



<b>Complaints Policy</b>			
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## **Complaints Policy**

### **1. Policy Statement**

It is Windmill's goal to ensure that the services we provide are of the best possible quality.

Windmill acknowledges, however, that complaints will arise from time to time.

If our service is not operating as well as it should, Windmill is happy to receive complaints and is committed to dealing with them in a manner which is accountable, transparent, timely and fair.

In general, Windmill will try to deal with complaints in an informal manner; however, a formal complaint procedure is in place when issues cannot be resolved in an informal way.

The organisation believes that if an individual wishes to make a complaint, they should find it easy to do so.

### **2. Purpose**

The purpose of this policy is to ensure that complaints are dealt with effectively and are resolved as quickly as possible; where appropriate, complaints will be used to help Windmill review and improve our services.

This policy covers all actions to be taken in respect of a complaint by service users and others.

### **3. Scope**

1. Who can complain?

a) Anyone who is a user of the service.

b) An advocate may complain on the service user's behalf provided they have the service user's written consent.

c) A parent/guardian/family member may complain on behalf of a service user.

2. This policy covers the actions to be taken in respect to a complaint by those listed at 1 above.

3. This policy applies to all staff members and representatives from other agencies conducting in-reach services.

4. This policy does not cover complaints by a member of staff. Such complaints are addressed through Windmill's Grievance Procedure.

**N.B.** This Complaint Procedure is superseded at all times by the "Safeguarding and Protection of Vulnerable Persons at Risk of Abuse Policy" for making any allegations or concerns of abuse.

#### **4. Time Limits**

Time limits for complaints are 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.

The Complaints Officer may decide to extend the time limit for making a complaint if, in the opinion of the Complaints Officer, special circumstances make it appropriate to do so.

Special circumstances may include but are not limited 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

#### **5. Definitions**

Part 9 of the Health Act 2004 defines a "**complaint**" as:

any action of the .... service provider (Windmill) that –

- (a) It is claimed, does not accord with fair or sound administrative practice, and
- (b) adversely affects the person by whom or on whose behalf the complaint is made.

**"Complaints Officer"** means a person designated by a service provider for the purpose of dealing with complaints made to the service provider in accordance with procedures established under section 49 (1)(a) or (2) of the Health Act 2004.

## **6. Recording & Reporting of Complaints**

### **New Structures**

In 2022/23, Windmill reviewed and revised the structure of the organisation. Five Managers have now been appointed, reporting to the Head of Windmill. Most of the informal complaints are now handled by the five Managers.

Complaint forms are completed by the Managers for all complaints/concerns/issues brought to their attention. The forms are forwarded to the Head of Windmill and are held in the Complaints Register in her office.

### **Recording**

All complaints will be recorded clearly and accurately and the process and outcome confirmed in writing by the Manager dealing with the complaint.

All information from the process will be kept in a secure place by Windmill in line with our Data Protection Policy.

### **Monitoring**

Windmill maintains a Complaints Register with details about every complaint, how it has been processed and the outcome.

### **Reporting**

1. Annually, in accordance with S. 55(2) of the Health Act 2004, Windmill shall provide the H.S.E. with a general report on the complaints received by the service provider during the previous year indicating—

- (a) the total number of complaints received,
- (b) the nature of the complaints,
- (c) the number of complaints resolved by informal means, and
- (d) the outcome of any investigations into the complaints

2. A similar report on complaints received shall also be made to the Quality and Safety Sub-Committee of Windmill. The Subcommittee shall present a summary of complaints periodically to the Board of Windmill.

## **7. Dealing with Complaints**

Many of the complaints Windmill receive are not presented as complaints - they are more likely to be presented as “concerns” or “issues”.

Windmill takes these concerns and issues seriously. They are treated in the same way as complaints and are included in Windmill’s Complaints Register.

Initially, complaints/issues/concerns are dealt with informally with a view to an early resolution of the complaint.

By taking informal complaints seriously at an early stage, complaints can very often be resolved between the parties at a local level.

It is Windmill’s experience that, if informal complaints are handled well at an early stage, this will lead to a reduction in the number of complaints that develop into formal complaints.

If complaints cannot be sorted out informally, then it will be necessary to proceed with a formal complaint.

## **8. Windmill’s Complaints Policy**

Windmill’s Complaints Policy covers informal and formal complaints.

### **Informal Complaints**

A complaint is raised informally with a staff member.

### **Formal Complaints**

1. Formal complaint is heard by the Complaints Officer.
2. Formal Complaint is reviewed internally.
3. Formal Complaint is referred to Independent Review Body.

## **9. Informal Complaints - Raising a Complaint**

Informal complaints are usually verbal. Complaints can be raised with Windmill at any time and will often generate an immediate response, which will resolve the complaint.

Windmill requests that the Complainant make their first contact with the individuals’ key worker or senior Manager.

On some occasions the informal complaints raised may require investigation involving others. If so, the Complainant will receive an informal but informed response within a day or two.

The majority of informal complaints will be satisfactorily dealt with in this way.

However, if the Complainant, having made an informal complaint, is not satisfied with the result, they are requested to contact Windmill in writing within 10 working days to make a Formal Complaint.

Complaint forms are available at the Reception Desks of each of Windmill's locations, but complaints can also be made on email or in writing.

See Appendix 1 of this Policy document - How to make and manage your Complaint.

## **10. Formal Complaints**

Formal complaints should be made in writing or by email and addressed to:

The Complaints Officer  
Windmill CLG  
Larkins Lane  
South Main Street  
Wexford.  
Tel: 053 9122358

Email: [info@windmilltherapeutic.com](mailto:info@windmilltherapeutic.com)

The designated Complaints Officers in Windmill are:

Joan MacDonald, Head of Windmill and

Linda Kelly, Senior Administrator

Formal complaints will be dealt with by the Complaints Officers.

**"Complaints Officer"** means a person designated by a service provider for the purpose of dealing with complaints made to the service provider in accordance with procedures established under section 49 (1)(a) or (2) of the Health Act 2004.

Windmill will normally acknowledge receipt of the complaint within 5 working days of receipt and begin an investigation process. In many cases this acknowledgment will also report on the action Windmill has taken to resolve the issue, following investigations.

In some cases, a meeting with the complainant may be convened to discuss the matter further; this meeting will normally take place within 10 working days.

The aim of such a meeting will be to progress and finalise the investigation and resolve the matter as speedily as possible.

The complaint will be recorded in Windmill's Complaints Register.

However, if the initial investigation into a formal complaint fails to resolve the matter, the Complainant may seek an internal review by the Head of Windmill.

## **11. Internal Review**

If the matter has not been resolved following the hearing by the Complaints Officer, you may contact the Chair of Windmill, in writing, to seek an Internal Review.

The Chair will bring your appeal to the Board of Windmill to review your complaint and make a decision with regard to your appeal.

Following the Internal Review by the Board, the Chair of Windmill will give you a written response within 10 working days.

## **12. Independent Review**

If the matter has not been resolved after the Internal Review, the Complainant may seek an Independent Review by the HSE.

It is the aim of this Policy that complaints are dealt with effectively and resolved as quickly as possible.

However, where there has not been a satisfactory outcome to the formal complaint within Windmill, the Complainant will be advised that they may seek an independent review of their complaint by the Health Service Executive.

Should help be required to take the complaint to the HSE, assistance to do so will be offered by Windmill.

## **Appendix 1**

### **How to make your Complaint**

It will help the formal Complaints process if you can provide responses to the following questions:

- The reason for your complaint - What happened?
- Where did it happen? (Location)
- When did it happen? (Date, time, day, was it a holiday weekend)?
- The name(s) of anyone involved (if known)?
- Who was there?
- What was said and who said it?

- Was anybody told about this? Who was told, and when were they told?
- What has been the impact on you as a service user?
- The outcome you are hoping for - state what it is you want – e.g., an apology, an explanation of what caused the problem, a change in the way things are done so that other service users won't be affected.
- Your contact details (name, address, phone number and/or email).

### **How to Manage your Complaint**

Make a note of:

- A copy of your complaint with details of when it was made and to whom.
- A copy of Windmill's acknowledgment of receipt of your complaint.
- Dates of contacts, written and verbal.
- Additional correspondence/information provided by you or the person to whom you have made complaint.
- Responses made by Windmill and if they answer your enquiries.
- Follow up enquiries you make.

### **Reading List**

- Health Act 2004, as amended - Part 9 of the Act deals with Complaints.
- Health Act 2004 (Complaints) Regulations 2006 (S.I. No. 652 of 2006)
- Health Act 2004 (Complaints) (Amendment) Regulations 2018 (S.I. No. 519 of 2018)