



Confidential Recipient Annual Report 2021



Contacting the Confidential Recipient

Address:

**Vocational
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Centre**

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or

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6657269**

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Introduction

My name is Leigh Gath and I have been the Confidential Recipient for the HSE since December 2014. My role is to act as a voice for people with disabilities and /or older people who feel that they have suffered abuse or neglect at the hands of the HSE or their Providers. I act as a conduit to pass on concerns to the correct person within the HSE. The concern is then examined and the HSE come back to my office with their conclusion.



The time frame for a response to a concern is 15 working days, although some concerns take longer to resolve, usually if they involve issues of funding or placements. This year people waiting to receive aids and appliances has also taken longer because of the length of time taken to get equipment from other countries.

I support the families or a person through the process, attending meetings with them if necessary, and making sure the outcome is satisfactory for them. Sometimes the concerns are anonymous, and in that case I make the call when to close the concern.

As the role has progressed, so has the complexities of some of the concerns. Many are still concerned with funding and placement, but COVID-19 has also meant that there were many more hospital concerns from people with disabilities and older people in 2021. This is concerning, as some were sent by people with disabilities who were not given the proper equipment to afford their dignity in hospital, some were denied procedures that resulted in sepsis, leg ulcers, pressure sores. In some cases people were left in the same clothes for many days, not washed, not fed when they could not feed themselves, and families raised concerns that despite repeated attempts, they were not told about the condition of their loved one with a disability or older relative for many days or until they were discharged.

In 2021 a total of **218** concerns were received, of which **155** were formally sent to CHO areas for review. The number of acute hospital concerns rose from **2** in 2020 to **38** in 2021. Hospital concerns are in a separate category to other concerns, as I pass the concerns on to the hospital groups for them to deal with. However, I did meet with the National Director of Acute Operations during 2021 given concerns of the numbers and seriousness of the issues raised with me.

Several of the hospitals nationally did allow one family member in to visit their loved one, on compassionate grounds, if that person needed extra help staff were not able to provide, but this was at the behest of the ward manager or hospital manager.

We also responded to **25** informal concerns that were raised by people such as neighbours being concerned about older neighbours, people concerned about COVID-19, loneliness and other issues that did require the CHO area to investigate. Sometimes people just needed to talk to someone, and given the isolation due to the pandemic, I was happy to listen.

One of the main issues that has come to light as the year went on is the lack of staff, both in residential and community settings for people with disabilities. This has meant that some people who could have stayed in their own homes were forced into nursing homes, perhaps after a short hospital stay, because of lack of support at home, even though this support had been previously available to the person. Hopefully as things are becoming more normalised, these concerns will resolve.

Another important issue that arose during the year referred to some areas of the country, where a person is placed in a private nursing home (sometimes because a HSE nursing home is not available) they are not entitled to Occupational Therapy, Physiotherapy, aids or appliances through their medical card because of where they live. This is a serious concern because in private nursing homes the person's pension is used to supplement the Fair Deal Scheme, leaving them with no money to pay for toiletries, expensive assessments or expensive equipment to give them a quality of life.

My hope for 2022 is that the long waiting times for aids and appliances will even out, that staff will come back to community posts, both PA and carers, and that life can go back to normal for many people who have been isolated for the past 2 years.



Leigh Gath
Confidential Recipient

Contacting the Office of the Confidential Recipient

Who can contact

The simple answer is anyone. People with disabilities, older people, their families, advocates, members of the public and staff are welcome to contact me if they feel they have experienced or witnessed what they feel may be abuse, neglect or bad practice in care provided by the HSE or their providers in residential, day or home services.

How to contact

You can telephone directly on 061-482605 or 0876657269, email leigh.gath@crhealth.ie or send a letter to my office at Vocational Training Centre, Dooradoyle, Co. Limerick. If you would like to meet with the Confidential Recipient please telephone the above number.

What happens when a concern / complaint is received

Your concern will be examined to determine the most appropriate course of action required. It is then directed to the Chief Officer in charge of the CHO area where the concern / complaint originated.

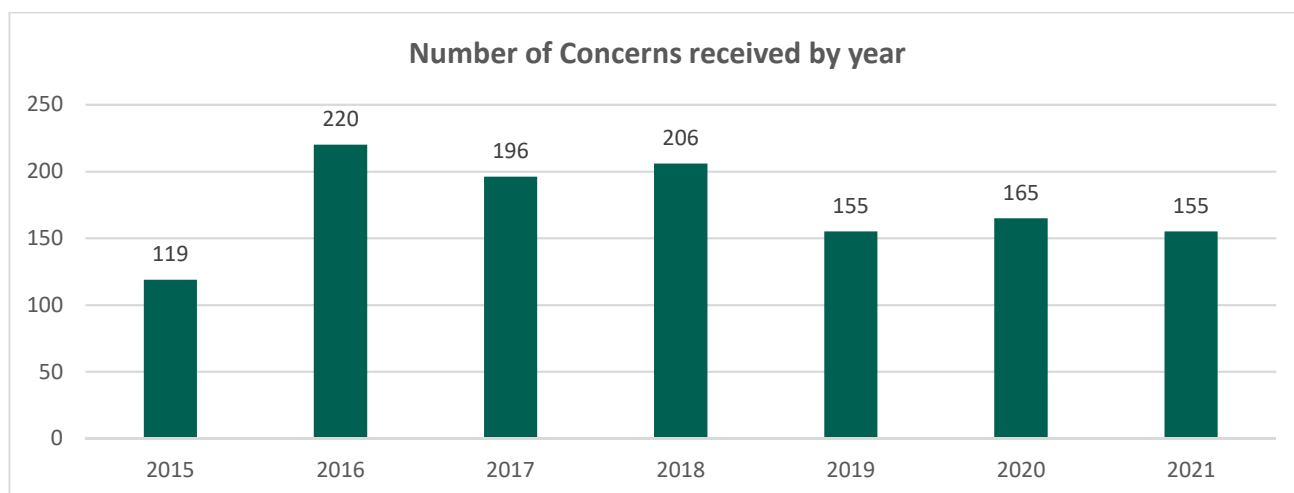
The Chief Officer is required to respond within 15 working days determining the investigation or course of action required to solve the problem. On occasion, concerns are resolved within that timeframe however concerns that are determined to be so serious are directed not only to the Chief Officer, but also the appropriate National Director.

The concern is not closed until I am satisfied that the person raising the concern agrees that there has been a satisfactory conclusion, or an appropriate reason has been given as to why the concern cannot be solved immediately and how the concern may be solved at a future stage.

Concerns / Complaints Received

Since the establishment of the Office of the Confidential Recipient there has been over **1,200** concerns or complaints formally received. Many individuals have also made contact with the Office seeking advice and support on an informal basis.

This report documents the total number of concerns received formally during 2021 from receipt through to closure. The graph below details the number of concerns / complaints received since the establishment of the office of the Confidential Recipient.



A slight decrease was noted in the overall volume of formal concerns received during 2021 from recent years. Although it is not possible to conclusively determine the reason for the reduction in concerns received, it may be in part due to concerns being dealt with informally.

Every concern that is received is reviewed by Confidential Recipient to develop an understanding of the issues and whether these fall within the remit of the Office. For concerns falling within the remit of the Confidential Recipient, a decision is taken as to whom the concern should be referred. This will generally be the Chief Officer of the Community Healthcare Organisation within which the person at the centre of the concern is being cared for. A standard referral form is completed by the Confidential Recipient within 48 hours of receiving the concern and submitted to the Chief Officer or the single named delegate.

The Confidential Recipient may decide that these matters are not ones that fall within the remit of her Office. In these cases, the concern is passed to the appropriate responsible person in the HSE, for example Acute Operations or in the case of Private Nursing Homes to HIQA, and the person raising the concern is advised accordingly.

The **155** concerns that were received during 2021 were spread across the nine Community Healthcare Organisations. **137** concerns were related to disability services, including older person services, **14** concerns relating to mental health, **4** concerns related to primary care.

Total Concerns by CHO area 2015 - 2021

CHO Area	2015	2016	2017	2018	2019	2020	2021
CHO 1	9	15	17	17	8	9	10
CHO 2	16	34	20	12	13	21	10
CHO 3	8	16	17	20	11	11	16
CHO 4	13	46	28	38	23	20	20
CHO 5	9	25	18	20	22	22	28
CHO 6	9	26	11	19	8	11	6
CHO 7	26	20	30	31	14	20	23
CHO 8	19	18	29	25	36	25	23
CHO 9	10	20	26	24	20	26	19
Total	119	220	196	206	155	165	155

Separately an additional **38** acute hospitals concerns were received and were directed to the National Director, Acute Operations and **25** informal concerns were received, which did not require CHO involvement. No private nursing home concerns were received during 2021.

Formal Concerns			Total Formal	Hospital and Informal Concerns		Total Hospitals and Informal	Overall Total
Disability / Older Persons	Mental Health	Primary Care		Acute Hospitals	Informal		
137	14	4	155	38	25	63	218

Categories and Types of Concerns / Complaints

The type of concerns raised fit within two broad categories of **issues of care** and **safeguarding**.

The category of **Issues of Care** [includes residential, respite and day services] encompasses the following sub categories: *care placement / planning, level of staff to support client, access to equipment, financial charges, accommodation, respite, and transfer from child to adult services.*

During 2021, of the **96** concerns or complaints received related to care issues. Examples of concerns / complaints under this type include:

- People waiting for nursing home or residential placements following discharge from hospital
- People waiting for supports in the community (*moving from residential or nursing homes*)
- Issues relating to day services

- Personal Assistant (PA) services
- Respite service provision

Category	Type	2021
Issues of Care, Residential, Respite and Day Services	Care Placement / Planning	51
	Level of Staff to Support Client	19
	Access to Equipment	10
	Financial Charges	1
	Accommodation	9
	Respite	4
	Transfer from child to adult services	0
	Other	2
	Total	96

Recurring themes during 2021 included

- chronic staff shortages in both residential and community based settings, leading to:
- people being moved to nursing homes [sometimes against their will] because their PA or home support package hours could not be filled.
- serious hospital concerns for people with disabilities and older people
- families feeling under tremendous stress because of respite being relatively closed for the previous two years, as well as day services only beginning to open and providing fewer activities.

Safeguarding concerns / complaints is made up of the following sub categories: *alleged abuse, safety of care, staff behaviour or family issues.*

59 safeguarding concerns / complaints were received during 2021, in which staff behaviour was the largest volume reported (25).

Category	Type	2021
Safeguarding	Alleged Abuse	10
	Safety of Care	9
	Staff behaviour	25
	Family Issues	8
	Covid	7
	Total	59

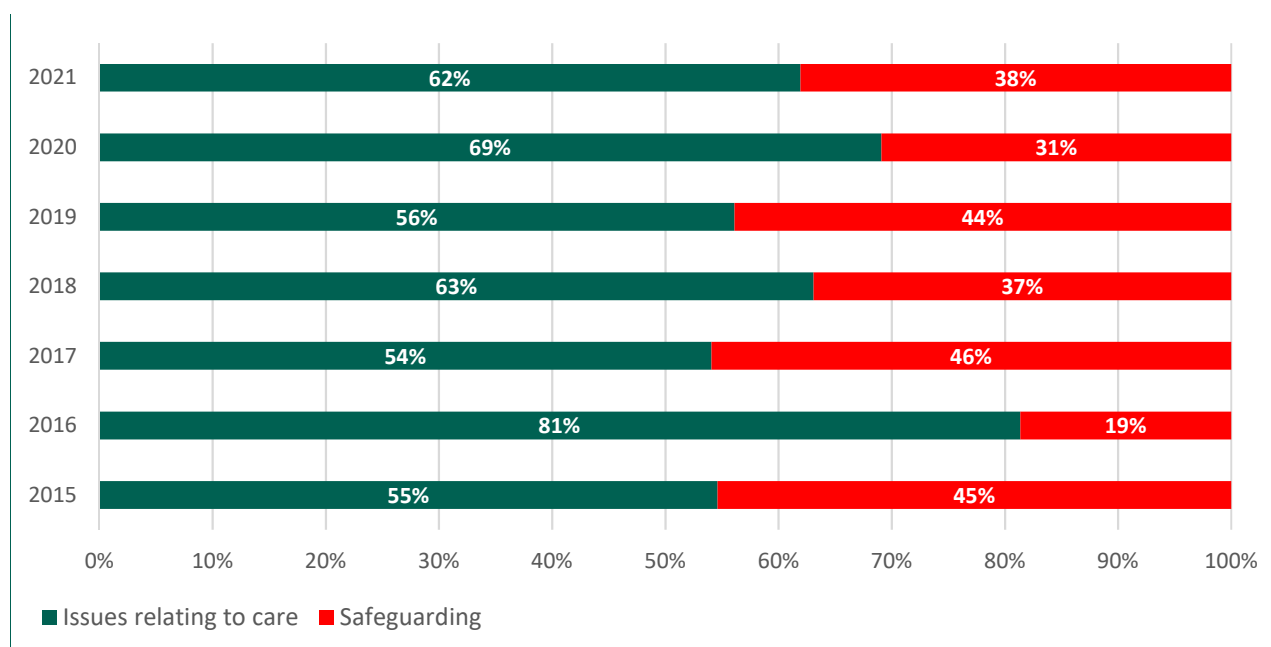
Examples of concerns / complaints under this type included:

- An older person was taken to hospital after a carer reported a family member hitting the person, cutting their head. The person was interviewed at the hospital but was too afraid to say anything was wrong. The abuse at home continued until she was taken to hospital again,

where it was determined she did not have capacity to be returned home. She is now safe and well in a nursing facility.

- A young person with autism was at a Day Service. Their mother was called and when she arrived the young person had been locked in a room for an hour and the key could not be found. The person was lying on the floor unable to be monitored through the little window. After complaints about the service and staff behaviour the person was eventually given a different service where they are much more settled and content.

The below graph details the % of concerns received each year, 2015 to 2021 by category [Care issues and Safeguarding].



Timeline of Closing Concerns

The Chief Officer or named delegate is responsible for ensuring the concern raised with the Confidential Recipient is thoroughly examined. In all cases, a written report outlining the interim or final outcome is required to be provided to the Confidential Recipient within **15 working days**.

During 2021, **124** [80%] of the **155** concerns / complaints were closed and **56** (**36%**) were closed out within one month.

Year	0-7 days	8-15 days	16-31 days	1-3 months	>3 months	Total
2021	6	13	37	49	19	124

As detailed above, delays were experienced in some instances closing cases. This was directly related to the HSE’s inability to resolve matters for a number of reasons, particularly around financial constraints in putting service provisions in place for people. During 2021, significant delays were experienced largely due to the HSE’s response to the COVID pandemic.

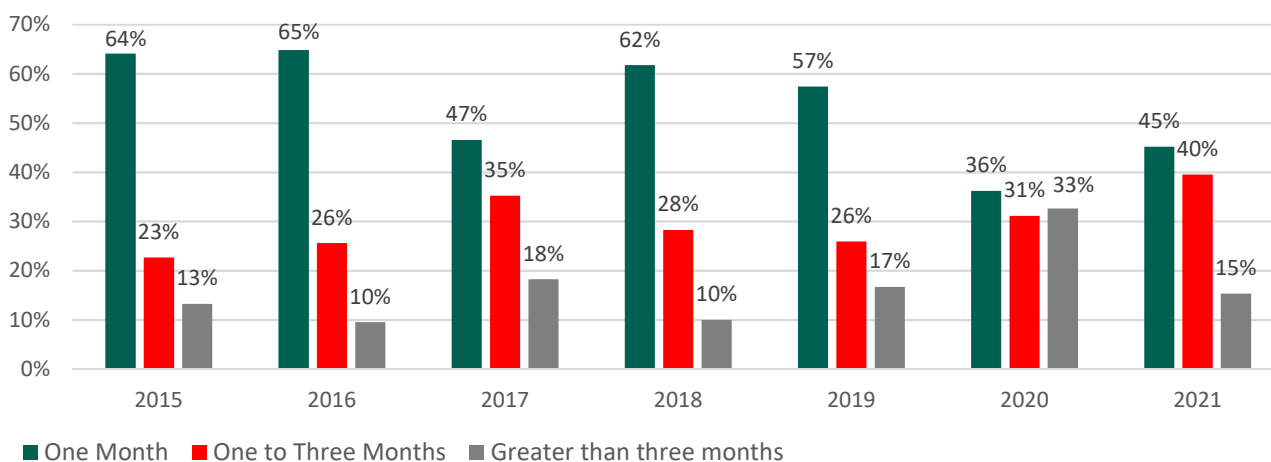
At the time of this report, **31** concerns remained open. Of these,

- **1** concern / complaint was received during Q1 [complex day service concern]
- **7** concerns / complaints were received during Q3 [awaiting residential services, day services, alleged abuse, awaiting home support services]
- **19** concerns / complaints were received during Q4

Concerns / Complaints remain ‘open’ until the Confidential Recipient is satisfied that either the person raising the concern agrees that there has been a satisfactory conclusion, or an appropriate reason has been given as to why the concern cannot be solved immediately. The Office requests an update from the HSE every 15 days for all cases that are on-going.

The below graph details the timeline for closing concerns by year 2015 to 2021 and shows that the timely closure of concerns deteriorated during 2020 and 2021 [largely due to COVID-19 pandemic].

Concerns closed by timeline 2015 to 2021



Concerns / complaints resolved by outcome:

97 of the **155** people were satisfied with the way in which the concern / complaint they raised was addressed, during 2021.

Year	Satisfied	Not Satisfied	Funding	Anonymous	On-going	RIP	Total
2021	96	16	2	8	31	2	155

Sadly two people passed away during 2021 while concerns relating to them were being reviewed by the HSE.

Anonymous concerns received by this office come in the form of letter (by post) or by telephone calls. The concerns related to Covid-19 concerns, placement concerns, abuse, accommodation issues and staff behaviour. All anonymous concerns are treated (both by this office and the appropriate CHO) as seriously as a concern with a name attached. Some anonymous concerns lead to investigations.

A concern raised with the Confidential Recipient during 2021

This person lives with a progressive illness which has led to a significant disability.

They got ill and were taken to the hospital. While there, a PEG feed tube was inserted for this person. The HSE then spent two hours training their elderly parent, who is the primary carer, on how to care for the feeding tube and feed the person.

The parent did not feel comfortable with this task and so asked could someone else do it. At the time some of the carers who came in to the person several times a day had offered to be trained to feed the person through the tube when they were discharged from the hospital. However, the PHNs would not give oversight to this and so the carers could not do it.

This meant that the person – who is probably not going to live very much longer – had to stay in the hospital for no other reason than to be fed. The person wanted to go home, and their family wanted them home. The person needed to be allowed to die with dignity in their own home and bed.

Eventually the problem was sorted and the nurses are overseeing the feeding, allowing it to be covered by insurance.

This was a problem that should not have occurred. Many children (and adults) across the country are PEG fed by family but the HSE felt they could not oversee someone doing this and train them properly how to do it.

The person is now home, and their family is happy to have the time to spend with them.

Recurring Concerns

There have been several people, who over the years, have returned with either the same concern or different ones.

One of these is a person whose complex disability has made it difficult to find a suitable residential placement, where the person is safe and happy. Some reasons why placements have caused concerns is of poor trained or unqualified staff for this particular person's complex needs. Another placement is presently being trialled.

Another person who has had several concerns is someone whose family is happy for them to receive respite but concerned when they were offered residential. They kept coming back with concerns that they thought they were being misled and their loved one would be taken away and they would never see them again. Once it was explained properly and over time that both were similar in that the person would be free for the family to take them home, perhaps at weekends, they were willing to give it a try.

Conclusion

As can be seen from this Report, the past few years have seen many changes. This year, many carers and PA staff have gone, leaving a chronic staff shortage for community based services, residential services, day services and nursing homes. Hopefully we are edging out of the Pandemic and this in itself will hopefully realign this situation.

This year has also seen longer waiting times for people needing aids and appliances, as many of these items are imported and again Covid has slowed down specialised equipment, wheelchairs, and other appliances coming into the country.

The public appears, this year, to becoming more aware of the existence of our office and we will continue to work with the Communications Department on this.

In conclusion I would like to say that we are proud to have been of service to people throughout the COVID-19 pandemic.

Confidential Recipient

Do you feel safe?

Are you worried

about a loved one in this service?

Have you seen

something that you want to report?

If you are worried about a vulnerable adult in this or any HSE funded residential service, or if you are a resident and you need help or advice - **you can talk to me in safety and confidence.**

My name is Leigh and I am the Confidential Recipient.

My job is to help anyone who feels they are being treated badly in HSE funded residential services.

I am independent of the HSE, and you can contact me by phone, email or post at:

leigh.gath@crhealth.ie
Vocational Training Centre,
Dooradoyle, Co. Limerick.

Call:

**087 6657269
or 061 585603**



The steps in an examination are:

1. The Confidential Recipient will assess and refer your concern to the HSE Chief Officer, the person in charge of health services in your area.
2. The concern will be examined. A written report will be given to the Confidential Recipient within 15 working days. If it is decided that the concern needs a formal examination, the Chief Officer will notify the Confidential Recipient. They will also set out the timeframe to examine the concern.
3. The Confidential Recipient receives the report and informs you of the outcome.
4. If the Confidential Recipient is not satisfied with the outcome, they will refer the matter back to the HSE.
5. It is only when the Confidential Recipient is satisfied that your concern has been dealt with, that it will be closed.

If you are not able to make a complaint yourself, you can ask someone you trust, like a relative, carer or advocate to do this for you.



Confidential Recipient

Are you worried about abuse or neglect of a vulnerable adult in the care of a HSE or HSE funded residential facility?

Are you a resident in need of help or advice?

If so you can report a concern to the Confidential Recipient.

Monday to Friday: 9am to 5.30pm.
Email: leigh.gath@crhealth.ie

Call **0876657269**
or **061585603**

The Confidential Recipient is a person appointed by the HSE but is independent of the HSE.



They will listen to your concern and refer it to the HSE.

The Confidential Recipient will:

- listen to you and give you advice about your concern.
- send your concern to the right place.
- make sure the HSE or a funded agency look into your concern within 15 days.

All information will be treated in a confidential manner.

Reporting a concern

You can report a concern or make a complaint if you are:

- concerned about an adult with a disability or an older person in a residential care service, day service or home support service. This can be a service provided or funded by the HSE.
- a resident in one of these services and you need confidential help and advice.

A vulnerable adult is someone with limited ability to guard themselves against harm or to report such harm. This limited ability may be a result of physical, mental, sensory or intellectual impairment.

Types of concerns

- Abuse
- Negligence
- Mistreatment
- Poor care

Concerns about a vulnerable person in a private service should be sent directly to the Health Information and Quality Authority.

How to contact the Confidential Recipient

To report a concern to the Confidential Recipient, contact:

- The Office of the Confidential Recipient for Vulnerable Persons, Training Services Centre, Dooradoyle, Limerick
- Call: 087 6657269 or 061 585603, Monday to Friday, 9am to 5.30pm
- Email: leigh.gath@crhealth.ie

Non-emergency or out of hours concerns

Please leave a message or send an email.

If you think someone's immediate safety is in danger call the Gardai on 112 or 999.

What happens after you raise a concern?

The Confidential Recipient will assess your concern and refer to the HSE for examination.

Call **0876657269**
or **061585603**

Appendix 1: Reporting a concern / complaint - Pathway

