



Complaints Policy

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1. About Mental Health Reform

Mental Health Reform (MHR) is the national coalition on mental health in Ireland. MHR's membership represents a broad range of interests, including housing, disability, children's rights, human rights and ethnic minorities. MHR provides a unified voice to drive progressive reform of mental health services and supports in Ireland.

The Board of Directors are responsible for approving this policy and ensuring that it is adhered to.

2. This policy

This policy describes how MHR deals with complaints.

3. Definition of a complaint

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

4. Purpose

It is the policy of MHR that all complaints must be responded to in an appropriate, proportionate and timely manner. The purpose of this policy is to clearly explain the steps in the management of complaints received by MHR.

5. Who can make a complaint?

Anyone affected by an action or lack of action, or about the standard of service provided by or on behalf of MHR.

6. How complaints can be made

Complaints should be made in writing to:

Governance & Operations Manager
Mental Health Reform
Coleraine House, Coleraine Street
Dublin 7
Email: complaints@mentalhealthreform.ie

7. Who will deal with complaints?

MHR's designated complaints officer is the Governance & Operations Manager. Should a complaint relate to the conduct of the Governance and Operations Manager, the complaint will be dealt with by the Executive Director. Should a complaint relate to the conduct of the Executive Director, the complaint will be dealt with by the Chairperson of MHR.

8. Acknowledgements

Upon a complaint being received by or assigned to the complaints officer, MHR will within five working days, reply to 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.

9. Advocacy

Complainants may use the support of an advocate to make a complaint to MHR. Complainants can contact MHR for information on independent advocacy services and supports. Further information on advocacy support is provided in Section 18 of this policy.

10. The Complaints Management Process

Informal Resolution (Stage 1)

These are straightforward complaints which may be suitable for prompt management and to the service users' satisfaction at the point of contact. Unresolved complaints at Stage 1 may need to be referred to the complaints officer. More serious or complex matters may need to be addressed immediately under Formal Investigation at Stage 2.

Formal Investigation (Stage 2)

The complaints officer must consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned.

Where informal resolution was not successful or was deemed inappropriate, the complaints officer will initiate a formal investigation of the complaint. The complaints officer is responsible for carrying out the formal investigation of the complaint at Stage 2 but may draw on appropriate expertise, skills etc. as required.

At the end of the investigation, the complaints officer will write a report of their investigation and give a copy of the report to the complainant, to the MHR Executive Director and the staff member that was the subject of the complaint.

The final report will include any recommendations needed to resolve the matter. The complaints officer will invite everyone involved to contact them with questions about any issues and will advise the complainant of their right to a review of the recommendations made.

Where the investigation at Stage 2 fails to resolve the complaint, the complainant may seek a review of their complaint from the Review at Stage 3 or the complainant may seek an independent review of their complaint.

Review (Stage 3)

These are complaints where the complainant is dissatisfied with the outcome of the complaint investigation at Stage 2. A request for a review must be made within 30 days of the investigation report being sent. MHR will organise for an independent person to review the complaint and will advise the complainant of the outcomes of this review.

11. Timeframes

A complaint must be made within 6 months of the date of the action giving rise to the complaint or within 6 months of the complainant becoming aware of the action giving rise to the complaint.

Table 1. Timeframes

Person making a complaint	Timeframe
To make a complaint	Within six months
If you do not wish confidential information to be accessed	Notify MHR within 5 days you receiving acknowledgement letter/email
Withdraw the complaint	At any stage
Request a review of a complaint	Within 30 days
Refer complaint to a public body	At any stage
All MHR staff	
Resolve complaint at point of contact	Immediately
MHR Complaints Officer	
Notify complainant of decision to extend/not extend 6 months' timeframe	5 days
Inform complainant if complaint does not meet criteria for investigation	5 days
Send acknowledgment letter/email	5 days from receipt of complaint
Seeking further information	10 days
Update complainant and relevant staff	Every 20 days after initial 30 days
Investigate and conclude	30 days from issue of acknowledgement letter/email
Conclude at latest	3 months
Review Person	
Notify complainant of decision to extend/not extend 30 days' timeframe	5 days
Make contact with complainant & explain process	2 days
Acknowledgement letter/email	5 days from receipt of review
Inform complainant if their complaint does not meet criteria for review	5 days
Seeking further information	10 days
Update complainant and relevant staff	Every 20 days after initial 20 day due date
Investigate and conclude (Report)	20 days from issue of acknowledgement letter/email

12. Matters excluded

Under this complaints policy, an individual is not entitled to make a complaint about any of the following matters:

- i. a matter that is or has been the subject of legal proceedings before a court or tribunal;
- ii. a matter relating to a service provided by the HSE or any other service provider;
- iii. a matter relating to or affecting the terms or conditions of a contract of employment that MHR proposes to enter into or of a contract with an adviser that MHR proposes to enter into;
- iv. a matter relating to the Social Welfare Acts;
- v. a matter that could be the subject of an appeal under the Civil Registration Act 2004;
- vi. a matter that could prejudice an investigation being undertaken by An Garda Síochána; or
- vii. a matter that has been brought before any other complaints procedure established under an enactment.

13. Refusal to investigate or further investigate a complaint

Anonymous complaints will not be investigated.

MHR may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that MHR is of the opinion that:

- a) the complaint is considered to be aggravating or trivial;
or
- b) the complaint is vexatious or not made in good faith;
or
- c) is satisfied that the complaint has been resolved.

14. Unreasonable complainant behaviour

MHR will take all reasonable measures to try to resolve a complaint through the complaints procedure. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, MHR may consider the complaint vexatious under Clause 15 of this policy).

15. Vexatious Complaints

Complainants (and/or anyone acting with or on their behalf) may be deemed by MHR to be vexatious where previous or current contact with them shows that they meet one of the following criteria:

Where a complainant:

- Persists in pursuing a complaint after the complaints procedure set out in this policy has been fully and properly implemented and exhausted;
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed;
- Is repeatedly unwilling to accept documented evidence given as being factual or deny receipt of adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Refuses to identify the precise issues which they wish to have investigated, despite reasonable efforts of MHR to help them specify their concerns, and/or where the concerns identified are not within the remit of MHR to investigate;
- Focuses on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point;
- Has, in the course of addressing a complaint, had an excessive number of contacts with MHR, placing unreasonable demands on staff;
- Has harassed or been personally abusive or verbally aggressive towards MHR staff dealing with the complaint;
- Is known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved; and/or
- Displays unreasonable demands or expectations and fail to accept that these may be unreasonable.

16. Redress

MHR will 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.

Under this policy, redress may include:

- An apology;
- An explanation;
- A refund;
- An admission of fault;

- Change of decision; and/or
- The correction of misleading or incorrect records.

17. Recording

It is the policy of MHR to keep a record of any complaints received. The Board of Directors of MHR are notified at each board meeting of any complaints received by the organisation.

Under the terms of a service level agreement with the HSE, MHR will provide the HSE with a written report on all complaints received during the previous calendar year. This report will include:

- The total number of complaints received by MHR;
- The nature of the complaints received;
- The number of complaints resolved by informal means (without a formal investigation having been undertaken);
- The outcome of any investigations into complaints.

MHR will only provide the HSE with anonymised data in accordance with the law.

18. Data Protection

All information received by MHR will be processed in line with the organisation's data protection policies and procedures and in accordance with the organisation's legal requirements.

19. Policy Review

In accordance with the Code of Practice for Good Governance of Community, Voluntary and Charitable Organisations, this policy will be reviewed at least every three years. This policy will also be reviewed in light of legislative or regulatory changes and by its stated review date.

20. References

This policy has been prepared following the "Guideline Document for Providers who have entered into a Service Agreement under Section 38 or 39 of the Health Act 2004: Complaints Management Procedure for Voluntary Organisations, Version 8" (HSE, March 2018).

21. Useful information

- Your Service, Your Say - the HSE complaints policy ([external link](#)).
- The Charities Regulator - has a number of powers regarding the regulation and protection of charitable organisations and trusts. ([external link](#)).
- Healthcomplaints.ie provides information on how to make a complaint or give feedback about health services ([external link](#)).

- The National Advocacy Service for People with Disabilities is an independent, confidential and free, representative advocacy service ([external link](#)) .

22. Policy Statement

MHR is committed to ensuring that all our communications and dealings with the public are of the highest possible standard.

MHR welcomes all feedback and considers complaints as opportunities to identify areas for improvement.

MHR acknowledges that both the complainant and MHR have an equal voice and are of equal importance in our complaints process.

MHR is committed to resolving complaints and queries in a timely and confidential manner.