services provided. They are of great importance to the entire population.

It is our goal to ensure that the services we provide are of the best quality and serve the people of Ireland well. We want to hear about your experiences of our services, and to capture compliments and comments so that where the service is working well we can build on that success.

From time to time, services do not operate as well as they should, and when that happens, the HSE is committed to putting right any wrong. This Guide outlines how the HSE will listen to and act on the feedback we get from the people using our services. It will explain how you can make a comment, pay a compliment or make a complaint and advises you on your rights as a service user.

We want to hear from you - it's your service, so you should have your say.

Professor Brendan Drumm  
Chief Executive Officer  
HSE



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This booklet is your guide to the Health Service Executive's policy and procedures document 'The Management of Consumer Feedback to include Comments, Compliments and Complaints in the Health Service Executive'.

This booklet is intended as a guide only. If you need further information after reading this booklet, please contact the HSE Consumer Affairs Office on Callsave 1890 424 555.

## 1. What is the HSE's 'Your Service, Your Say' policy?

We have a feedback policy in place in all of our services. The policy is provided for in Irish law and ensures that everyone has a right to make comments about the services they have received. We welcome all comments, compliments and complaints from service users, carers, visitors and the community about the services we provide.

We see any comment, compliment or complaint as a chance to improve the quality of our services and to learn lessons from any mistakes made. We want to hear from you when things are not right, and also when things work well.

## 2. Making a comment, compliment or complaint

### **How can I make a comment or pay a compliment?**

You can make comments or pay compliments in a number of ways:

- You can use the form attached to the 'Your Service, Your Say' leaflets that are in each HSE service.
- You can telephone the HSE infoline on 1850 24 1850.
- You can email [yoursay@hse.ie](mailto:yoursay@hse.ie).
- You can comment directly on our website [www.hse.ie](http://www.hse.ie).

You can choose whether to include your name and contact details with your comment or compliment.

### **What happens to my comment or compliment?**

Any comments or compliments about a particular service will be sent to the people working there.

The services will use comments and suggestions to identify any improvements that are needed in that service. Compliments that mention an individual member of staff will be sent to that staff member. The staff member or their department head will also receive a letter of thanks from the HSE.

If you included your name and address with your comment, you will receive a letter of acknowledgement.

### **How can I make a complaint?**

You can make a complaint:

- in person,
- by telephone,
- by letter,
- by email or fax, or
- by completing 'Your Service Your Say' comment or complaint form.

You can make a complaint to any staff member, service manager or complaints officer in any HSE service. You can also make a complaint by taking part in consumer participation groups, for example consumer panels or focus groups.

If you are making a complaint about a particular person and you are giving that person's name, you must complain in writing. You should give details such as dates and locations so that the complaints officer or service manager can check the facts of the complaint.

The HSE is committed to making it easy for people to make complaints. We make every effort to ensure that comment and complaint forms, websites and other literature are easy to access and easy to use for everyone.

### **How long do I have to make a complaint?**

You must make a complaint within 12 months of the date of the event concerned, or within 12 months of becoming aware of the event.

A complaints officer may extend the time limit for making a complaint in special circumstances. These could include where you are unwell or bereaved, or where new information becomes available to you over time.

## **What can I make a complaint about?**

You can make a complaint about any service or action of the HSE or service provider that you consider to be unfair and that negatively affects you or has affected you in the past.

This could mean any action that is:

- taken without proper permission or authority,
- taken for unnecessary reasons,
- the result of carelessness or negligence,
- based on wrong or incomplete information,
- discriminatory, or
- based on bad administrative practice.

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

The following people can make a complaint under the Health Act 2004:

- People who have received health care services
- People who have sought health care services
- Close relatives or carers of a person, or someone who has the consent of that person to act on their behalf
- Close relatives or carers of a deceased person

## **Can a child make a complaint?**

Yes. Children may make a complaint about any aspect of the service they have received from the HSE. Their complaints will always be taken seriously and be answered appropriately.

- Children also have the right to complain to the Ombudsman for Children, who can accept complaints directly from children under 18 years of age.
- The welfare of the child is our priority at all times. When we receive a complaint that leads to concern about a child's safety and well being, we must ensure that we act in the best interests of the child and that we implement the Children First Guidelines



on child protection if necessary.

### **Can I make an anonymous complaint?**

You can choose whether to make an anonymous complaint or give your name and contact details. We encourage you to give your details if you make a complaint so that we can investigate it and let you know the outcome.

In general, we cannot investigate anonymous complaints against a named staff member. However, all anonymous complaints will be passed to the relevant service manager, who will decide if they need to take any action.

If you make a complaint by phone or in person, the member of staff taking the details of the complaint will encourage you to give your name and telephone number. They will tell you that unless you give a name and contact details, it may not be possible to investigate the complaint properly.

### **What about privacy and confidentiality?**

We are committed to keeping private and confidential any information you give when making a complaint. All our staff are responsible for ensuring that your privacy and confidentiality are maintained.

Under the Data Protection Acts, the HSE and other organisations should only use or disclose personal information for the purpose for which it was collected or for another directly related purpose. In other words, any personal information you give when making a complaint will only be used to investigate that complaint.

From time to time, we require complaints information for compiling reports and figures. In this case, we will remove all data that could help identify the person who complained (such as names and addresses) to make the information anonymous.

## **If I complain will the HSE automatically see my medical records?**

If we need to get your confidential personal records or information as part of the investigation of a complaint, we must have your consent to do this.

You can give your consent for us to access your information in three ways.

- You can tick the consent section of the HSE 'Your Service Your Say' complaint form. This gives us permission to access personal records or confidential information to investigate a complaint.
- If you did not complain on the HSE complaint form, we will acknowledge the complaint in writing. You will be asked to contact the relevant person in the HSE if you do **not** want your personal records or confidential information to be accessed.
- If you make a verbal complaint to a staff member or complaints officer who records the complaint for a formal investigation, you will be asked to give consent for access to the relevant personal, confidential information. The staff member must record this consent.

We will ensure that the details of the complaint are only viewed by relevant personnel and only for the purposes of properly investigating the complaint.

If you are complaining on behalf of someone else, the HSE will contact that person to check that the complaint has been made with their consent.

## **3. What happens next?**

### **What does the HSE do once I have made my complaint?**

Firstly, be assured that the HSE takes every complaint seriously. Our process for managing complaints is outlined in the next sections.

## **Local resolution**

Once we receive a complaint, we will respond to it promptly and, wherever possible, we will do our best to resolve the complaint locally and quickly. An immediate response to all complaints may not be possible, as some will require formal and careful consideration.

## **Acknowledging complaints**

In the case of a verbal complaint made in a health facility, we will give a verbal response as soon as possible.

In the case of a written complaint (or a verbal complaint that becomes a formal written complaint), the complaints officer will normally acknowledge the complaint in writing within five working days of receiving it.

## **Informal resolution**

The complaints officer will be informed of all verbal complaints that could not be resolved at the first point of contact and will receive a copy of all written complaints. Depending on the nature of the complaint, the complaints officer, with the consent of the people involved, may consider if an informal resolution might be appropriate. As part of the informal resolution the complaints officer may arrange a meeting between the parties concerned or use mediation services.

If informal resolution is not appropriate or turns out not to be successful, the complaints officer will start a formal investigation of the complaint.

## **Investigation of the complaint**

The complaints officer will investigate a complaint within 30 working days of the acknowledgement of the complaint. They may call on other staff, witnesses, experts and so on to assist with the investigation.

If the complaint cannot be investigated within 30 days of acknowledging the complaint, the complaints officer will tell you this before this timeframe passes. They will also indicate the time it will

take to complete the investigation and must then update you every 20 working days until the matter is resolved.

We will do our best to complete investigations into complaints within six months of receiving the complaint. If we cannot meet this deadline, the complaints officer must inform you that the investigation is taking longer than six months. They must tell you why it is delayed and outline the plan of action for the complaint.

### **After an investigation**

The complaints officer will write a report of their investigation and give a copy of the report to you, to the general manager of the hospital or service and to the relevant service manager or staff member that was the subject of the complaint.

The final report will include any recommendations needed to resolve the matter. The complaints officer will invite everyone involved to contact them with questions about any issues and will advise you of your right to a review of the recommendations made by the complaints officer by the HSE's Head of Consumer Affairs.

### **Implementing the complaints officer's recommendations**

Within 30 working days of receiving the report from the complaints officer, the general manager of the service must put an action plan in place to implement the complaints officer's recommendations. The action plan will outline who will be responsible for implementing the recommendations and the time it will take.

If the general manager believes that the recommendations would require material changes to the plan for their service, they may amend or reject the recommendations or take other measures to resolve the issue. The general manager must give reasons for their decision.

If you request a review of the investigation, the HSE will suspend the implementation of any recommendations from the complaints officer and will tell you about this suspension.

## **HSE internal review**

If you are not satisfied with the recommendations made by the complaints officer, you have a right to a HSE internal review of the entire complaint and how it has been handled. You must request a review of the complaint within 30 days of the investigation report being sent to you by the complaints officer.

Please send all requests for an internal review to the **Head of Consumer Affairs, HSE, Oak House, Millennium Park, Naas, Co. Kildare.**

The Head of Consumer Affairs will appoint an appropriate review officer and will tell you who this is within five working days of receiving your request for a review.

The review officer will try to conduct and conclude the review process within 20 working days. If this is not possible, they will inform you and the Head of Consumer Affairs of the additional time they need to complete the review.

If you are not satisfied with the outcome of the internal review or the HSE's response, you have the right to request a review of the complaint by the Ombudsman.

## **4. What is the role of the Ombudsman?**

The Ombudsman is responsible for ensuring that the public receive good customer care and fair treatment from the Government and public bodies. People making a complaint about public services have the right to an independent review of their complaint by the Ombudsman or the Ombudsman for Children. If you have gone through all the stages outlined above, you may make your complaint directly to the Ombudsman. You will find contact details for the Ombudsman at the end of this booklet.

## 5. What can the HSE do if the complaint is upheld?

The outcome of a complaint should be fair for both the person making the complaint and the service against which the complaint was made.

The HSE will do what it can to make up for any wrongdoing. We or the service provider will offer remedies or responses that are appropriate and reasonable. These could include an apology, an explanation or a change of decision.

If you are not entitled to a particular service or benefit, you are still entitled to be told why you do not qualify and you should be informed of alternative services where possible.

If you may be entitled to the service or benefit, but there is an unavoidable delay in the decision to grant it, you should be told when the decision is likely to be made.

### **Apologies and explanations**

If a service or benefit has been wrongly denied or delayed, you will receive a detailed explanation and/or an apology.

Explanations and apologies will normally include the following:

- the reasons why we got it wrong;
- an apology for any hurt, inconvenience or hardship caused;
- an acceptance of responsibility for the fault that occurred;
- an acceptance that, where time limits apply, any undue delay on the part of the public body will be discounted where possible.

## 6. What if I need help making a complaint?

### **What support is provided for me?**

The HSE will do all it can to support people who wish to make a complaint about a service or a staff member. This will start with employing the complaints policy as outlined in this booklet and in our

detailed Policy for the Management of Consumer Feedback. It will also include giving you:

- any help needed to complete forms or make your complaint;
- information about advocacy services (see below);
- regular and prompt feedback and updates about the progress of your complaint;
- opportunities to take part in managing your complaint; and
- information about mediation.

### **What is an advocacy service?**

An advocacy service is one that offers advocates to work with you. An advocate is a person who can help you to make a complaint. They help by supporting you to put forward your views, claim your entitlements and, where necessary, represent you and negotiate on your behalf.

You can contact advocacy services through the Irish Advocacy Network or the Citizen's Information Board (formerly Comhairle). Advocacy services may also be offered by the HSE to marginalised, disadvantaged or disempowered users who wish to make a complaint. Please see a full list of advocacy services in Section 8.

## Points to note

- Any person who wants to make a complaint can appoint an advocate to assist them in making their complaint and support them in managing that complaint.
- A staff member or a trusted person may also act as advocates for people wishing to make a complaint. Anyone who is an advocate must, however, uphold the principles of advocacy listed below.
  - Empowerment of the person where possible
  - Respect for the person and their wishes
  - Acting in the person's best interest
  - Acting independently
  - Maintaining confidentiality
  - Acting with diligence and competence

## 7. Are there any complaints that the HSE cannot handle under this policy?

### Legislation for different types of complaints

In some service areas, for example nursing homes or disability services, there are specific laws in place for managing complaints. If you make a complaint about these types of services, we will assess the complaint to work out the best way to manage it.

There are some complaints that this policy cannot cover. If your complaint falls into one of these categories, we will refer you to the appropriate service or authority.

For example, under Part 9 of the Health Act 2004, a complaint cannot be made on the following topics:

- A matter that is or has been the subject of legal proceedings before a court or tribunal
- A matter relating solely to the exercise of clinical judgement (a



decision about diagnosis or treatment) by a person acting on behalf of either the HSE or a service provider

- An action taken by the HSE or a service provider solely on the advice of a person exercising clinical judgment
- A matter relating to the recruitment or appointment of an employee by the HSE or a service provider
- A matter relating to a contract of employment that the HSE or a service provider proposes to enter into
- A matter relating to the Social Welfare Act
- A matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004
- A matter that could prejudice an investigation by the Gardaí
- A matter that has been brought before any other complaints procedure established under legislation

However, complaints in these categories can be managed using alternative processes.

### **Complaints that cannot be investigated by the HSE or service provider**

In some cases, the HSE or service provider will not be able to investigate a complaint. This may arise because the person making the complaint is not entitled to do so or because too much time has passed since the incident concerned took place.

In some cases, a complaints officer may decide not to proceed with a complaint if they believe it is not appropriate to do so, or if the matter has already been resolved.

A complaints officer will always write to you informing you of any decision not to investigate a complaint, outlining the reasons for that decision and advising you of your right of review.

## **What about complaints about medical or clinical decisions or judgement?**

If a complaint includes an element of clinical judgement, we will first investigate it to decide if it can be clearly defined as relating to clinical judgement.

If a complaint is not solely related to clinical judgement, we will start to investigate it locally to identify the root causes of the complaint and to identify those aspects of the complaint that do not relate to clinical judgement.

We will refer complaints about clinical judgement to the general manager, who will try to resolve the complaint with the relevant consultant, clinical professional or head of department.

## **What about complaints in relation to organisations or bodies providing services on behalf of the HSE?**

Voluntary organisations or bodies providing services on behalf of the HSE are referred to as 'service providers'. If you have a complaint about a service provider, please contact the voluntary body directly. Service providers must have policies and procedures for managing complaints that are in line with the HSE's policy and procedures.

If you are not happy with the outcome of an investigation of your complaint by the service provider, you have a right to a review of the entire complaint and how it has been handled. The review will be carried out by a review officer appointed by the HSE. Please send all requests for a HSE review to the Head of Consumer Affairs.

If you are not happy with the outcome of the review carried out by the HSE, you have a right to request an independent review of the complaint by the Ombudsman or the Ombudsman for Children. For all contact details please see Section 8.

## **8: Useful contact details**

**Advocacy Services**

| Advocacy Group   | Phone number   | Fax number  | Contact Name  |
|--|--|-------------|---|
| Citizens Information Board (formerly Comhairle)  | 01 605 9000  | 01 605 9099 | Advocacy services are being set up for Disability Services only at this time. |
| Equality Authority   | 01 417 3333  | 01 417 3336 |   |
| Irish Advocacy Network   | 047 38918<br>(087 754 0763)  |             | Collette Nolan  |
| Irish Cancer Society<br><br>Prostate Cancer Information Service:<br>Action Breast Cancer:    | 01 231 0500<br>1800 200 700<br>(Mon-Thurs 9am-7pm and Fri 9am-5pm)<br><br>1800 380 380<br>1800 309 040 | 01 231 0555 |   |
| Irish Heart Foundation   | 01 668 50 01<br>(086 317 97 31)  | 01 668 5896 | Caroline Cullen   |
| Irish Patients Association<br><a href="http://www.irishpatients.ie">www.irishpatients.ie</a> | 01 272 2555  | 01 272 2506 | Stephen McMahon   |
| Mental Health Ireland  | 01 284 1166  | 01 284 1736 | Ted Tierney   |
| Patient Focus  | 01 885 1611<br>01 885 1617<br>01 885 1633  |             | Cathriona Molloy<br>Sheila O'Connor<br>Jim Reilly                             |

| Email address   | Postal address   |
|---|--|
| information@ciboard.ie  | Citizens Information Board<br>7th Floor<br>Hume House<br>Ballsbridge<br>Dublin 4                 |
| info@equality.ie  | The Equality Authority<br>2 Clonmel Street<br>Dublin 2   |
| admin@irishadvocacynetwork.com  | Irish Advocacy Network<br>c/o Health Care Unit<br>Rooskey<br>Monaghan                            |
| www.cancer.ie<br>helpline@irishcancer.ie<br><br>prostate@irishcancer.ie<br>abc@irishcancer.ie | Irish Cancer Society<br>43/45 Northumberland Road<br>Dublin 4                                    |
| info@irishheart.ie  | Irish Heart Foundation<br>4 Clyde Road<br>Dublin 4   |
| stephenmcmahon@eircom.net<br>info@irishpatients.ie  | Irish Patients Association<br>Unit 2<br>24 Church Road<br>Ballybrack<br>County Dublin            |
| ted@mentalhealthireland.ie  | Mental Health Ireland<br>Mensana House<br>6 Adelaide Steet<br>Dun Laoghaire<br>County Dublin     |
| support@patientfocus.ie   | Patient Focus<br>Unit 9A<br>Sky Business Centre<br>Plato Business Park<br>Damastown<br>Dublin 15 |

**Office of the Ombudsman**

|                                      | Phone number                |
|--------------------------------------|-----------------------------|
| Office of the Ombudsman              | 01 639 5600<br>1890 223 030 |
| Office of the Ombudsman for Children | 01 865 6800<br>1890 654 654 |

**HSE Consumer Affairs**

If you have any questions about this policy, or would like to order additional copies of this booklet or any other 'Your Service Your Say' literature, please contact: Consumer Affairs Corporate Office on 045 880 400. You may also contact Consumer Affairs Area Offices at the numbers listed below.

Address: HSE  
Oak House  
Millennium Park  
Naas  
County Kildare

Email: [yoursay@hse.ie](mailto:yoursay@hse.ie)  
Website: [www.hse.ie](http://www.hse.ie)  
Telephone: 1890 424 555

| Email address              | Postal address   |
|----------------------------|--|
| ombudsman@ombudsman.gov.ie | Office of the Ombudsman<br>18 Lower Leeson Street<br>Dublin 2                                  |
| oco@oco.ie                 | Ombudsman for Children's Office<br>Millennium House<br>53 - 56 Great Strand Street<br>Dublin 1 |

### Consumer Affairs Area Managers

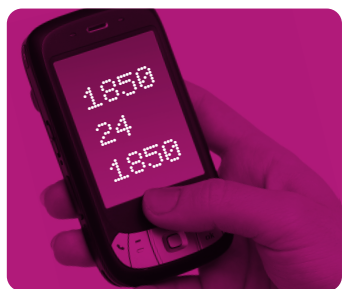
Sinead Byrne, HSE South, Area Manager, Consumer Affairs,  
Kilcreene Administration Building, Kilkenny  
sineadj.byrne@hse.ie Telephone: 056 778 5598

Rosalie Smith Lynch, HSE Dublin North East, Area Manager,  
Consumer Affairs, St. Felim's Hospital, Cavan  
rosalie.smithlynch@hse.ie Telephone: 049 436 0462

Chris Rudland, HSE West, Area Manager, Consumer Affairs,  
Merlin Park University Hospital, Galway  
chris.rudland@hse.ie Telephone: 091 77 5751

Deborah Keyes, HSE Dublin Mid Leinster, Area Manager,  
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