

## Windmill Therapeutic Training Unit CLG



## Complaints Policy

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Windmill Therapeutic Training Unit Ltd is a constituted independent, voluntary non-profit making Organisation set up in August 1988. The Organisation has full Charity Status and is managed by a Board of Directors, comprising of Chairman, Treasurer, Secretary, Parent Representatives and Directors from a broad range of disciplines.

Our mission – providing people with intellectual disabilities life skills training using the social therapeutic model and enabling (in cooperation with families and advocates) attainment of a greater sense of awareness and personal confidence. The approach is a positive move towards an integrative and holistic experience that should enable the uniqueness and abilities of every individual to be acknowledged and helped.

It is the aim of this Policy to set out a framework for the handling of complaints, whether they are from the service users, their families or the general public. It is the determination of this Policy to listen to, acknowledge, determine and verify complaints and to ensure grievances are dealt with properly, taken seriously and where appropriate the mechanism for accountability and redress.

Central to Windmill's ethos and philosophy since its inception in 1988, is its person centred approach (unconditional positive regard) (Karl Rogers) the service recognises the importance of putting our trainees first in all aspects of service delivery and if the standards of care, treatment and best practice are not met, then it follows as a matter of import to us that any complaints are processed sensitively, with ease of access and dealt with fairly and impartially. Towards this end we endeavour to work in collaboration and in an atmosphere of transparency and goodwill.

The Service from its inception has had a holistic approach to learning, consequently complaints are seen, not alone to speedily put things right, but also draw our attention to problems and ways of improving our Service together with an opportunity to further develop and up skill staff in order to improve the quality of Service delivery at all levels.

As a matter of good practice the procedures refer to and abide by the National Disability Authority Standards for Service for people with disabilities (2004). The People Matter document (HSE 2003) and also in keeping with Part 9 of the Health Act 2004.

The Complaint Procedure is superseded at all times by the Abuse Procedure for making any allegations or concerns of abuse.

It is the aim of the Service to ensure that its Complaints Procedure is properly and effectively implemented and that service users and complainants feel confident that their complaints are listened to and acted upon promptly and fairly.

## **Part 1 General Principles of Complaint**

### **1.1 Dealing with Complaints**

Windmill Therapeutic Training Unit Ltd is committed to providing a working environment in which procedures and policies are followed to reduce any need for complaints. It acknowledges that complaints will arise from time to time, however, by taking informal complaints seriously, at the earliest stage the difficulties can be most often sorted out at a local level between the parties and consequently if handled well, reduce the numbers that develop into formal complaints.

### **1.2 Definitions**

“A complaint is an expression of dissatisfaction that needs a response” (Health Act 2004 Section 9).

#### **Complaint**

A complaint means any action of the Windmill Therapeutic Training Unit Ltd 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.

#### **Action**

An Action does not represent fair or sound administrative practice if it is:

- Taken without proper permission or authority
- Taken for unnecessary reasons
- The result of negligence or carelessness
- Based on incorrect or incomplete information
- Discriminatory
- Based on bad administrative practice

**A Complainant** is any person who is being or was provided with a Service from Windmill Therapeutic Training Unit Ltd or who is seeking or has sought provision of such a Service. **A Complainant** is also a person who is directly affected by the Service Windmill Therapeutic Training Unit Ltd provides.

Should a person who is entitled to make a complaint be unable to do so, due to some incapacity, an Advocate may act on their behalf, the complaint may be made by:-

- I. A family member, close relative or primary Carer

- II. Any person designate, who by law or by appointment of Court, has the care of the affairs of that person
- III. Any legal representative of the person
- IV. Any other person with the consent of the person or any person who is appointed as prescribed in the HSE Regulations
- V. A member of the public, contractors and visitors
- VI. Local Authority representatives
- VII. An employee of Windmill Therapeutic Training Unit Ltd whose complaint relates directly to the care and treatment by Windmill Therapeutic Training Unit Ltd of a service user or a person (other than an employee) who is directly affected by the Service Windmill Therapeutic Training Unit Ltd provides.

### **1.3 How Can a Complaint be made?**

A complaint can be made verbally, in writing, by fax, electronically by mail or on the complaints form which can be found in the reception area. Verbal complaints may be made face to face or by telephone. If a complaint cannot be resolved at the point of contact and requires managing or investigating in a more formal manner, the complaint will be requested in writing. Should assistance be required for people with literacy difficulties staff will respond accordingly. A staff member or a trusted person may be an advocate for service users wishing to make a complaint on the clear understanding that they act impartially and fairly. All complaints will be logged and will be treated in a confidential manner within the Complaints Procedure.

### **Advocacy**

- 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
- A staff member or a trusted person may be an Advocate for service users wishing to make a complaint, if it is possible to do so within the principles of advocacy as listed below.

### **Comhairle (2005) outlines the principles of advocacy as:-**

1. Empowerment of the person where possible;
2. Respect for the person and his/her best wishes;
3. Acting in the person's best interest;
4. Acting independently;
5. Maintaining confidentiality;
6. Acting with diligence and competence.
  - Before deciding to advocate on behalf of a complainant staff must ensure that they are in a position to advocate impartially and fairly.

This Policy should be used in conjunction with the Employee and Trainee handbooks which outline the Complaint Procedure.

The majority of issues raised by parents and trainees are concerns rather than complaints. Windmill Therapeutic Training Unit Ltd is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedure. However, depending on the nature of the complaint complainants may be asked to follow the Training Unit's formal Complaints Procedure. For the Training Unit to be able to investigate a complaint, it needs to be made within one year of the incident occurring. If a complaint is older than one year it will not be investigated.

The prime aim of Windmill Therapeutic Training Unit's Policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Vexatious and malicious complaints may incur appropriate action by the Training Unit and may include referral to the Garda Authority.

The following details outline the stages that are used to resolve complaints:

### **The Windmill Therapeutic Training Unit Ltd Policy has four main stages.**

In summary they are as follows:-

- Stage 1 – A complaint is raised informally with a staff member
- Stage 2 – Formal complaint is heard by the Complaints Coordinator or an appropriate member of staff
- Stage 3 – Complaint is heard by Head of Unit and Board of Management
- Stage 4 – Complaint referred to Independent Review Body HSE

#### **Stage 1 – Raising a Complaint**

Complaints can be raised with the Training Unit at any time and will often generate an immediate response, which will resolve the complaint. The Training Unit requests that the Complainant make their first contact to the trainees' key worker, front line staff or senior staff. On some occasions the complaints raised may require investigation with others, in which case the Complainant will receive an informal but informed response within a day or two. The vast majority of complaints will be satisfactorily dealt with in this way, however, if the Complainant is not satisfied with the result at **Stage 1** they are requested to contact the Training Unit within 10 working days and state what they would like the Training Unit to do. The Training Unit will then look at the complaint at the next stage.

#### **Stage 2 – Formal Complaints**

These will be heard by the Complaints Coordinator or an appropriate member of staff.

Formal complaints should be put in writing and addressed to the Complaints Coordinator, Windmill Therapeutic Training Unit Ltd. The complaint will be recorded – See Appendix (i).

Unit will normally acknowledge receipt of the complaint within 5 working days of receipt. In many cases this response will also report on the action the Training Unit has taken to resolve the issue.

Alternatively, a meeting may be convened to discuss the matter further; this meeting will normally take place within 10 working days. The aim will be to resolve the matter as speedily as possible. However, if the investigation at **Stage 2** fails to resolve the complaint the Complainant may seek a review to the Head of Unit.

### **Stage 3 – Complaint heard by Head of Unit and Board of Directors**

If the matter has not been resolved by **Stage 2** the Head of Unit, in collaboration with the Board of Directors, will arrange for further investigation. Following the investigation, the Head of Unit will normally give a written response within 10 working days having called on appropriate expertise and skills where necessary and with the full cooperation of staff within the Unit.

### **Stage 4 – Complaint referred to HSE**

If the matter has not been resolved at **Stage 3** the Complainant may seek a review by the HSE internal process.

It is the aim of these Policies to ensure that complaints are satisfactorily dealt with by Windmill Therapeutic Training Unit Ltd; however, having got to this stage, where there has not been a satisfactory outcome, the Complainant will be advised that they may take their complaint to the Health Service Executive. Should assistance be required to process the complaint this will be offered by the Service.

### **Redress**

It is the aim of Windmill Therapeutic Training Unit Ltd to be consistent and fair throughout the whole process, to manage without prejudice the views of the Complainant, culminating in a satisfactory outcome for all parties concerned. Where appropriate and reasonable and within the range of resources available the Service will offer a caring and purposeful response which may take the form of an apology or indeed any means at our disposal which will go towards the reparation and goodwill of the Service.

**Signed:** \_\_\_\_\_  
**Head of Windmill**

**Signed:** \_\_\_\_\_  
**Director**

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Windmill Therapeutic Training Unit Ltd - Appendix 1 –Complaints Record

Complaints Number: \_\_\_\_\_

Complaint Type: \_\_\_\_\_ (see Categories A attached)

Complainant (eg: service user/service user's family/friend: \_\_\_\_\_

Against Whom: \_\_\_\_\_

Details:

Stage Category: \_\_\_\_\_  
(see Categories B attached)

Investigation Underway  Completed

How was complaint dealt with:

Current Status of Complaint

Resolved  Unresolved

Detail Stage if unresolved / Detail outcomes if resolved:

Signed: \_\_\_\_\_  
Person Dealing with Complaint

INDICATIVE LEVEL OF ORGANISATIONAL RISK (PLEASE CIRCLE ONE OPTION):

Negligible          Minor          Moderate          Major          Extreme