



# Policy Submission

## **Views on Complaints and Appeals Procedures for Health Board Services**

**April 1997**

**COMBAT POVERTY AGENCY**

**VIEWS ON COMPLAINTS AND APEALS PROCEDURES  
FOR HEALTH BOARD SERVICES**

**April 1997**

## 1. The Combat Poverty Agency

The Combat Poverty Agency is a state agency which works for the prevention and decrease of poverty and social exclusion and the reduction of inequality in Ireland by striving for change which will promote a fairer and more just, equitable and inclusive society. In particular, the Agency seeks to address the consequences of poverty by working for the empowerment of those who are marginalised and excluded as a result of poverty and by addressing the problems that are manifested in disadvantaged communities. It is a centre of expertise on poverty issues, policies and practices.

## 2. Background to Views on Complaints and Appeals Procedures

In presenting its views on complaints and appeals procedures for Health Board services the Agency has drawn on a range of material and experiences. The main sources of information are:

- *Scheme of Last Resort? A Review of Supplementary Welfare Allowance* Combat Poverty Agency, 1991
- *Making Social Rights a Reality* Combat Poverty Agency Submission to the Minister for Social Welfare on the 1992 Budget.
- O'Neill, C (1992) *Telling It Like It Is* Combat Poverty Agency
- *A Submission to the Minister for Social Welfare on the Reform of the Supplementary Welfare Allowance Appeal System* Combat Poverty Agency, 1994
- *Submission to the Interdepartmental Committee on the Transfer of the Administration of SWA Rent and Mortgage Supplementation to the Local Authorities* Combat Poverty Agency, 1996.
- Guerin, D (1997) *Housing Income Support in the Private Rented Sector: Survey of Recipients of SWA Rent Supplement* Combat Poverty Agency, unpublished.
- National Economic and Social Forum (1995) *Quality Delivery of Social Services* Forum Report No. 6.

The Agency's views on complaints and appeals procedures for Health Board Services are structured as follows:

- ⇒ The principle of rights
- ⇒ Delivery of services
- ⇒ Procedures for dealing with complaints
- ⇒ Appeals procedures
- ⇒ The needs of particularly disadvantaged groups.

In presenting its views the Agency makes reference mainly to the Supplementary Welfare Allowance Scheme, of which it has most experience.

### 3. Principle of Rights

The Agency believes that everyone should have the right to avail of public services with privacy, dignity and confidentiality, without fear of harassment and with an adequate right of redress. Income maintenance and other public services should be further democratised, increasing accountability and developing more participative decision making.

The rights of claimants with regard to development and delivery of services is a critical issue in how people are treated by, and experience, state provision. When a rights-based approach is adopted, entitlement is clear, official decisions are much more open and users are given a collective say in the development and delivery of services.

A rights approach requires:

- the right to an input in decision making.
- the right to full, comprehensible information
- the right to dignified treatment
- the right of redress

Some of these issues are elaborated upon more fully below.

### 4. Delivery of Services

The Agency believes that first and foremost services should be delivered in a fair, equitable, accessible and efficient manner. This requires that a number of conditions are met. These have been outlined by the NESF in their report on the quality delivery of social services. Briefly, these conditions are summarised as:

- ⇒ *greater consultation and participation* on a structured basis between clients and providers, and early on before policy decisions are taken;

- ⇒ *better information and advice.* This should include guidelines on good practice and pro-active targeting of information;
- ⇒ *more choice and simplicity.* Choice of payment methods, for example and simplicity in rules, qualifying conditions and application procedures;
- ⇒ *improved access* through improved access for people with disabilities, older people, mothers with children and Travellers, and more flexible opening times;
- ⇒ *redress.* This confers the right to be presumed honest, the right to appeal decisions, the right to an independent hearing and the right to an independent, well advertised and easily accessible grievance procedure;
- ⇒ *integrated planning and delivery.* This involves greater planning and co-ordination, including the monitoring of targets. The use of consumer service advisory groups is advocated along with the establishment of a charter of rights for consumers, (see Section 6 of this paper). In relation to the integrated delivery of services at the local level the idea of a one stop shop is suggested. The components of a one-stop-shop service are illustrated in the box overleaf.

## 5. Procedures for Dealing with Complaints

In terms of procedures for dealing with complaints the key issues here are:

- lack of information, in the first instance;
- knowing who is in charge or who to make the complaint to.

Agency research studies (listed above) have found that:

- ⇒ there is a lack of clear, easily accessible information about the criteria used in assessment of eligibility for various schemes, particularly SWA;
- ⇒ there is a lack of a clear and standardised application procedure which results in claimants not bringing the appropriate information. This subsequently leads to delays in processing claims;
- ⇒ the experience of the process of applying for various benefits and services is greatly affected by the quality of the waiting room accommodation in health board centres. Common complaints are long waiting times, lack of facilities for children and overcrowding.

While the Agency understands that many of these issues are now receiving attention priorities in preventing and dealing with complaints are: the provision and availability of clear information; the clear identification of who is responsible for making decisions and/or dealing with complaints; courteous and informed staff; and dealing with complaints in an open and fair way.

#### **Components of a One-Stop-Shop Service**

*Impartial provision of information on all forms of service provided*

*Clear and simple material, using a diversity of media techniques*

*Accessible and attractive premises, with opening hours that suit users' circumstances and adequate facilities for confidential discussion of queries*

*Provision of free-phone facilities*

*Well-trained staff, who are courteous, considerate and efficient*

*A pro-active approach to addressing the information needs of vulnerable groups*

*Ongoing consultation with client groups on the quality of service being provided and on ways to improve service delivery*

*An outreach facility, whereby the service is not confined to a single location, but can be targeted at areas or towards groups with a high level of demand*

*Liaison with other statutory and voluntary information sources including a referral role where relevant*

*On-going monitoring, with set waiting periods and maximum times for correspondence*

*Contact point for appeals*

#### **6. Appeals Procedures**

An independent and efficient appeals procedure is a vital element in any scheme of welfare provision to ensure fair treatment, to provide accountability, to give an avenue for redressing grievances and to emphasize claimants' rights. This is particularly the case where schemes include a discretionary element.

A recent research study undertaken for the Agency on recipients of rent and mortgage supplement found that 9% of respondents had been refused rent supplement. Just over half (56%) of those refused were not aware of the appeals system. Of the remainder only 1 respondent actually appealed the decision and achieved a result. This raises the concern that half of the respondents who were refused rent supplement in the past were not made aware of the appeals system when refusal was made. There are also concerns that the appeals system is not able to demonstrate independence and consistency of approach.

It is recognised that the appeals procedure for Supplementary Welfare Allowance has now developed into a more effective system. Nevertheless, there remain a number of shortcomings to be addressed (many of which have been referred to above) and there are a number of basic features which should apply to any appeals procedure put in place. These are as follows:

- ⇒ the need for a formal appeals procedure;
- ⇒ the need for independence from the original decision maker/decision making body, and importantly the need to be seen to be independent;
- ⇒ the need for information about the appeals procedure and the need for this information to be provided in a proactive way. This requires that people are notified about the right of appeal and on how to make an appeal if refused a claim;
- ⇒ the provision of all evidence relied upon by the deciding officer;
- ⇒ the provision of oral, as well as written hearings, if requested;
- ⇒ the right of representation for the appellant, and that appeals decisions should be given in writing with detailed reasons for the decision;
- ⇒ the availability of published guidelines; and
- ⇒ the appeals office/officer should publish an annual report.

A Charter of Rights or Code of Practice should be drawn up, as suggested by the NESF and outlined on the following page.

## Proposed Code of Practice

**Access:** *the right to have applicants dealt with in decent comfortable surroundings; access for people with disabilities, women with children etc.; prompt service; clear advertising of times and locations of service;*

**Courtesy:** *the right to be treated with courtesy and respect; the right to be listened to;*

**Honesty:** *the right to be presumed honest, unless there is reason to believe to the contrary;*

**Information:** *the right to full information on the Scheme - the procedures, policies and standards; the right to have this information readily available in plain and simple language;*

**Non discrimination:** *the right to full access to services and fair treatment irrespective of political, religious, cultural or sexual beliefs or behaviour;*

**Privacy:** *the right to have all personal dealings with the service conducted in a manner and place that is conducive to total privacy;*

**Confidentiality:** *the right to ensure that all information supplied by the client is not transmitted to a third party without the client's explicit consent; the client's right to have access to all information contained on his/her file;*

**Refusals:** *the client's right to full and written reasons for the refusal of any application;*

**Appeals:** *the right to have appeals heard in a speedy manner consistent with the principles of natural justice;*

**Complaints:** *the right to an explicit and transparent system for making complaints and the right to a speedy response to such complaints;*

**Representation:** *the right to make comments and suggestions in relation to the quality of the service received; the right to client representation on bodies which are considering proposals in relation to the nature of the service or the delivery of the service.*

### 7. The Needs of Particularly Disadvantaged Groups

Evidence and research has shown that there are certain groups in society who have experienced disadvantage and exclusion in accessing and receiving services. The key groups identified in this regard are women, people with disabilities, members of the Travelling community and people who may have a low understanding of the English language.

It is important that the needs of these groups are identified and addressed in a professional, efficient and sensitive way. Appropriate staff training is an important requirement here.



The NESF have proposed improvements for the receipt of social services from the perspective of marginalised. These are endorsed by the Combat Poverty Agency as presented in the box below.

#### Social Service Provision from the Perspective of Disadvantaged Groups

- *the creation of better data on usage of public services by these groups;*
- *more attention to the needs of these groups and what they want from services;*
- *greater co-ordination of services;*
- *more decentralisation of services delivery and decision-making;*
- *improvement of the user/provider interface;*
- *institution of complaints procedures and standards which take the needs of these groups into account;*
- *development of user representation and participation through consultation with representative groups, use of advocates etc.; and*
- *improvement of personnel and management practices which would incorporate equal opportunities principles.*

#### 8. Conclusions

The Agency has welcomed the opportunity to present its views on the complaints and appeals procedures for health board services. The Agency believes that this is a very important area in tackling poverty and disadvantage. In this brief paper we have outlined what we believe are the key issues and concerns, along with some proposals for improvement. However, our concluding point relates to the important principle that everyone should have the right to avail of public services with privacy, dignity and confidentiality, without fear of harassment and with adequate right of redress. Procedures should be established to ensure that this is so.