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Office of the Ombudsman

MODEL
COMPLAINTS
SYSTEM FOR
NURSING
HOMES

THE OMBUDSMAN'S GUIDE

**Issued by the Office of the Ombudsman
18 Lower Leeson Street
Dublin 2**

Telephone: **01 639 5600**

Email: **ombudsman@ombudsman.gov.ie**

Website: **www.ombudsman.ie**

Twitter: **[@officeombudsman](https://twitter.com/officeombudsman)**



INTRODUCTION

An effective complaint handling system provides significant benefits to any organisation. It resolves issues raised in a timely and cost-effective way, it provides valuable information that can lead to service improvement and it can improve the reputation of and strengthen confidence in an organisation.

This booklet contains the following documents

- **Model Complaints System for Nursing Homes**
- **Model Complaints Policy for Nursing Homes**
- **Model Complaint Form for Nursing Homes**

These documents will be of assistance in developing your complaint handling system. They can also be downloaded from my website www.ombudsman.gov.ie.

Peter Tyndall
Ombudsman

MODEL COMPLAINTS SYSTEM FOR NURSING HOMES

This guidance sets out a model for handling complaints. It aims to develop a common approach which is simple, flexible and places emphasis on getting the most appropriate outcome for both service users and the Nursing Home.

The following should be considered and addressed when drafting a complaints policy:

1. DEFINITION OF A COMPLAINT

Most definitions of a complaint follow similar lines such as:

"A complaint is an expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation".

Every complaint requires a response.

2. ACCESS

One of the main characteristics of a good complaints system is that it should be easy to find out how to make a complaint and simple and convenient to then do so. The Nursing Home should remember that the person making the complaint may find it quite distressing to do so and may have difficulties putting their complaint in writing.

- Complaints should be accepted in a number of different ways including in person, over the phone and in writing.
- The Nursing Home should accept complaints brought by third parties as long as they obtain appropriate consent from the service user, where possible.

- The Nursing Home should explain and signpost the role of advocacy agencies and their role in providing assistance to service users.
- The Nursing Home should ensure that all of their service users have access to simple and clear information about how to make a complaint. This includes taking account of service users with particular requirements, such as those with intellectual disabilities, who are visually impaired, or are non-English speakers, etc.
- Information about the complaints procedure and policy should be easily accessible at all times and not just when a service user wishes to complain. It should be available at all public reception areas and "common areas" which service users may use as well as being made widely available to all staff.
- The complaints policy should be clearly available through an easily accessed area of the nursing home's website (where there is one) – ideally via a link on the home page. The website and other information material should include the name of the Complaints Officer and his/her contact details.
- Service users should be assured that making a complaint will not adversely affect their ongoing care in the Nursing Home.
- Information about improvements made following previous complaints should be readily available.

3. FRONTLINE RESOLUTION

The Nursing Home should seek to resolve service users' complaints as early as possible and ideally, at the first point of contact.

- The Nursing Home should establish clear guidelines as to what type of issues are suitable for frontline resolution.
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- Staff members who are the subject of a complaint should not handle or respond to the complaint.
- Frontline resolution should be completed within **5 working days**.
- Complaints resolved at this stage should be recorded by listing details of the complaint, the outcomes and any action taken.
- Staff should advise service users that they can progress their complaint on to the investigation stage if they are not satisfied with the outcome following attempts at frontline resolution.

4. INVESTIGATION

Every complaint is different so the approach to investigating and resolving it will differ depending on the nature of the complaint and the issues raised. Investigations should be conducted in a way that is proportionate to the nature and degree of seriousness of the complaint. However, all complaints should be thoroughly and objectively investigated.

- Senior management should establish clear guidelines to help identify the types of issues appropriate to the investigation stage. These may include where:
 - Frontline resolution was attempted but the service user remains dissatisfied
 - The service user refuses to engage with the frontline resolution process
 - The issues raised are complex and will require detailed investigation
 - The complaint relates to issues that have been identified as serious or high risk
- A standard template for documenting a complaint should be developed outlining the nature of the complaint, the preferred method of communication and the desired outcomes. All of these should be established and agreed by the

Nursing Home and service user at the outset.

- Service users should have a single point of contact for their complaint (usually the Complaints Officer).
- This person is responsible for establishing what information is required and for gathering that information. They should have a clear remit to investigate effectively and be empowered to resolve complaints or have access to the person who has the authority to do so.
- Service users should be provided with the name and contact details of the person dealing with their complaint as soon as possible.
- Staff members who are the subject of the complaint should not investigate the complaint.
- Serious complaints should be investigated by someone outside the Nursing Home.
- Complaints should be acknowledged promptly and **within 5 working days** from date of receipt.
- A full response to the complaint should issue **within 30 working days** of receipt.
- If, in exceptional circumstances, the response will be delayed, the service user should be told of this within 30 working days of receipt and should be given a revised timescale for bringing the investigation to a conclusion as well as an explanation for the delay. An update should be provided **every 20 working days** thereafter.

5. RECORDING THE COMPLAINT

A complaint can be an opportunity to increase understanding of the resident's perspective. It can also help to improve the service offered. A "fit for purpose" system for capturing and recording complaint data is therefore a vital element in any effective complaint handling system.

- The Nursing Home should maintain a complaint file containing complete and accurate records of all contact regarding a complaint and ensure that this information is easily accessible.
- A complaint file should contain information such as the service user's details, the issues raised and the action taken. It should also contain, in chronological order, any correspondence (including emails) about the complaint, notes of meetings and telephone calls (both external and internal).
- The service provider should ensure that the complaint file is available for review by the Ombudsman, if required.
- The Nursing Home should put in place a system to record all relevant data about a complaint after closing it. This should include the category or nature of the complaint, action taken to resolve the complaint, the outcome of the complaint and whether the service user was satisfied with the outcome.
- Senior management should be provided with regular reports on the number and type of complaints received, their outcomes and any actions taken as a result. Particular attention should be paid to the narrative within complaints data as this can be used to improve an organisation's service and effectiveness.
- Where systemic improvements are put in place arising from complaints all staff should be duly notified and a record of any changes should be available to all staff on an on-going basis.

6. RESPONSE

All issues raised in the complaint must be comprehensively responded to. All points raised by the service user and agreed at the start of the investigation should therefore be properly considered and fully addressed in the response. Any areas of disagreement or varying accounts can be acknowledged

without dismissing what the service user has said.

- The Nursing Home's decision must be formally communicated to the complainant using their preferred means of communication and confirmed in writing.
- Where an investigation identifies a service failure and the Nursing Home proposes to take action to resolve the issue, the response should include details of what will be done and when.
- In cases where a complaint is upheld, the appropriate Manager should ensure that an action plan is drafted setting out how the recommendations will be implemented and who will be responsible for implementing them.
- The response should tell the service user about their right to complain to the Ombudsman if they are dissatisfied with the outcome of their complaint. Contact details for the Ombudsman should also be provided. The standard form of words provided by the Ombudsman should be used.

7. REDRESS

A good complaints process should offer a range of timely and appropriate remedies to those service users who have a justified complaint. The Nursing Home should be willing and able to offer suitable redress which meets the needs of the particular complainant.

- The Nursing Home should have a clear policy on redress
- Appropriate redress could include:
 - A sincere and meaningful apology
 - An explanation
 - Correcting the error
 - Financial redress
- Where service failings have been identified, the Nursing Home should

attempt, if possible, to put the service user back in the position they were in before the error occurred. If this is not possible, then other forms of redress need to be considered.

For more information on redress, including advice on providing an apology, see the Ombudsman's guide 'Nursing Homes: Redress – Getting it Wrong and Putting it Right' on www.ombudsman.ie.

8. ANONYMOUS COMPLAINTS

An organisation that values all complaints should also treat anonymous complaints seriously and take action to consider them, wherever this is appropriate.

- Anonymous complaints should be considered where there is sufficient information provided to enable the service provider to investigate the case.
- Where there is not sufficient information provided, the Nursing Home may decide to take no further action but should record the complaint in any event in case it becomes clear that action is required at a later date.

9. MANAGING UNACCEPTABLE BEHAVIOUR

A service user's behaviour should not be regarded as unacceptable just because they are forceful or determined. In addition, service users who display difficult behaviour may still have a legitimate complaint and the Nursing Home must therefore treat all complaints seriously. Very few people complain to cause trouble.

- If a service user's behaviour causes a problem, they should be clearly told what the unacceptable behaviour is and what problem it is causing.
- The Nursing Home can take steps to protect members of staff in

circumstances where the behaviour of service users is unacceptable. This may include informing the service user that a decision has been taken to restrict their access and contact. In such circumstances, the service provider should provide a brief statement to the service user outlining the reasons for this.

10. STAFF TRAINING

Staff should be empowered and trained to deal with complaints as they arise with the aim of resolving issues as early as possible. This training may be provided during induction.

- Staff at every level should be provided with the appropriate skills and resources to deal with a complaint and should have a full understanding of the complaints policy.
- All staff should be able to direct the complainant to the Complaints Officer where appropriate.
- Specialist training should be provided for staff who may have to deal with service users who are vulnerable or have particular needs.

MODEL COMPLAINTS POLICY FOR NURSING HOMES

..... **(Nursing Home name)**is committed to dealing effectively with any complaints you may have about our service.

If we got something wrong, we will apologise and where possible we will try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

WHEN TO USE THIS POLICY

When you complain to us, we will usually respond in the way we explain below. Sometimes, you might be concerned about matters that are not decided by us **(examples should be given here e.g. financial assistance under the Nursing Homes Support Scheme)** and we will then advise you about how to make your concerns known.

INFORMAL RESOLUTION

If possible, we believe it is best to deal with things as soon as possible and in the easiest and most direct way. If you have a complaint, raise it with the person you are dealing with. He or she will try to resolve it for you there and then. However, they may need time to look into it **(the maximum time to be inserted here is 5 working days)**.

If there are any lessons to learn from addressing your complaint, the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for your complaint to be formally investigated.

HOW TO COMPLAIN FORMALLY

You can make a complaint in any of the ways below:

- You can ask for a copy of our complaint form from the person with whom you are already in contact. Tell them that you want us to investigate your complaint.
- You can get in touch with our Complaints Officer on tel..... if you want to make your complaint over the phone.
- You can use the form on our website at www.....**(if applicable)**
- You can e mail us at@.....
- You can write a letter to us at the following address

We aim to have complaint forms available at all of our reception and common areas. Copies of this policy and the complaint form are available in (e.g.: large print, etc.)

WHAT SHOULD YOU INCLUDE IN YOUR COMPLAINT

- Remember to state your name, address and telephone number (email if applicable) and whether you are acting on behalf of someone else
- Briefly describe what your complaint is about stating relevant dates and times, if applicable
- List your specific concerns starting with the most important concern
- Be clear about what you are hoping to achieve (for example an apology, explanation, etc.)
- State your preferred method of communication

It will assist the Complaints Officer if extra information and/or copies of relevant documents are attached to your complaint.

DEALING WITH YOUR COMPLAINT

We will formally acknowledge your complaint within **(the maximum time to be inserted here is 5 working days)** and let you know how we intend to deal with it.

We will ask you to tell us how you would like us

to communicate with you and establish whether you have any particular requirements for example, if you have a disability.

We will deal with your complaint in an open and honest way.

We will make sure that your dealings with us in the future do not suffer just because you have made a complaint.

If you are making a complaint on behalf of somebody else, we will need their agreement to you acting on their behalf.

INVESTIGATION

We will tell you who we have asked to investigate your complaint. If your complaint is straightforward, we will usually ask somebody from the service to look into it and get back to you. If it is more serious, we may ask someone from outside the nursing home to investigate.

We will set out to you our understanding of your complaint and ask you to confirm that we have got it right. We will also ask you to tell us what outcome you are hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it is important that you tell us.

If there is a simple solution to your problem, we may ask you if you are happy to accept this.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 30 working days ***(if appropriate, bodies may wish to insert a shorter timescale here.)***

If your complaint is more complex we will:

- let you know within this time why we think it may take longer to investigate
- tell you how long we expect it to take.

- give you regular updates (the maximum time to be inserted here is every 20 working days) on any progress made

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet you to discuss your complaint. Occasionally, we might suggest mediation or another method to try to resolve disputes.

When investigating your complaint, we will look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to your complaint. If necessary, we will talk to the staff or others involved and look at our policies and any guidance.

OUTCOME

If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or email, for example. If necessary, we will produce a longer report. We will explain how and why we came to our conclusions.

If we find that we got it wrong, we will tell you what and why it happened. If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again.

If we got it wrong, we will always apologise.

PUTTING THINGS RIGHT

If we didn't do something well, we will aim to put it right. If you have lost out as a result of a mistake on our part we will try to put you back in the position you would have been in if we had got it right.

OMBUDSMAN

If we do not succeed in resolving your complaint, you may complain to the Ombudsman. The Ombudsman is independent and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on our part
- have been disadvantaged personally by a service failure.

The Ombudsman expects you to bring your complaint to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- telephone: 01 6395600
Lo-Call: 1890223030
- email: ombudsman@ombudsman.gov.ie
- the website: www.ombudsman.gov.ie
- writing to: The Office of the Ombudsman
18 Lower Leeson Street
Dublin 2

LEARNING LESSONS

We take your complaints seriously and try to learn from any mistakes we have made. Our senior management team (***substitute if necessary***) considers a summary of all complaints quarterly as well as details of any serious complaints.

Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we have promised have been made.

WHAT IF YOU NEED HELP

Our staff will aim to help you make your complaint known to us. If you need extra assistance, we will try to put you in touch with

someone who can help. You may wish to contact ***(include examples appropriate to the service provider here e.g. Age Action, Sage etc.)*** who may be able to assist you.

WHAT WE EXPECT FROM YOU

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. ***(if applicable - We have a separate policy to manage situations where we find that someone's actions are unacceptable).***

MODEL COMPLAINT FORM FOR NURSING HOMES

A: Your details

Surname

Forename(s)

Title: Mr/Mrs/Miss/Ms/if other please state:

Address

Your email address

Daytime phone number

Mobile number

Please state by which of the above methods you would like us to contact you

Your requirements

If our usual way of dealing with complaints makes it difficult for you to use our service, please tell us so that we can discuss how we might help you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

B: Making a complaint on behalf of someone else: Their details

Their name in full

Their address

What is your relationship to them?

Why are you making a complaint on their behalf?

C: About your complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

What do you think we did wrong, or failed to do?

Describe how you personally or the person you are representing suffered or has been affected

What do you think should be done to put things right?

Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so.

If you have any documents to support your concern/complaint, please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to:

[Name (Complaints Officer)]

[Address and other Contact Details]
