



## Passenger Complaints Policy

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### Introduction

Mayo Community Transport CLG T/A TFI Local Link Mayo are committed to the provision of quality assured transport provision for all passengers. Complaints related to the delivery of transport and/or passengers' needs while accessing the transport should be directed through the company.

### Passenger Complaint Procedure

TFI Local Link Mayo is committed to dealing with all complaints received in a professional, trustworthy and confidential manner.

The purpose of this complaints policy is to outline how complaints can be made regarding the provision of transport services and aims to ensure that:

- Complaints are addressed thoroughly, sensitively and in a confidential matter.
- Resolved at as early a stage of the process as possible
- Positive action is taken in implementing change as appropriate

### What is a complaint?

TFI Local Link Mayo defines a complaint as an expression of dissatisfaction which needs a response.

### Who can make a complaint?

Any person who has received or sought the services from TFI Local Link Mayo service, or a person who legitimately represents someone who uses the service. 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.

### What can be complained about?

The complaints policy can be used to raise any concerns a person has about a service being provided by TFI Local Link Mayo.

### How complaints can be made:

Complaints can be made in a way that suits the passenger for example verbally, in writing or by email.

## **Making a Complaint**

There are four stages to the complaints policy as follows:

### **Stage 1 –Point of Contact Resolution – Informal Process**

All Staff at TFI Local Link Mayo should make every effort to resolve a point of contact complaint immediately. Where point of contact complaints cannot or should not be resolved at the first point of contact the complaint should be referred to the Manager. The Manager will endeavour to resolve the complaint within <48 hours (two working days).

### **Stage 2 – Formal Investigation Process**

Unresolved complaints at Stage 1 are referred to the Complaints Officer

If a satisfactory outcome was not obtained in Stage 1, or if deemed necessary, a formal complaint may be made to the Complaints Officer verbally, or in writing. A written complaint should provide the following information:

- Your name, address and telephone number (and/ or email address)
- A detailed description of the issue with which you are dissatisfied
- The name of the staff member/s who dealt with it (if known)

The complaint should be addressed to the Manager of TFI Local Link Mayo, Glenpark House, The Mall, Castlebar, Co. Mayo.

The Complaints Officer will log and acknowledge receipt of the complaint as soon as possible, but not later than five working days after receipt. Having acknowledged the complaint, the Complaints Officer will conduct an investigation and issue a reply to the complaint within 30 working days of receipt of the initial complaint. Where this is not possible, an interim reply will be issued explaining the position and advising the complainant when a substantive response will be made.

In an effort to reach a decision, the Complaints Officer will 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.

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 manager of the relevant service (Accountable Officer) and / or 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 by the complaints officer.

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 from, for example, the Ombudsman/Ombudsman for Children

#### **Implementation of Recommendations made by Complaints Officers**

- Within **30 working days** the relevant Head of Service (Accountable Officer) will write to the Complainant and Complaints Officer detailing their **Recommendation Action Plan**.
- Where a recommendation the implementation of which would require or cause the Executive to make a material amendment to its approved service plan, the relevant Head of Service (Accountable Officer) may amend or reject the recommendation.
- Where the recommendation is being amended or rejected or where alternative measures are being taken, the relevant Head of Service (Accountable Officer) will give the reasons for their decisions.
- The relevant Head of Service (Accountable Officer) will put an action plan in place for the implementation of the recommendations of the investigation. The action plan, persons responsible and timeframes are to be identified and recorded.
- Where a Complainant has requested a review of the outcome of the investigation, the relevant Head of Service (Accountable Officer) will suspend the implementation of a recommendation and will notify the Complainant of this suspension.
- If after a period of time recommendations made are not implemented and the Complainant is dissatisfied, they should be advised to contact the relevant Hospital Group Chief Executive Officer / Community Health Organisation Chief Officer.
- Where no **Recommendation Action Plan** is forthcoming from the relevant Head of Service (Accountable Officer), the Complaints Officer must follow up.

#### **Stage 3 – Internal Complaints Review**

If, having progressed through Stages 1 and 2, the complaint remains unresolved or the complainant is not happy with the decision made by the Accountable Officer, a request for Internal Complaint Review may be made in writing to the Chairperson of TFI Local Link Mayo within 30 working days on which the report was signed and dated by the Accountable Officer. As in Stage 2, the written complaint must include the following information:

- Your name, address and telephone number (and/ or email address)
- A detailed description of the issue with which you are dissatisfied
- The name of the staff member/s who dealt with it (if known)

The complaint will be logged and an acknowledgement of receipt will be sent as soon as possible, but not later than five working days after receipt. Having acknowledged the complaint, the Chairperson or a nominated review officer will conduct an investigation and issue a reply to the complaint within 20 working days of receipt of this complaint. Where this is not possible, an interim reply will be sent explaining the position and advising you when a substantive response will be made. If the complainant is not satisfied with the outcome of the complaints management process, he/she may seek an independent review.

The complainant may also choose to go directly to the Office of the Ombudsman, Ombudsman for Children, or other professional bodies to whom the complainant could make an application for review.

#### **Stage 4 – Independent Review**

If the complainant is not satisfied with the outcome of the complaints management process, he/she may choose to refer their complaint for independent review (e.g. Office of the Ombudsman/Ombudsman for Children’s Office) either directly following Stage 2 or following a Stage 3 Internal Complaint Review.

#### **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 the 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

#### **Principles Governing the Investigation Process**

The investigation will be conducted thoroughly and objectively with due respect for the rights of the complainant and the rights of the service/staff members to be treated in accordance with the principles of natural justice.

The Complaints Officer will have the necessary expertise to conduct an investigation impartially and expeditiously. Where appropriate, the Complaints Officer may request appropriately qualified persons to carry out clinical assessments, validation exercises etc.

Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of fair investigation.

A written record will be kept of all meetings and treated in the strictest confidence.

The Complaints Officer may interview any person who they feel can assist with the investigation. Staff are obliged to co-operate fully with the investigation process and will be fully supported throughout the process.

Staff who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside the organisation. It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness or to attempt to obstruct the investigation process in any way.

### **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.
- 2) Subsection (1)(i) does not prevent a complaints officer from dealing with a complaint that was made to the Ombudsman or the Ombudsman for Children and that is referred by him or her to a complaints officer.

### **Refusal to investigate or further investigate complaints**

50.—

- (1) A complaints officer shall not investigate a complaint if—
- a. 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,
  - b. the complaint is made after the expiry of the period specified in *section 47(2)* or any extension of that period allowed under *section 47(3)*.
- (2) A complaints officer 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 officer—
- a) is of the opinion that—
    1. the complaint does not disclose a ground of complaint provided for in *section 46*,
    2. the subject-matter of the complaint is excluded by *section 48*,
    3. the subject-matter of the complaint is trivial, or
    4. the complaint is vexatious or not made in good faith,
- or
- (b) is satisfied that the complaint has been resolved.

A complaints officer shall, as soon as practicable after determining that he or she is prohibited by *subsection (1)* from investigating a complaint or after deciding under *subsection (2)* not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

### **Unreasonable complainant behaviour**

In a minority of cases where TFI Local Link Mayo will take all reasonable measures to try to resolve a complaint through the complaint's procedure, the complainant does not accept these efforts. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, TFI Local Link Mayo reserve the right to invoke the TFI Local Link Mayo Policy for Dealing with Vexatious Complaints.

The complainant will be notified of their right of review to the National Advocacy Unit if they are not happy with the outcome of the complaint.

### **Redress**

Mayo Local Link offer redress and/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 some or all of the following as applicable:

- 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

A complaints officer will not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause—

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

(2) If, in the opinion of the relevant person, such a recommendation is made, that person shall either—

- (a) amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or
- (b) 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

This complaints policy is in line with the **HSE Your Service Your Say Policy 2017**.