

ANNUAL REPORT



EASTERN HEALTH BOARD

1998
**Annual Report for Complaints, Appeals
& Central Freedom of Information Office**



EASTERN HEALTH BOARD

Complaints, Appeals and Central Freedom of Information Office

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FOREWORD

I am very pleased to introduce the first annual report of our Board's new Complaints and Appeals Service and Central Freedom of Information Service which were two important developments in 1998.

The Complaints and Appeals Service and Central Freedom of Information Service is co-ordinated by a Director who reports to the Chief Executive Officer. This ensures independence and objectivity when deciding on complaints and appeals. The Director is assisted by two Appeals Officers, a Freedom of Information Project Manager, and a team of staff who assist our clients in availing of their entitlements.

The Complaints/Appeals and Central FOI Office is based at the Eastern Health Board Offices, Block 1, St. James' Hospital, 1 James' Street, Dublin 8. Tel: 01 4150054, Fax: 01 4533737, E Mail: FOI@ehb.ie.

Complaints and Appeals Service

In June 1998 our Board launched a new Complaints and Appeals procedure for clients. The Board is committed to the concept of excellence and customer service and this new service which is open and transparent, is an integral part of this and pivotal to our Board's customer service strategy.

Our Board has a duty to empower clients and to allow them take ownership of the Health and Personal Social Services which we provide. Our new Complaints and Appeals Service gives clients an opportunity to make constructive suggestions which can help motivate change and also highlight the positive aspects of our service through User Advisory Groups.

Implementation of the Freedom of Information Act 1997

In October 1998 our Board launched the implementation of the Freedom of Information Act 1997 throughout all our Health and Personal Social Services. The Health Strategy document "Shaping a Healthier Future" emphasises the importance of participation, the dissemination of information and the need to put the client first. The implementation of the Freedom of Information Act provides the legal framework to help us in achieving these objectives.

The Act gives statutory rights to clients regarding access to their personal records and the Board's corporate records. It is supportive of existing good practice in this area.

Our Board as part of our customer service strategy will aim to give clients access to records on a routine basis where possible without the need to go through the more formal Freedom of Information route.

This first annual report gives an overview of the services provided during 1998 together with a statistical analysis of the Complaints, Appeals and Freedom of Information requests received.

I would like to pay special tribute to the staff of the Complaints/Appeals and Freedom of Information offices for their dedication, commitment and hard work throughout the year.

I would also like to thank all staff in our Board who have assisted, co-operated and worked with us throughout the year. Voluntary and statutory organisations have also played an important role and we will continue to work in partnership with them to ensure a cohesive and streamlined service to clients.



*Ms Ann McKeon, Director of
Customer Services, Appeals and
Freedom of Information.*

ANN MCKEON
DIRECTOR OF CUSTOMER SERVICES,
APPEALS AND FREEDOM OF INFORMATION

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CHAPTER 1

INTRODUCTION

Our Board's new Complaints and Appeals service was implemented in June 1998. This Service was amalgamated with the existing Supplementary Welfare Allowance Appeals Service.

This service ensures that complaints and appeals are managed in a confidential, responsive and user friendly manner. This procedure is common to all Health and Personal Social Services and is objective, independent, impartial and easily accessible by clients.



The Launch of the new Complaints and Appeals Service, June 1998 in the EHB Boardroom, Dr Steevens Hospital. Ms Ann McKeon, Director of Customer Services, Appeals and Freedom of Information with representatives from the Office of the Ombudsman. (From Left) Mr Dan Kelleher, Ms Geraldine Fitzpatrick, Mr Michael Brophy and Ms Jackie Moore.

Appeals

Any client who is dissatisfied with a decision of the Eastern Health Board relating to any health or personal social service can appeal that decision directly to the Director of Customer Services and Appeals at the central Complaints and Appeals Office. Clients who are dissatisfied with a decision of the Director relating to Supplementary Welfare Allowance payments (supplements and basic payments) have a further right of appeal to the Chief Appeals Officer for the Department of Social, Community and Family Affairs.

Complaints

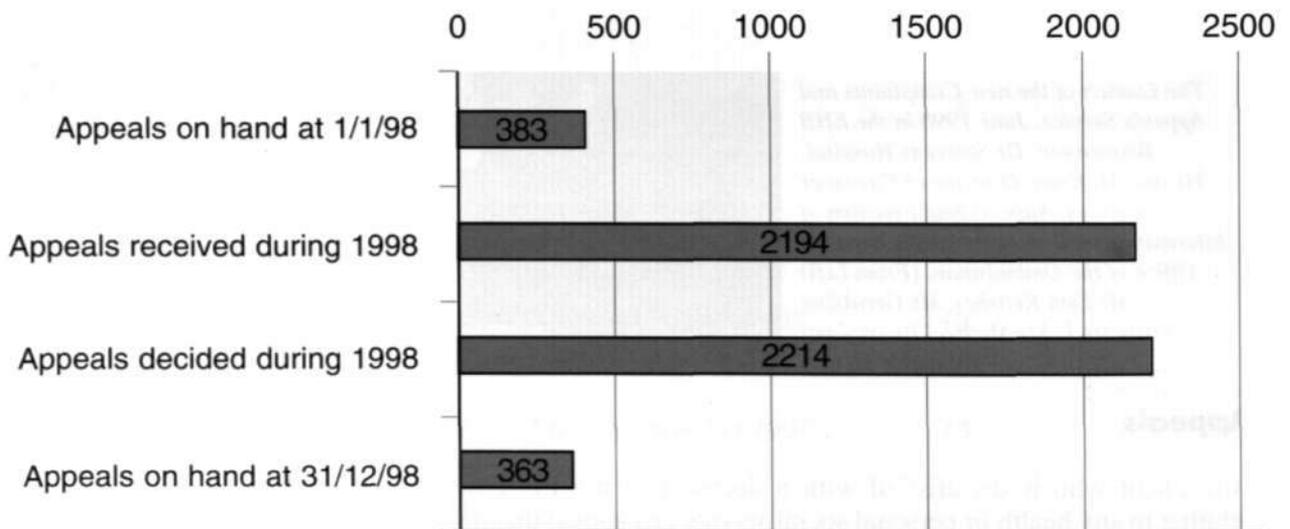
Any client who wishes to make a complaint about any aspect of the Board's Health and Personnel Social Services can contact the local complaints manager in the first instance. If they are dissatisfied with the local complaints managers response they can contact the Director of Customer Services and Appeals at the central Complaints and Appeals Office.

All complaints and appeals are investigated thoroughly. Clients can write, phone or call to the public office. Meetings were held with clients and staff to establish facts or clarify issues. Panels were established consisting of relevant professional or independent persons to investigate complaints where appropriate. The office finalised responses on complaints and appeals within three weeks. Where this time frame was not appropriate, close contact was kept with clients on progress. In each case full and detailed reasons for decisions were outlined and clients were advised of other services which were available and any other options that were open to them.

If clients were dissatisfied with the Director's response they were advised of their right to contact the Office of the Ombudsman.

While addressing complaints and appeals is a key function of this service, the importance of analysing complaint and appeal information is regarded as an integral part of ensuring a more customer friendly, equitable and consistent service to clients.

Appeals received and decided in the 12 month period to 31/12/98



During 1998, 2,194 new appeals were received. Added to the 383 on hand at the start of the year there was a total of 2,577 for the year.

A total of 2,214 appeals were decided during 1998.

From July 1998 to December 1998 28 complaints were received. Twenty six were finalised and two were on hand at the end of December 1998.

When dealing with complaints the emphasis is on resolving the problem as quickly as possible at local and central level. As a result many complaints are resolved at an early stage both centrally and locally without the need for clients to make a formal complaint.

CHAPTER 2

OVERVIEW 1998

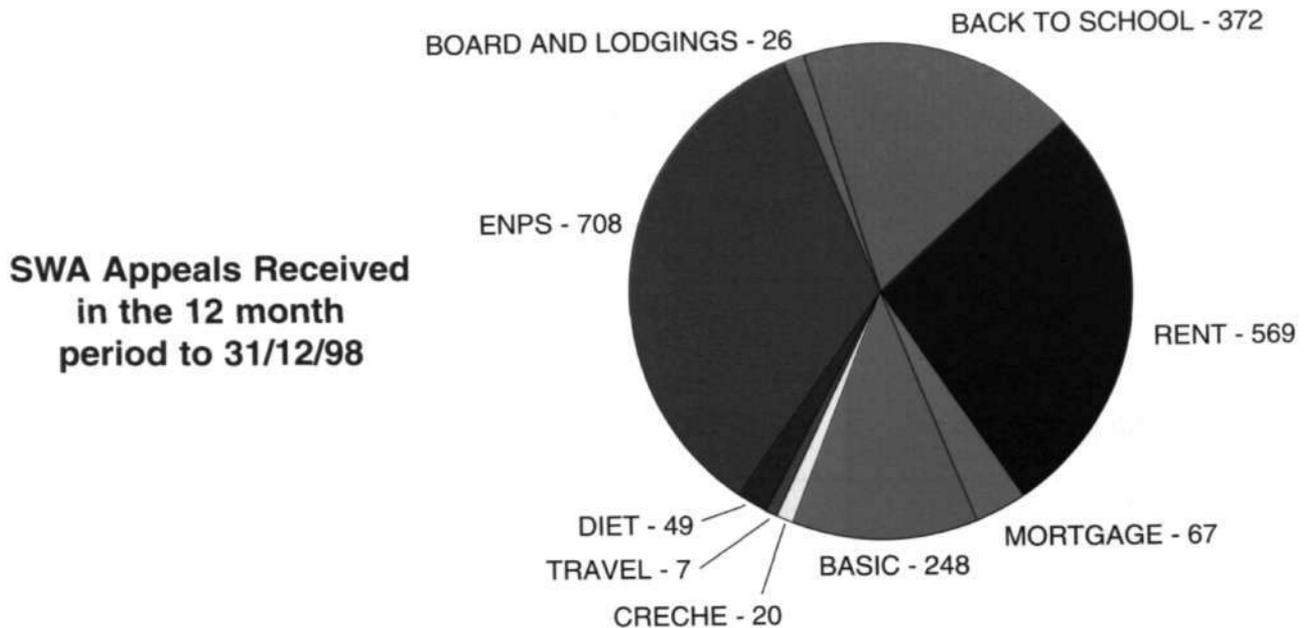
Appeals in the 12 month period to 31/12/98.

BREAKDOWN OF APPEALS IN THE 12 MONTH PERIOD TO 31/12/98			
	Total Decided in 1998	Total Allowed in 1998	% Allowed in 1998
SWA	2150	478	23%
Medical Card	76	18	24%
DCA	3	0	0%
Appliances	2	2	100%
DPMA	3	2	66%
Community Services	23	3	13%
Dental	2	0	0%

Supplementary Welfare Allowance appeals account for the highest numbers of appeals received during 1998. This is due to the fact that this appeals procedure has been in place for approximately 10 years and was one of the few formal centralised appeals processes available to clients up to June 1998. From June 1998 a centralised streamlined appeals system for all other services was established. This accounts for the low number of appeals received in other categories. However it is expected that the number of appeals for other services apart from Supplementary Welfare Allowance will increase over the coming months as clients become more aware of the service and the service becomes more established.

The highest number of appeals for other services referred to medical cards.

Supplementary Welfare Allowance Appeals



A total of two thousand and sixty three Supplementary Welfare Allowance appeals were submitted to this office during 1998 compared to two thousand two hundred and nineteen in 1997.

The reduced number may reflect the overall downward trend in unemployment. Within the appeals received some interesting trends emerge. The number of appeals for Basic Supplementary Welfare Allowance has increased significantly. Two hundred and forty eight were received in this category in 1998. This figure represents 12% of all appeals received. The corresponding figure for 1997 shows that 104 appeals were received or 5% of the total appeals for that year.

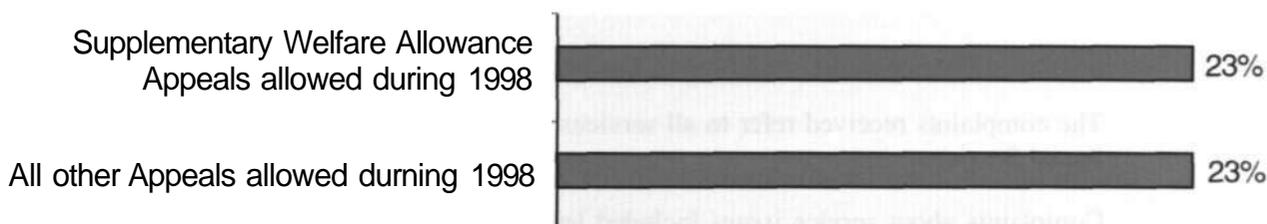
Of the appeals made on supplements, as in 1997, the greater number consisted of appeals regarding refusal of rent supplement. In this regard it is noted that the number of rent supplement appeals increased significantly in the year. In 1997 rent supplements made up 22% of all appeals received whereas in 1998 that figure had risen to 27.6%. Another notable trend is that the number of appeals allowed for rent supplement have increased since 1996. In that year 25% of all appeals on rent supplement were allowed. The figure rose to 30% in 1997 and the 1998 figure stands at 32%. It was noted by this office that clients had difficulties in acquiring accommodation within the overall Health Board guidelines and more specifically within area guidelines throughout the year. The difficulties in the housing market with the attendant increase in rents was seen to have had a major impact.

In 1998 there was a downturn in the number of appeals for Exceptional Needs Payments. 34% of all appeals relate to Exceptional Needs Payments compared to a figure of 44% for 1997. This reduction may be a reflection of the large number of clients of the Supplementary Welfare Allowance service now engaged in part-time employment and various government backed Community Employment/Back to Work Schemes.

Finally appeals on the Back to School Clothing and Footwear Scheme also show a percentage decrease in 1998. This department devised a more streamlined method of dealing with these appeals which ensured a turnaround time of five working days from receipt of appeal to notification of decision.

From January 1999 the new centralised Complaints and Appeals Service will also deal with appeals in relation to Nursing Homes Subventions and Fostering and Adoption in the Child Care Service.

Percentage of Appeals Allowed in the 12 month period to 31/12/98



23% of all appeals received were allowed during 1998.

23% of Supplementary Welfare Allowance appeals were allowed during 1998.

This represents approximately a 5% increase over previous years.

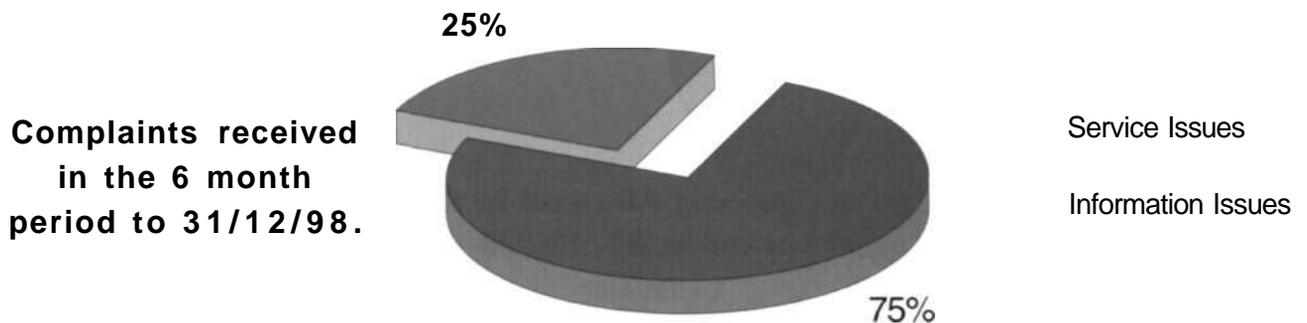


Staff of the Complaints and Appeals Central Office, (from left) Mr Tony Blake, Ms Deirdre Ryan, Mr John Stewart, Afr Col urn Arthur, Ms Carley Impey and Ms Gillian Byrne.

Complaints received in the 6 month period to 31/12/98.

A total of 28 formal complaints were received from 01/06/98 to 31/12/98. Many complaints are dealt with on a daily basis when clients call to the office or contact us by phone. If a complaint can be dealt with quickly by making phone calls, talking to Service Managers etc., this is done in order to resolve the matter expeditiously.

All complaints received were fully investigated and clients received either a decision or a response to their complaint. Approximately 75% of the complaints received refer to Service issues and the remaining 25% refer to information issues between clients and staff.



The complaints received refer to all services throughout the Board's Health and Personal Social Services.

Complaints about service issues included length of waiting time, length of waiting lists, delays in services and patient care.

Complaints about information issues refer to situations where clients felt that there was lack of communication between them and staff or where incorrect information was given.



Mr. P.J. Fitzpatrick, Chief Executive Officer and Cllr. Roisin Shortall T.D., who was Chairperson of the Board at June '98 launch of the Board's Complaints and Appeals Service

If we consider that our Board is responsible for the provision of Health and Personal Social Services to almost 1.2 million clients and each day our staff are responsible for many thousand interactions with clients, the number of complaints is very small.

However it would be wrong to take this as an affirmation of our service provision. Most complaints are dealt with at local level and never reach our office. Equally many of our clients remain unaware of their right to complain.

We must remember that our clients' evaluation of our services will be almost totally based on the interaction they have with each of us throughout the provision of a service. This places a responsibility on every staff member of our Board to ensure that in so far as is possible we meet our clients expectations and if we cannot, that we can act upon the weakness of the service and seek to ensure that their overall impression is positive. This means that we make our clients aware of their right to complain and that we act upon these complaints when received. In this we can learn from the analysis of the complaints which we received to date. The fact that one quarter of the complaints referred to information issues means that we need to be alert to ensure that our clients are properly informed about our services. This is an issue which we are addressing through staff training.

CHAPTER 3

KEY SERVICE DEVELOPMENTS 1998

"A more streamlined co-ordinated service to clients"

Complaints and appeals received during 1998 have been analysed. The data from this analysis has highlighted areas where services could be more streamlined and co-ordinated. The result of this analysis is being discussed with appropriate managers throughout our Boards services.

As a result it is envisaged that during 1999 improvements to services will be implemented which will result in a more streamlined co-ordinated service to clients. The result of the analysis will also help to inform future provision and to eliminate inconsistencies or inequities in services provided to clients.

'User Groups'

The first User Group was established in December 1998. User Groups give clients an opportunity to make constructive criticisms and to be pro-active in the further development of Health and Personal Social Services. The first User group was organised with the assistance of the South-side Area Partnership and invited clients from an area in South County Dublin. Clients who attended this User Group were given an opportunity to voice concerns, opinions, complaints and to make constructive suggestions towards the future development of Health and Personal Social services.

Feedback from this User Group indicated that approximately 80% of the clients who attended found it useful and would welcome further opportunities to participate.

Issues raised by clients at this User Group were either answered at that time or replied to at a later date. Suggestions and ideas outlined by this Group will be given to appropriate Senior Managers during 1999 with the view to their implementation. Further User Groups are planned for 1999.

"Right of Appeal to Chief Appeals Officer in the Dept. of Social, Community and Family Affairs (SWA)"

Implementation of the right of appeal to the Chief Appeals Officer commenced in April 1998. Our Board forwarded 59 cases to the Chief Appeals Officer. The trend, as with the Boards Appeals Officer, was to allow a significant number of appeals for rent supplement. In the case of rent supplement 25% of all cases were allowed, 67% refused and 8% withdrawn. In the case of mortgage and diet supplement our Board's decisions were upheld in 100% of cases. Another interesting development was the number of Basic Supplementary Welfare Allowance cases allowed by the Chief Appeals Officer. 60% of all cases were allowed. 30% were refused and 10% were withdrawn.

The large number of rent supplement appeals allowed again reflects the difficulty encountered by clients in securing rents within the guidelines set down.

Throughout the year the Board's Appeals Officer had various meetings with the Chief Appeals Officer. This proved very useful in clarifying points of policy and legislation.

Breakdown of cases forwarded to the Chief Appeals Officer in the 8 month period to 31/12/98



"Links with other Boards" (SWA)

In 1998 the Appeals Officers of the Eastern, Southern, Mid-Western and Western Boards formed a sub group to discuss items of common interest. The group meets bimonthly and its main aim is to ensure consistency in decision making throughout the Boards.

"Oral Hearings"

The right of appeal to the Chief Appeals Officer has involved the Board's Appeals Officer and Superintendent Community Welfare Officers in oral hearings at the Department of Social, Community and Family Affairs. From January 1999, our Board Appeals Office will be in a position to offer informal oral hearings to a greater number of clients than has been possible to date.



*Ms Deirdre Ryan, Appeals Officer
discusses a case with a client.*

"Liaison"

Meetings with relevant organisations and agencies to discuss various issues relating to complaints and appeals are held regularly. These agencies include Department of Social, Community and Family Affairs, The Office of the Ombudsman, Superintendent Community Welfare Officers, Community Care Administrators as well as the many voluntary organisations involved in the provision of information to clients. These meetings have proved very useful both in promoting the role of the Complaints/Appeals office and in enhancing communication links.

CHAPTER 4

FREEDOM OF INFORMATION ACT 1997 (FOI ACT), CENTRAL OFFICE

In March 1998 a project team was established to implement the Freedom of Information Act 1997 in the Eastern Health Board. The FOI Act 1997 came into effect in government departments and agencies in April 1998 and in Health Boards and Local Authorities on the 21st October 1998. A national working group comprising of FOI project Liaison Officers from each Health Board was established to facilitate co-operation and networking between Boards and the Department of Health and Children in terms of sharing work loads, ideas and resources. This forum proved very successful during 1998 and played a significant role in enabling the Boards to meet their commitments under the FOI legislation.

The launch of the Freedom of Information legislation for the eight Health Boards took place at the Royal College of Physicians in Dublin. Pictured attending the launch were, from left, Mr. Jerry O'Dwyer, Secretary General at the Department of Health & Children; Ms. Anne McKeon, EHB Director of Customer Services and Appeals; Ms. Lorraine McGrattan, FOI Project Manager; Minister of State at the Department of Health and Children Dr. Tom Moffatt, T.D., Mr. Graham O'Brien, FOI Project Team and Ms. Orla Treacy, FOI Project Manager.



The FOI Act 1997 establishes three new statutory rights

- * A legal right for each person to access information held by public bodies.
- * A legal right for each person to have official information relating to himself or herself amended where it is incomplete, incorrect or misleading.
- * A legal right for each person to obtain reasons for decision effecting himself or herself.

Project Manager for the Introduction of Freedom of Information in the Eastern Health Board, Ms Orla Treacy (second from left), shows the FOI website to Board Member Cllr. Betty Coffey; Chairman of the Board, Cllr. Cyril Gallagher, Mr P.J. Fitzpatrick, CEO, and Mr Pat Whelan, Director of the Office of the Information Commissioner during the October launch event.



The FOI Act establishes the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

Access to information under the act is subject to certain exemptions and involves specific procedures and time limits. In the Eastern Health Board the Project team established was headed up by the Director of Customer Services and Appeals. A number of specific tasks were identified at the outset to ensure our Board's compliance with the Act. These included the following:

Training

Awareness training was organised and delivered to Senior and Middle Managers who in turn were requested to cascade this information as far as possible. A total of 1,586 staff received awareness training from our central office. Specialised training was organised for Internal Reviewers and Decision Makers. Forty nine Senior Managers have been appointed Decision Makers and have been delegated the function of decision making under the terms of the FOI Act. In addition thirteen members of the Management Team have been appointed Internal Reviewers and delegated the function of dealing with internal reviews under the FOI Act.

Follow-up training continued throughout the year to ensure that staff recognised their roles and the procedures involved. In addition awareness training was given to many voluntary organisations and voluntary hospitals who requested same. Briefing sessions were organised for Consultant Medical Staff, General Practitioners and other professional groups to assist them in implementing FOI and to discuss their roles and promote linkages and organisational arrangements associated with requests for information.



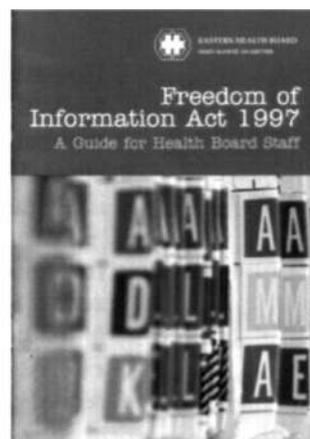
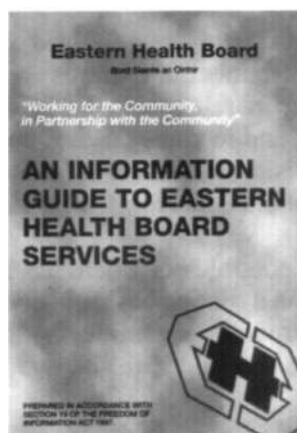
Staff of the Central Freedom of Information Office. (From Left) Ms Sinead McCormack, Ms Marie Keating and Ms Ann McKeon

Publications

A number of publications were designed, prepared and produced to comply with the legislation and to inform staff and the general public. These documents included "An Information Guide to Eastern Health Board Services" prepared in accordance with Section 15 of the Act, "A Guide to the Administration of Services and Schemes" prepared in accordance with section 16 of the Act and "An Information Guide for Health Board Staff (Staff Handbook)". Public information leaflets outlining the main features of the Act, detailing how requests can be made and answering some popular questions were published. Irish language versions are under preparation and will be available in 1999 while audio versions are also being considered.

To ensure the smooth operation of the act the project team also produced two additional documents for staff. These documents detailed the procedures for processing FOI requests and an administrative access document to assist staff to deal with requests outside the strict terms of Freedom of Information Act.

All of the above publications have been distributed to all Health Board locations, Social Welfare Offices, Public Libraries, Citizen Information Centres etc. The "Information Guide to Health Services" and the "Guide to the Administration of Services and Schemes" is also available on our Board's web site at www.ehb.ie. This information is also available on CD Rom. These publications are a major enhancement in providing information and advice to clients. Where clients are fully informed of the services that are available and how they can avail of them, this normally has the effect of reducing the number of complaints and appeals received. The Project Team will update these publications regularly to provide accurate information to clients. The provision of quality information to clients is an important step in enhancing and developing a customer service ethos throughout our Board.



Implementation packs were also prepared and given to voluntary agencies who will be scheduled in under the FOI Act in 1999.

Voluntary Organisations

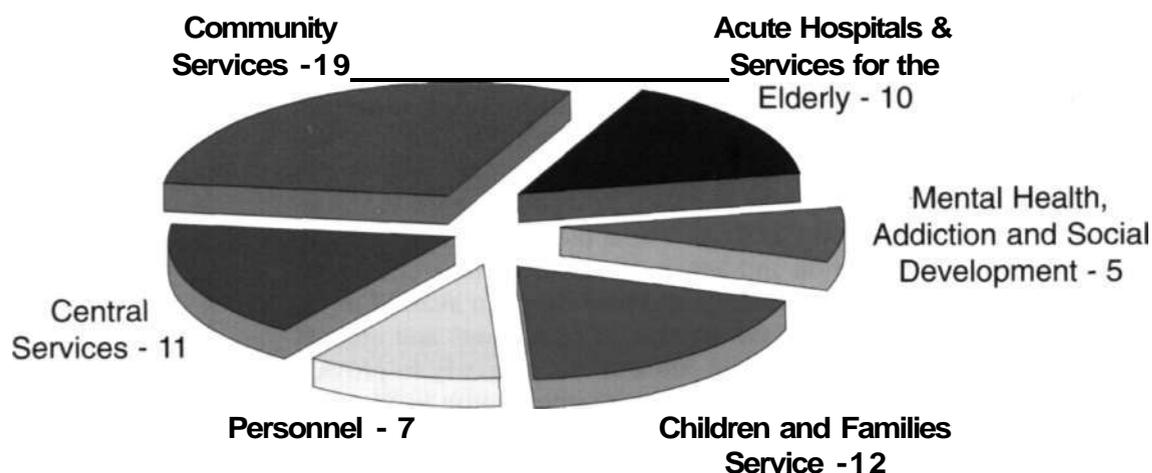
The central Freedom of Information office has supported voluntary agencies in preparing for implementation of FOI next October. This support has been in the form of providing on-going advice and making available information packs containing copies of all our Board's publications.

Analysis of requests received for the period 21/10/1998 to 31/12/98.

The number of requests received under the FOI Act was much lower than expected. On average up to the 31/12/98 our Board received approximately one request per day.

50% of requests related to Child Care and Community Services. These account for the highest number of requests received to date. 72% refer to requests for personal information.

FOI Requests 21/10/1998 to 31/12/1998



However while the number of requests are low the majority of requests received to date have been in relation to extremely sensitive files and have taken a number of weeks, and in some cases a number of months, to process. In many cases difficult decisions have had to be made in relation to conflicting rights of individuals on matters concerning joint personal information.

In addition where possible our Board has focused on providing information and access to records on a routine basis outside of the FOI Act. Indeed most services had a policy of providing such information prior to the implementation of the FOI Act. This has also added to the number of low applications for access to records.

FREEDOM OF INFORMATION REQUESTS	
Received	64
Granted or dealt with outside the FOI Act	40
Transferred to other relevant body/withdrawn/refused	21
Number of requests carried over to 1998	3