

MDI MEMBERS COMPLAINTS POLICY & PROCEDURES:

The purpose of the Complaints Policy is to enable MDI Members and their families to express concerns or issues they may have with any aspect of the supports delivered to them by MDI staff. On occasion parents may wish to make a complaint on behalf of their children, MDI welcomes their input and has set out the process in this document.



The MDI Members Complaints Policy and Procedures is available in the Members Guide to MDI which all members have received.

The MDI Members Complaints Policy and Procedures is available on the MDI website at www.mdi.ie

1. Definition of a complaint

(Definition as per the Health Act 2004) “complaint” means a complaint made under this Part about any action of the Executive or a service provider that—(a) 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.

1.2 How can complaints be made?

Complaints can be made in the following ways verbal, written, email or fax.

1.3 Who can make a complaint?

Any person who is being or was provided with a support service by MDI staff or who is seeking or has sought provision of such support service may complain, in accordance with the procedures established under this Part, about any action of MDI staff-

- it is claimed, does not accord with fair and sound administrative practice, and
- adversely affects or affected that person

This policy and procedures apply to MDI members and their families. This procedure enables the issues raised to be dealt with;

- without delay
- fairly
- in a confidential manner

MDI welcomes all feedback from its members and their families and will use the information to develop and improve the supports provided.

1.4 Actions Taken after a Complaint is Made

Stage 1 - Local resolution of verbal complaints at point of contact (Informal)

Stage 2 - Local investigation of written and serious complaints (Formal)

Stage 3 - Internal Review (MDI)

Stage 4 - Independent Review (Ombudsman)

2. Stage One

If an issue arises MDI encourages members to attempt to resolve the issue informally at the local level with the appropriate person.

2.1. Stage Two

If this is unsuccessful a complaint can be made by;

- Contacting Head Office by the above complaints methods i.e. verbal, written, email or fax, the contact details are below.
- A Complaints Officer will be appointed who would be the Chief Executive Officer in relation to a MDI staff member or alternatively the MDI National Chairperson in relation to CEO.
- Upon a complaint being received by or assigned to the complaints officer (including a referral under section 48(2)), he or she shall notify, within 5 working days, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.
- If you would prefer, a visit to the office can be arranged or a member of the appropriate personnel can call to your home to talk through the complaint.
- The matter will be dealt with immediately and fairly.
- Confidentiality will be upheld at all times.

2.2. Stage Three

Where a complainant is dissatisfied with recommendations made by a Complaints Officer he/she may apply in writing for a review of the recommendations to the Chairperson of MDI and the Health Service Executive.

The Health Service Executive have designated authority to appoint review officers as per the Health Act 2004 (Complaints) Regulations 2006 and all requests for reviews must be addressed to Head of Consumer Affairs, Health Service Executive, Oak House, Millennium Park, Naas, Co. Kildare.

2.3 Stage Four

Independent Review – Ombudsman

Nothing in this Part prohibits or prevents any person who is dissatisfied with a recommendation made or step taken in response to a complaint under this Part or with a review under this Part from referring the complaint to the Ombudsman or the Ombudsman for Children.

Office of the Ombudsman
18 Lr. Leeson Street, Dublin 2.
Tel: +353-1-639 5600
Lo-call: 1890 223030
Fax: (01) 639 5674

Ombudsman for Children's Office
Millennium House
52-56 Great Strand Street
Dublin 1
Tel: 01-8656800

2.4. Depending on the nature of the complaint, it may be dealt with in one of the following ways:

- Complaint clarified, found to be unsubstantiated, recorded and closed internally.
- Complaint clarified, substantiated by the investigation, dealt with, recorded and closed internally.
- If the complaint is deemed to be of a serious nature or relating to malpractice or an allegation of child abuse then the complaint is clarified, recorded and passed on to the relevant Health Service Executive/Gardai/ Agency.
- The person making the complaint and the person whom the complaint is made against is made aware of the procedure and outcome.

3. Advocacy

All complainants have a right to appoint an advocate to assist them in making their complaint and to support them in any subsequent processes in the management of that complaint.

Citizen Information (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.

4. Timeframes involved once a complaint is received

A Complaints Officer will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint will not be investigated and the reasons for it.

- Where the complaint is being investigated, the Complaints Officer must endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged.
- If the investigation cannot be investigated and concluded within 30 working days then the Complaints Officer must communicate this to the complainant and the relevant service/staff member within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.
- The Complaints Officer must update the complainant and the relevant staff/ service member every 20 working days.
- The Complaints Officer must endeavour to investigate complaints within 30 working days. However, where the 30 working days' time frame cannot be met despite every best effort, complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.

If this timeframe cannot be met, the complaints person must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. He/ She should encourage the complainant to stay with the local HSE complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/ Ombudsman for Children.

5. Time Limits for making a complaint

The Complaints Officer must determine if the complaint meets the time frames as 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.
- A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer special circumstances make it appropriate to do so. These special circumstances include but are not exclusive 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.
 - Diminished capacity of the service user at the time of the experience e.g. mental health, critical/ long-term illness.
 - Where extensive support was required to make the complaint and this took longer than 12 months
- A Complaints officer must notify the complainant of decision to extend / not extend time limits within 5 working days.

6. Matters excluded (As per Part 9 of the Health Act)

48.—(1) A person is not entitled to make a complaint about any of the following matters:

- (a) A matter that is or has been the subject of legal proceedings before a court or tribunal;
- (b) A matter relating solely to the exercise of clinical judgment by a person acting on behalf of either the Executive or a service provider;
- (c) An action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b);
- (d) A matter relating to the recruitment or appointment of an employee by the Executive or a service provider;
- (e) A matter relating to or affecting the terms or conditions of a contract of employment that the Executive or a service provider proposes to enter into or of a contract with an adviser that the Executive proposes to enter into under section 24;
- (f) A matter relating to the Social Welfare Acts;
- (g) A matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;

- (h) A matter that could prejudice an investigation being undertaken by the Garda Síochána;
- (i) A matter that has been brought before any other complaints procedure established under an enactment.

Subsection (1) (i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.

7. Redress

Redress should be consistent and fair for both the complainant and the employee against which the complaint was made. MDI offer forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally. This redress includes an:

- Apology
- An explanation
- Refund
- Admission of fault
- Change of decision
- Replacement
- Repair /rework
- Correction of misleading or incorrect records
- Technical or financial assistance
- Recommendation to make a change to a relevant policy or law
- A waiver of debt

8. A complaints officer may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause -

- The Executive to make a material amendment to its approved service plan, or
- A service provider and the Executive to make a material amendment to an arrangement under section 38.

If, in the opinion of the relevant person, such a recommendation is made, that person shall either -

- Amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
- Reject the recommendation and take such other measures to remedy, mitigate or alter the adverse effect of the matter to which the complaint relates as the relevant person considers appropriate.

9. Annual Report to the HSE

A service provider who has established a complaints procedure by agreement with the HSE must provide the HSE with a general report on the complaints received by the service provider during the previous year indicating:

- The total number of complaints received.
- The nature of the complaints.
- The number of complaints resolved by informal means.
- The outcome of any investigations into the complaints.

10. Contact Details

MDI Complaints Officer: Mr. Richard Lodge (CEO)
Address: Muscular Dystrophy Ireland
75 Lucan Road,
Chapelizod,
Dublin 20

Free Phone: 1800 245 300

Phone: 01-6236414

Fax: 01-6208663

Email: ceo@mdi.ie

MDI Chairperson: Mr. Garry Toney
Address: c/o Muscular Dystrophy Ireland
75 Lucan Road,
Chapelizod,
Dublin 20

Phone: 01-6236414

Fax: 01-6208663