

The Ombudsman and complaints about Private Nursing Homes

This factsheet tells you what the Ombudsman does, what you can and cannot complain about, and how to complain.



What does the Ombudsman do?

The Ombudsman investigates complaints from people who feel they have been unfairly treated by certain providers of public services. These include government departments, local authorities, the Health Service Executive (HSE), and public and private nursing homes.

You may feel that you, or a person on whose behalf you are complaining, has been treated unfairly or has received a poor service through some failure on the part of a private nursing home. If this has caused you hardship then we may be able to look into your complaint.

We can investigate your complaint once you have gone through the complaints procedure of the private nursing home concerned.

Introduction

The public can bring complaints to the Ombudsman about any private nursing home in receipt of public funding (for example, under the Nursing Home Support Scheme).



Is the Ombudsman independent?

Yes. The Ombudsman is independent of government. The Ombudsman deals with all complaints impartially when deciding whether the action or decision of a private nursing home 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.

This can include a nursing home:

- failing to deal properly with your complaint, once you have written to it
- 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



How will the Ombudsman deal with my complaint?

If we can investigate your complaint, we will ask you to give us all the information about it. We usually ask the nursing home to send us information about the issues involved. It can take time to gather the information that we need before we can make a decision on your complaint.

We will then decide whether:

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

We may then recommend that the nursing home:

- review what it has done
- change its decision
- offer an appropriate remedy, which can include an explanation or an apology.



What the Ombudsman cannot investigate

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

Clinical Judgement: The Ombudsman cannot investigate complaints which are specifically about actions taken by medical professionals acting on behalf of the private nursing home 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 resident.

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

The Ombudsman cannot investigate 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 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, which includes nursing homes. The role of the Ombudsman mainly involves examining individual complaints from residents, their family or representatives, 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.

Sometimes complaints or information received by one of the organisations can be of use and benefit to either or both. We will ensure that such information is channeled to the appropriate organisation. 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 by setting out your concerns in writing to them, and in accordance with their complaints procedure. The nursing home should be given a chance to respond and, where appropriate, 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 investigate your complaint.

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

Complain to the Ombudsman as soon as possible. You should complain within 12 months of the action taken by the private nursing home or the date of the decision of the private nursing home's complaint handler.



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 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?

It will depend on your individual complaint. We will try to complete the investigation of your case within three to six months. If your case is more complicated, it may take us longer. However, we will keep you informed as to 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: 01 639 5600
Online: www.ombudsman.ie



Accessible services

If you have a disability and need help to use the services of the Ombudsman, contact us to arrange to speak to our Access Officer.

A copy of this Factsheet is available in large font on request.

Email: accessofficer@ombudsman.ie or call 01 639 5600.

You can complain online on www.ombudsman.ie