

Complaints Policy

Statement

The Irish Lung Fibrosis Association Company Limited by Guarantee (trading as Irish Lung Fibrosis Association or ILFA) invites comments, compliments and complaints from members and service users about the services provided by ILFA. Comments or complaints will be viewed as an opportunity to inform service provision to continuously improve the quality of the services that we provide and to learn lessons to prevent similar occurrences in the future. Complaints, criticisms or suggestions, whether oral or written will be taken seriously, handled appropriately and sensitively.

Complaints that will be managed using the procedures described in this document will fall within the definition of a complaint as per Section 5 of this policy i.e. those that are provided for under Part 9 of The Health Act 2004.

Purpose

ILFA aims to provide the highest quality services and to communicate effectively with all relevant stakeholders. This policy aims to direct staff and volunteers in the appropriate and effective management of all complaints and comments received from service users, to ensure that the wellbeing and rights of service users, volunteers and staff are upheld and the organisation is afforded the opportunity to learn from feedback received.

Scope

This policy applies to all employees, volunteers, contractors, service users associated with ILFA.

Legislative and Regulatory Requirements

This policy applies to complaints that are provided for under Part 9 of The Health Act 2004.

Complaint: In line with the Health Act 2004, “complaint” means a complaint about any action of the organisation that:

1. it is claimed, does not accord with fair or sound administrative practice, and
2. adversely affects the person by whom or on whose behalf the complaint is made

Note that complaints may only be made in respect of actions which have already been taken.

Roles & Responsibilities

ILFA's CEO and Board are responsible for:

- Ensuring all staff members are aware of this policy and are able to advise concerned individuals on same.
- Ensuring that all complaints received are handled in line with this policy.
- Regularly monitoring the number, nature and outcome of complaints as part of the continuous quality improvement process.

ILFA staff members are responsible for:

- Ensuring that all service users are informed of the complaints policy as part of their introduction to the service
- Ensuring that any other concerned individual is made aware of the complaints policy as appropriate
- Assisting concerned individuals to make a complaint as outlined in this policy when requested to do so.
- Following all other steps regarding complaints as outlined in this policy
- Ensuring they remained informed in relation to this policy

Who Can Make a Complaint

- **Concerned individuals:** Includes anyone who is directly affected by the actions of the organisation but excludes anyone who works for the organisation either in a paid or voluntary capacity, such as staff members or volunteers. These groups should use internal management structures and / or the organisation's grievance procedure in the event that they wish to complain about a decision affecting them.
- **Staff member:** Should be construed broadly, and includes, for the purposes of this policy, staff members, volunteers, interns and contractors.
- **Funders:** The Health Service Executive (HSE) and other people and entities who provide funding for ILFA's services.

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

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

An advocate may also complain on a concerned individual's behalf provided they have the concerned individual's written consent. All complainants have the right to appoint an advocate who, if a person is unable to make a complaint themselves can assist them in making the complaint. The 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.

Nature of Complaints

Complainants can make complaints regarding any action of ILFA's that has directly affected them. This might include:

- The manner in which the organisation has treated them
- Being denied a service
- A change in service provision
- The actions of a specific member of staff

How To Make a Complaint

Submitting a Complaint

Complaints may be made either in writing or verbally. A verbal complaint may be made in the first instance to the Designated Complaints Officer (DCO). This may be done in person or by telephone or in writing. Any complaints made verbally must eventually be documented in writing either by the complainant or a person designated by the complainant.

Written complaints may be made to the:

Designated Complaints Officer

ILFA C/O Carmichael Centre

4 North Brunswick Street

Dublin 7

Or by email to info@ilfa.ie with a subject line of "Complaint".

Acknowledgement of Written Complaints

ILFA will notify, the complainant in writing within 5 working days of receipt:

- That the complaint has been received
- An outline of the steps that the organisation proposes to take in investigating the complaint
- A proposed time limit for the completion of the investigation
- A contact person for the complainant

Time Limits for Complaints

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 DCO may decide to extend the time limit for making a complaint if in the opinion of the DCO 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
- 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

The DCO must notify the complainant of the decision to extend /not extend the time limits within 5 working days.

Who Can Complain

In accordance with Section 46, Part 9 of the Health Act 2004, the following are entitled to make a complaint:

- Individuals who are receiving or have received services from ILFA.
- Individuals who are seeking or have sought services from ILFA.
- If a person is entitled to make a complaint but is unable to do so because of age, illness or disability, the complaint may be made on that person's behalf by:
 - a close relative or carer of the person
 - any person who, by law or by appointment of a court, has the care of the affairs of that person
 - any legal representative of the person, or any other person with the consent of the person, or of any other person who is appointed as prescribed in the regulations.
- If a person who would otherwise have been entitled to make a complaint is deceased, a complaint may be made by a person who, at the time of the action in relation to which the complaint is made, was a close relative, or carer of that person. A close relative is defined in Section 45 of the Health Act, 2004 as being a parent, guardian, son, daughter, spouse or someone who is cohabiting with the person on whose behalf the complaint is being made.

Exclusions to the Complain Process

According to Section 48(1), Part 9 of the Health Act 2004 A person is not entitled to make a complaint about any of the following matters:

- A matter that is or has been the subject of legal proceedings before a court or tribunal;

- A matter relating solely to the exercise of clinical judgement by a person acting on behalf of the service provider;
- An action taken by the service provider solely on the advice of a person exercising clinical judgement;
- A matter relating to the recruitment or appointment of an employee by the service provider;
- A matter relating to or affecting the terms or conditions of a contract of employment that the service provider proposes to enter into or of a contract with an advisor that the Service provider proposes to enter into under Section 24;
- A matter relating to the Social Welfare Acts;
- A matter that could be the subject of an appeal under Section 60 of the Civil Registration Act 2004;
- A matter that could prejudice an investigation being undertaken by the Garda Síochána;
- A matter that has been brought before any other complaints procedure established under an enactment

Redress

According to HSE guidelines on complaints, Redress should be consistent and fair for both the complainant and the service against which the complaint was made. ILFA 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 personally.

This redress could include:

- 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

The DCO may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause ILFA to make a material amendment to its approved service plan, or ILFA and the Executive to make a material amendment to an arrangement under section 39.

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

Complaints Management

There are three stages to the complaints procedure:

- Stage 1 Local resolution at the point of contact
- Stage 2 Managing a written complaint
- Stage 4 Independent review

Stage 1 Local resolution at the point of contact

If a complainant has a problem with an aspect of the service they should inform a staff member. The staff member will make every effort to resolve the problem locally at first point of contact. The staff member may seek assistance from management at this stage in resolving the problem. In the event that the problem cannot be resolved locally it must be recorded as a formal complaint to be progressed further.

Stage 2 Managing a written complaint

Informal resolution of a complaint

- The DCO taking into account the nature and circumstance of the complaint, may seek the consent of the complainant and any third party to whom the complaint applies to finding an informal resolution of the complaint by the parties concerned.
- Where an informal resolution is not applicable or not successful, the DCO will initiate a formal investigation.

Formal resolution of a complaint

- The complaint should be reviewed by the DCO, to confirm that they are in possession of a written record of the complaint, which is signed and dated by the complainant and clearly sets out the nature of the complaint, why the initial response was unsatisfactory and what the complainant's desired outcome is.
- The DCO will write to the complainant in line with this procedure
- The DCO will investigate the complaint and may draw on appropriate expertise, skills etc. as required.
- The complainant and any third parties involved will be given the opportunity to discuss the complaint with the DCO individually in private.

- The DCO will complete investigation of the complaint within 30 working days of acknowledging the complaint. If this is not possible, within 30 working days of acknowledging the complaint, the complainant must be informed of the delay and given an indication of the time it will take to complete the investigation. The complainant and relevant third parties must be updated every 20 working days.
- Where the investigation passes the 30 working days timeframe, the complainant must be informed of the delay and the DCO must endeavour to complete the investigation within 6 months.
- Where deadlines are not met, the complainant must be informed that they can choose to move to stage 3 (if relevant) / stage 4 of the complaints management process
- The DCO will inform the complainant and any relevant third parties of the outcome of the investigation in writing. The letter must state whether the complaint has been upheld, and whether any further action will be taken.
- If the complainant is not satisfied with the outcome of the investigation, they should be informed of Stage 3 and 4 reviews.

Stage 3 Independent Review

If the complainant is not satisfied with the outcome of the complaints management process in prior stages, the complainant may seek a review of the complaint by the Ombudsman. The complainant must be informed of their right to seek an independent review from the Ombudsman at any stage of the complaint management process.

All requests for reviews may be addressed to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2. Tel: +353-1-639 5600. Lo-call: 1890 223030. Fax: (01) 639 5674.

Refusal to Investigate or further investigate:

A complaints officer shall not investigate a complaint if— the person who made the complaint is not entitled under section 46 to do so either on the person's own behalf or on behalf of another.

Or

The complaint is made after the expiry or any extension of that period outlined in this document.

The DCO may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation the DCO is of the opinion that—

- the complaint has not disclosed a grounds of complaint,
- the subject-matter of the complaint is excluded,
- the subject-matter of the complaint is trivial, or
- the complaint is vexatious or not made in good faith,

or is satisfied that the complaint has been resolved.

The DCO shall, as soon as practicable after determining that he or she is prohibited from investigating a complaint or after deciding not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

Unreasonable or Vexatious Complainant Behaviour

A vexatious complaint could be categorised as follows:

- The claimant persists in pursuing a complaint and the ILFA complaints procedure 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.
- Are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of adequate response in spite of correspondence which indicates evidence to the contrary;
- Repeatedly raising concerns which are out of scope of the policy or repeatedly not clarifying the precise issues which they wish to have investigated, despite reasonable efforts of ILFA or persons appointed by ILFA help identify/clarify concerns.

If found to be frivolous or vexatious, ILFA will not pursue the complaint any further. However, this does not remove the complainant's right to submit their complaint to independent agencies such as the Ombudsman.

If a complaint is found to be vexatious or malicious, there will be no record of the complaint in the file of the staff member / service about which the complaint was made. Before the complaint is deemed vexatious the DCO must bring it to the attention of ILFA's CEO.

Anonymous Complaints

All anonymous complaints, both written and verbal, should be documented and brought to the attention of the relevant staff member for a decision as to whether quality improvements are required based on the complaint.

It is ILFA's policy that complainants must provide contact details when making a complaint against ILFA to enable appropriate validation, follow up and investigation of that complaint unless there is a good and sufficient reason for withholding this information.

Anonymous complaints will not normally be investigated as there is always a possibility that they are vexatious or malicious and the anonymity of the complainant does not enable the principles of natural justice and procedural fairness to be upheld. Notwithstanding the fact that anonymous complaints cannot be the subject of a formal investigation unless there is supporting evidence, management should assure themselves



that the systems in place are robust and the welfare of service users is not at risk.

If the complaint is made by phone or by person, the member of staff taking the complaint should encourage the caller to provide a name and telephone number at which they may be contacted. The caller should be advised that unless they provide their name and contact details, it may not be possible to investigate the complaint if the disclosure of identity is regarded as essential to facilitate a full and proper investigation of the complaint.

If a complainant makes a complaint in confidence, the identity of the complainant will only be known to the recipient of the complaint and the DCO. If the investigation of the complaint requires the identity of the complainant to be disclosed, the consent of the complainant must be obtained to disclose this information. In this case, the complainant must be informed that it may not be possible to carry out a full and proper investigation of the complaint without their consent to disclose their identity.

If an anonymous complaint provides details that enable the identification of individual staff members, these details must be anonymised and there must be no record of an anonymous complaint on the file of any individual staff members.

Reporting to the HSE:

Service providers who has entered into a Service Level Agreement (SLA) or Grant Aid Agreement with the HSE under Section 38 or Section 39 of the Health Act 2004 are obliged to report to the HSE on complaints as requested and on the templates/format provided by the HSE. ILFA's reports will include:

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

Monitoring of Policy

Monitoring of this policy will be the responsibility of the CEO reporting to the Board.

Implementation of Policy

Communication of the policy will be made to all staff.

Policy Review

The policy will be reviewed by the board of directors.

Last Reviewed/Updated (September 2025)

Board Approved (October 2025)



Appendix 1 – Complaints Form Template

Date of complaint: _____

Complaint made by: _____

Complaint received by: _____

Complaint made by:

- Telephone
- Letter (attached)
- Email
- In person
- Other

Complainant details

Name of complainant(s): _____

Address of complainant/s:

Contact phone number of complainant/s:

If a complaint is being made on behalf of someone else:

Who is the complaint on behalf of: _____

Who is making the complaint: _____

What is their relationship _____

Does the representative have the complainant's written consent to represent their interests?

- Yes
- No

Details of the complaint (If insufficient space, attach extra pages)

The complainant's desired outcome is:

Signed

Complainant: _____ Date: _____

DCO: _____ Date: _____

Details of investigation (To be completed by DCO)

Outcomes (to be reported by DCO)