



FACTSHEET

Complaints about Private Nursing Homes

This factsheet tells you what you can do if you have a complaint about a private nursing home. It also explains what complaints the Ombudsman can and cannot examine.

What can the Ombudsman do?

The Ombudsman can examine complaints about the actions of a range of bodies such as Government Departments, Local Authorities and the Health Service Executive (HSE), including HSE-run nursing homes. In addition from 24 August 2015 the Ombudsman's remit was extended to enable him to deal with complaints relating to the administrative actions of private nursing homes. The Office of the Ombudsman provides a free, independent and impartial service for dealing with complaints. You may feel that you, or a person on whose behalf you are complaining, have been treated unfairly or have received a poor service through some failure on the part of a private nursing home. If this has caused you hardship we may be able to look into your complaint.

We can normally only deal with a complaint if you have already gone through the complaints procedure of the private nursing home concerned.

Introduction

From 24 August 2015 the public can bring complaints to the Ombudsman about any private nursing home in receipt of public funding under subvention or the Nursing Home Support Scheme.

However only complaints about actions that occur on or after 24 August 2015 can be examined by the Ombudsman

Is the Ombudsman independent?

Yes. The Ombudsman deals with all complaints independently and impartially when judging whether the action or decision of a private nursing home provider was fair or reasonable.

What can I complain to the Ombudsman about?

You can complain about your experience in dealing with a private nursing home. The issue may include a nursing home:

- failing to communicate clearly
- failing to meet your basic needs or to respect your privacy and dignity (for example not providing suitable food and drink or managing incontinence issues)
- failing to follow approved administrative procedures, protocols or reasonable rules
- keeping poor records
- lack of cleanliness or infection control
- having staff that are rude or unhelpful
- being reluctant to correct an established error
- giving slow or unsatisfactory response to letters
- failing to deal properly with your complaint

How will the Ombudsman deal with my complaint?

Once we establish that we can examine a complaint we will ask the private nursing home to send us a report. If necessary the Ombudsman may also examine any relevant files and records. We may question the people involved in the complaint. It can take time to gather the information that we need.

We will examine all the issues of possible maladministration.

'Maladministration' can include an action that was or might have been:

- taken without proper authority
- taken on irrelevant grounds
- the result of negligence or carelessness
- based on incorrect or incomplete information
- improperly discriminatory
- based on an undesirable administrative practice
- otherwise contrary to fair or sound administration or
- the result of the nursing home failing to give reasonable assistance and guidance or failing to provide information on a person's right of appeal or review

We will then decide whether

- your complaint is justified
- you have suffered due to the actions or decision of the private nursing home

If we find that you have suffered adverse affect due to maladministration and if the private nursing home has not taken steps to remedy this, we may suggest it does so. We may ask the private nursing home to:

- review what happened and learn from it
- change its procedures and practices
- provide staff with training
- change its decision and/or
- offer an appropriate remedy, including an acknowledgement of what happened, apologise to you and give you a better explanation of their actions

We will also check with the private nursing home that they have carried out any commitments they give.

What the Ombudsman cannot examine

People sometimes contact us about things we are unable to deal with. The Ombudsman cannot look at complaints about:

Clinical Judgement: The Ombudsman cannot examine complaints which are specifically about actions taken by medical professionals acting on behalf of the Health Service Executive when, in the opinion of the Ombudsman, they are acting solely in the exercise of clinical judgement in connection with the diagnosis of illness or the care or treatment of a patient. The clinical judgement exclusion also applies in relation to the examination of complaints about medical professionals acting on behalf of private nursing homes.

Employment: The Ombudsman cannot look at complaints relating to recruitment, pay and conditions of employment or contracts in relation to employment.

Other: The Ombudsman cannot look at complaints where:

- The law provides for a right of appeal to a court, an independent tribunal or an independent appeal body
- The complaint is, or has been, the subject of legal proceedings before the courts.

The role of the Ombudsman and the Health Information and Quality Authority (HIQA)

The Ombudsman and HIQA have separate but complementary roles in the health and social care area. The role of the Ombudsman mainly involves examining individual complaints from patients, their family or representative about the care they have received from a private nursing home. HIQA is the independent authority established to drive continuous improvement in Ireland's health and personal social care services by regulating and monitoring the safety and quality of these services.

On occasion complaints or information received by either office can be of use and benefit to both our offices. We will ensure that any such information is channelled to the appropriate office. This ensures that anyone with concerns about the service they have received in a private nursing home can have those concerns addressed properly, thoroughly and promptly.

When should I complain to the Ombudsman?

Before you complain to the Ombudsman you should try to resolve any issues with the private nursing home using their complaints procedure. The private nursing home should be given a chance to respond and, where appropriate, try to put things right before the Ombudsman becomes involved.

If you cannot resolve your complaint in this way, you can then ask the Ombudsman to examine your complaint.

Please remember to include any letters or correspondence between you and the private nursing home concerned.

Complain to the Ombudsman as soon as possible.



You should complain within 12 months of the action taken by the private nursing home or date of the decision of the private nursing home's complaint handler.

If it was more than a year ago, we may still be able to help you, if there were good reasons for the delay.

Who can complain to the Ombudsman?

You can complain on your own behalf or for someone else if they ask you to. A complaint can be made on behalf of a nursing home resident if they give written consent to do so. Often relatives or others submit a complaint on behalf of a person who does not have the capacity to submit the complaint themselves. If for some reason the resident is unable to give written consent, the Ombudsman may seek some form of independent evidence in this regard before accepting a complaint. We can also consider a complaint about the care given in a private nursing home to someone close to you who has since died.

How long will it take the Ombudsman to deal with my complaint?

The time taken to reach a decision will vary from case to case, depending on how complex it is. However, we will keep you informed of what is happening with your complaint.

What will it cost me to complain to the Ombudsman?

Nothing. There is no charge for the services of the Ombudsman.

In summary - Three steps to getting things put right

1. Make a complaint to the private nursing home as soon as you can. Complaining to them directly might get the matter resolved quickly. Explain why you're unhappy and how you want them to put things right.
2. Give the private nursing home a chance to resolve your complaint and give you their final response. Make sure you keep copies of all letters about your complaint.
3. If you are unhappy with how the private nursing home has dealt with your complaint, contact the Ombudsman.

How do I complain to the Ombudsman?

You can write or call to:

The Office of the Ombudsman,
6 Earlsfort Terrace, Dublin 2, D02 W773.
Phone: +353 1 639 5600

You can also make a complaint online using the online complaint form at www.ombudsman.gov.ie