

# Confidential Recipient

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The Director General of the HSE, Tony O'Brien, has appointed Leigh Gath, a well-known disability advocate, as a "Confidential Recipient", independent of the HSE, to whom anyone can make a complaint or raise concerns about the care and treatment of any vulnerable person receiving residential care in a HSE or HSE funded facility.

## **Leigh Gath, Confidential Recipient**

My name is Leigh Gath and for over three decades and across two continents I have been campaigning tirelessly and often fiercely for the rights of people with disabilities. I have no issue challenging the establishment where I feel a wrong has been done. Two years ago I successfully led a campaign to get the government to reverse planned cuts to PA services for people with significant disabilities.

I am a Thalidomide survivor, born with severely shortened arms and legs and was educated in a special school where I gained first-hand experience of institutional living. I feel that my life long battle for equality and basic rights uniquely qualifies me to take up the mantle as Confidential Recipient. I've been there, I have fought the system and I understand the frustration and the fear. I believe that there is a real appetite for change within the health service and this an ideal time to commit my energy to this role.

I hope my experience will give you the confidence to come forward and I would very much welcome the opportunity to discuss your concerns or assist you with your complaint.

Leigh

Leigh's office is based in Limerick,

Leigh Gath  
Confidential Recipient for Vulnerable Persons  
Training Services Centre  
Doodadoyle  
Limerick  
LoCall 1890 100 014  
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Email [leigh.gath@crhealth.ie](mailto:leigh.gath@crhealth.ie)

## **Frequently Asked Questions**

### **What is a confidential recipient**

A Confidential Recipient is an independent person appointed by the HSE to receive concerns and allegations of abuse, negligence, mistreatment or poor care practices in HSE or HSE funded residential care facilities in good faith from patients, service users, families, other concerned individuals and staff members.

The Confidential Recipient will be independent and will have the authority to examine concerns raised to:

- Advise and assist individuals on the best course of action to take to raise matters of concern
- Assist with the referral and examination of concerns
- Ensure that these matters are appropriately addressed by the HSE and its funded agencies.

### **Why has a confidential recipient been appointed?**

In December 2014 the HSE published its policy Safeguarding Vulnerable Persons at Risk of Abuse to provide a consistent approach to protecting vulnerable people from abuse and neglect, to ensure all services would have a 'No Tolerance' approach to any form of abuse as well as to promote a culture that supports this ethos.

Following the behaviours and poor care practices that were highlighted in Aras Attracta by Primetime Investigates, the HSE have taken an additional step and appointed a Confidential Recipient. This person will receive concerns in confidence from any person (e.g. client advocate/ family member/ staff /public) and will provide an added layer of protection for vulnerable persons resident in HSE or HSE funded facilities.

### **What is a vulnerable person?**

A vulnerable person, as defined by the new Safeguarding policy, is an adult who may be restricted in capacity to guard himself / herself against harm or exploitation. The restriction of capacity may arise as a result of physical, mental, sensory or intellectual impairment. Vulnerability to abuse is influenced by both context (e.g. social or personal circumstances) and individual circumstances.

### **How will the Confidential Recipient address /deal with concerns received?**

The Confidential Recipient upon receiving a concern will examine the concern and decide whether her Office can assist, i.e. whether the concern is related to abuse of vulnerable adult residents of facilities funded or partially funded by the HSE. Where a concern warrants further investigation the Confidential Recipient will determine the type of examination required and will direct the concern to the appropriate HSE National Director for further action.

A report outlining the concern, including any evidence, will be prepared by the Confidential Recipient and will be referred formally and in writing to the nominated manager in the office of the appropriate National Director. If requested, the identity of the person who brought the concern may be withheld by the Confidential Recipient. If the Confidential Recipient is of the opinion that the concern is best pursued using another mechanism such as Good Faith Reporting; Protected Disclosure or the HSE Complaints System then the person who referred the concern will be advised of this.

#### **Protected Disclosure**

Staff may call the Raising a Concern in the Workplace Information Hotline (01-6626984) or write to PO Box 11571, Dublin 2 to report a concern using the HSE Protected Disclosure of Information policy. The complainant's details, those of the employer and the issue raised are recorded and this policy ensures legal protection is afforded to the complainant by the

HSE. Concerns raised follow the process as outlined in the Protected Disclosure of information policy.

#### Good Faith Reporting

Staff may call the Raising a Concern in the Workplace Information Hotline (01-6626984) to report a concern using the HSE the Good Faith Reporting (GFR) policy.

In addition to the HSE Protected Disclosure of Information policy, the Good Faith Reporting (GFR) policy allows people to voice concerns anonymously, about possible improprieties pertaining to financial, clinical or social services. Thus, issues raised are documented but names are not used if requested not to do so. Contact details will be recorded with the complainant's permission if the complainant wishes to get feedback. These concerns are dealt with under the GF reporting process and as such are referred to the nominated liaison person in their division to investigate the concern and report within 10 working days, the timeframe specified in the Good Faith Reporting policy. Assurance will be sought from the National Director(s) that the concern has been investigated and is being managed.

#### HSE Complaints Process

Patients, service users, families, other concerned individuals and staff members may contact the HSE's

National Advocacy Unit

Local 1890 424 555

[yoursay@hse.ie](mailto:yoursay@hse.ie)

A complaints officer will look into the complaint within 30 working days of the date when it was acknowledged. If it takes longer to look into all the issues raised in the complaint the complaints officer will advise of this within thirty working days and provide an update every twenty working days after that.

### **What types of abuse can the Confidential Recipient investigate?**

The Confidential Recipient will review any type of concern referred to her Office relating to vulnerable persons residing in HSE or HSE funded facilities. However, the Office of the Confidential Recipient does not investigate concerns. Where warranted, the Office of the Confidential Recipient will direct concerns for further investigation to the appropriate HSE National Director.

### **What are the timeframes involved for following up on concerns?**

Where a concern is referred to the office of a HSE National Director for follow up, the National Director will have 15 working days from the date of receipt of the file from the Confidential Recipient to examine the matter and to submit a preliminary written report to the Confidential Recipient. Where this preliminary report indicates that a more formal investigation is required then the Confidential Recipient together with the HSE National Director will set out agreed timeframes for this investigation and any deviation from these, as may be necessary to allow for due process, will need to be further agreed.

### **How can the Confidential Recipient bring about change / implement protection measures?**

The Confidential Recipient will review the investigation report. If satisfied with the findings then the Confidential Recipient will communicate these with the person who referred the

concern. Further clarification on any issues may be sought by the Confidential Recipient from the National Director. However, if the additional report fails to address the issues raised then the Confidential Recipient may refer the matter to the Director General. The Confidential Recipient may also visit the HSE or HSE funded facility to follow up on any issue. In addition, safety issues or issues of a systemic nature identified by the Confidential Recipient will be advised to the HSE National Director as well as to the HSE National Director for Quality Assurance and Verification.

In all cases a concern is not closed until the Confidential Recipient is satisfied that all issues raised have been investigated thoroughly and addressed appropriately.

### **How can the Office of the Confidential Recipient for Vulnerable Persons be contacted?**

The Office of the Confidential Recipient for Vulnerable Persons  
Training Services Centre, Dooradoyle, Limerick.  
Lo Call 1890 100 014, Monday to Friday, 9.00am to 5.30pm  
Mobile 087 6657269  
Email [leigh.gath@hse.ie](mailto:leigh.gath@hse.ie)

### **What happens out of hours or in an emergency?**

Where a person has an immediate safety concern they should contact An Garda Síochána on 112 or 999. For non-emergency concerns out of office hours please leave a message either on the Lo Call number 1890 100 014, 087 6657269 or email [leigh.gath@hse.ie](mailto:leigh.gath@hse.ie)

### **Are there any costs to the person making the complaint?**

There is no charge associated with making a complaint or voicing a concern to the Office of the Confidential Recipient.

### **What happens if someone makes a malicious / unsubstantiated complaint?**

All concerns received will be reviewed. Where a concern is unsubstantiated but made in good faith then no further action will be taken. However, where a concern is reported and is done so maliciously then the person making the report may be subject to further sanctions. If the person making the report is a HSE staff member, he/she may be subject to disciplinary action.

If the person making the report is not a HSE staff member they may face prosecution under the law.

### **Does the Confidential Recipient report issues to an Garda Síochána?**

No. The office of the Confidential Recipient for Vulnerable Persons will advise that if a person contacting the office has an immediate safety concern that they should contact An Garda Síochána. Where concerns reported to the Confidential Recipient are serious in nature but do not constitute an immediate safety concern, then this will be reported to a HSE National Director who may in turn contact An Garda Síochána for a criminal investigation to be conducted.

### **How will whistleblowers, patients, service users, families, other concerned individuals and staff members who come forward be protected?**

The Office of the Confidential Recipient for Vulnerable Persons will receive all concerns or allegations of abuse in confidence. There is no obligation on the Confidential Recipient to disclose the source of the concern or allegation in requesting an investigation of the matter. In addition, policies such as Protected Disclosure and Good Faith Reporting provide additional protections to those coming forward in good faith and any recriminations will be severely dealt with.

**If the Confidential Recipient is for HSE and HSE funded facilities what do vulnerable persons in privately owned facilities do?**

Where a patient, service user, family member, other concerned individual or staff member has a concern in a privately owned facility, you should access the complaints procedure for that facility. The responsibility for the investigation of complaints rests with the provider. Regulations governing the facility require registered providers to have in place written operational policies and procedures relating to the making, handling and investigation of complaints and to have an appeals process.

Individual complaints should be brought to the attention of the registered provider, who is obliged to investigate the complaint and make sure that any resident is not adversely affected because a complaint has been made.