



Complaints Policy & Procedure

Contents

1. Purpose	2
2. Scope of policy	2
3. Roles and responsibilities	2
4. Definitions	3
5. Who can make a complaint	4
6. Guiding principles	4
7. Advocacy	5
8. Procedure for managing complaints.....	5
8.1 Stage one: Informal process, resolution at point of contact	5
8.2 Stage two: Formal process.....	6
8.3 Stage three: Appeal/internal review.....	8
8.4 Stage four: Independent review	8
9. Management of complaints.....	8
9.1 Time limits for making complaints.....	8
9.2 Withdrawal of a complaint	9
9.3 Confidentiality.....	9
9.4 Redress and response	9
9.5 Complaints about a named staff member	9
9.6 Complaints not within the remit of this policy	9
9.7 Refusal to investigate or further investigate complaints (as per the Health Act)	9
9.8 Unreasonable complainant behaviour	10
10. Related documents	10
11. Appendices.....	11
Appendix 11.1: Complaints log	12
Appendix 11.2: Investigation log	12
Appendix 11.3: Details of complaints not in remit of this policy.....	13
Appendix 11.4: One-page explainer of complaints process	14



Complaints Policy & Procedure

1. Purpose

The purpose of this policy is to ensure that:

- Anyone who comes in contact with Age Action staff and volunteers will be assured that if they ever need to make a complaint it will be welcomed and responded to appropriately.
- All those who come in contact with Age Action staff and volunteers will be treated fairly, and with dignity and respect.
- All staff members are aware that if they receive a complaint, there is a clear and specific procedure in place to deal with it in a confidential manner.
- Complaints are taken seriously, resolved efficiently and effectively, and recorded appropriately.

2. Scope of policy

This policy sets out Age Action's requirements and procedures for the adequate management and recording of complaints by all Age Action staff, whether on a temporary (including Community Employment and Tus staff), permanent, full time or part time basis.

3. Roles and responsibilities

3.1 Staff, Volunteers, Students and Interns

It is the responsibility of all designated staff (including Community Employment and Tus Scheme workers), and volunteers to:

- Carry out all procedures as outlined in section 8 (below).
- Raise any complaints concerns immediately with their Line Manager.
- Maintain appropriate written records.

3.2 Line Management

It is the responsibility of the Line Management to:

- Ensure the policy is effectively implemented at the local level.
- Provide regular supervision to ensure complaints issues are discussed and evaluated.

- Communicate any issues or difficulties in a timely fashion to senior management.
- Ensure that all decisions and actions are recorded.
- Produce quarterly reports as required by senior management.
- Complete the Complaints and Investigations Log as relevant and send to Head of HR to collate as required.

3.3 Senior management

It is the responsibility of Senior Management to:

- Ensure the policy is effectively implemented at organisational level.
- Investigate complaints appropriately when escalated to investigation stage.
- Record, review and implement learnings resulting from complaints.
- Maintain appropriate written records.

3.4 CEO

It is the responsibility of the CEO to oversee and ensure implementation of this policy.

3.5 Board of Directors

It is the responsibility of the Age Action Board of Directors to approve, implement, control and review the policy.

3.6 HR Department

- It is the responsibility of the HR department to ensure timely reviews of this policy.
- Collate the organisational complaints records and send to HSE as required, in line with organisational Core Funding SLA requirements

4. Definitions

Although complaints can be difficult to receive and respond to, acting on a complaint appropriately, efficiently and promptly can help upgrade service quality and is important for the reputation of the service and to help ensure positive relationships.

(Definition as per the Health Act 2004)

“**complaint**” means a complaint made under this Part about any action of the Executive or a service provider that—

- (a) it is claimed, does not accord with fair or sound administrative practice, and
- (b) adversely affects the person by whom or on whose behalf the complaint is made.

Complaint investigation: Where informal resolution was not successful or was deemed inappropriate, a formal investigation of the complaint will be initiated.

Complaint review: When a complainant is unhappy with how a complaint has been managed and they may request a review of the process by somebody independent to the original complaint management process. Internally this would be carried out by the CEO, externally a review can be referred to the Ombudsman.

5. Who can make a complaint

Any person who has contact with Age Action may choose to make a complaint. These people include but are not limited to:

- Any person who is or was a consumer of Age Action services, or who is seeking or has sought services from Age Action
- Neighbours of Age Action premises
- Visitors to Age Action premises
- The general public
- Other professional bodies
- Staff and volunteers of Age Action.

Complaints can be made verbally, in writing or e-mail. A copy of this policy and procedure can be made available to anyone who intends on making a complaint. Copies of this policy can be requested by email to info@ageaction.ie or by phone on 01 475 6989. Alternatively, the one-page explainer found in appendix 11.4 can be offered as a more accessible information source.

[Note: All complainants must be advised that a formal investigation of a complaint may not take place unless the complainant provides contact details to enable the Age Action to validate the complaint and to liaise with the complainant in the course of the investigation.]

6. Guiding principles

Age Action supports and advocates for equality and human rights for all people as we age. Age Action is a values-led organisation. Our core values of Dignity, Participation, Diversity, Social Justice, and Professionalism are central to driving our work to promote equality for and fulfil the human rights of all people.

Age Action is committed to providing a quality service to all people as we age and we regularly evaluate our services in order to ensure this, and to monitor the standard of our performance.

While this is always our aim, we accept that sometimes things do not always go to plan. In such circumstances, we want to know, so that we can put things right and learn from our mistakes.

Age Action gives a commitment to resolve complaints as quickly as possible. All complaints will be dealt with seriously, sensitively and appropriately to ensure that the standard of service provided by Age Action is maintained at a high level. The quality of the service provided to any person will never be adversely affected because a complaint has been made.

7. Advocacy

All complainants have the right to appoint an advocate who, if a person is unable to make a complaint themselves can assist them in making the complaint. The Citizen Information Advocacy Guidelines, 2007, defines advocacy as ‘a means of empowering people by supporting them to assert their views and claim their entitlements and where necessary representing and negotiating on their behalf. Advocacy can often be undertaken by people themselves, by their friends and relations, or by persons who have had similar experiences.’

If the complainant seeks to be represented by a Solicitor, the advice of Age Action’s Solicitor will be sought and, if necessary should attend on behalf of Age Action. If legal proceedings are commenced during a complaints or appeal process then the process should be suspended and the matter addressed by Age Action’s Solicitor and the courts.

8. Procedure for managing complaints

There are four stages of the complaints management process. Each stage is detailed below, along with the recording processes and timeframes associated with each stage.

8.1 Stage one: Informal process, resolution at point of contact

8.2.1 In the first instance, those who wish to make a complaint are encouraged to speak directly to the relevant member of staff.

8.2.2 Staff should listen to the complaint and if is possible to resolve it immediately staff should do so.

8.2.3 If the complainant would prefer, or the staff member feels like they cannot immediately resolve the complaint, the complainant can be directed to an associated line manager who will try to resolve the problem.

8.2.4 If a complaint can be resolved within 24 hours, and to the full satisfaction of the complainant, the complaint will not proceed to the second stage, it will be recorded as ‘resolved’, and the complaint will be examined to identify any quality improvements that should be implemented as a result.

Recording

8.2.5 Every complaint must be reported to the management team via email, and it is the responsibility of the line manager of the department receiving the complaint to record an informal complaint in the Complaints Log (see appendix 11.1) including details of:

- a. Reference number
- b. Date
- c. Received by
- d. Complaint method
- e. Detail of complaint
- f. Follow up actions
- g. Type of complaint
- h. Outcome Date of resolution.

Timeframe

8.2.6 Age Action aims to resolve any informal complaint within 24 hours, or one working day, of receipt of the complaint. If the complaint cannot be resolved within this timeframe for reasonable reasons such as a staff member being on leave, the complainant will be notified of the length and reason for the delay. All informal complaints will be resolved within three working days, otherwise they will proceed to stage 2 below.

8.2 Stage two: Formal process

8.2.1 It is the responsibility of the Manager to determine the validity of the complaint prior to embarking on a formal investigation.

8.2.2 The Manager is responsible for carrying out the formal investigation of the complaint at Stage two but may draw on appropriate expertise, skills etc as required. Staff have an obligation to participate and support the investigation of any complaint where requested.

8.2.3 Where the investigation at Stage two fails to resolve the complaint, the complainant may use the Review Process at Stage three.

8.2.4 The Manager will write to the complainant to make them aware that the complaint has been received within five working days and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation. This may require a face-to-face meeting to ensure that they have all the information necessary if further investigation warrants one.

8.2.5 The Manager will review all relevant information relating to the complaint, will reach a decision about the complaint and will inform the complainant of that decision in writing.

8.2.6 The letter informing of the decision will include the following:

- a. A summary of the complaint.

- b. The steps taken to consider the complaint and gather all the information.
 - c. The decision reached.
 - d. A rationale for how the decision was arrived at.
- 8.2.7 If it is taking longer than four weeks to reach a decision the Manager will write to the person who made the complaint informing them formally that the process is delayed.
- 8.2.8 A subsequent letter will be sent every four weeks to inform the complainant of the delay and giving a likely timescale.
- 8.2.9 Where it is determined that a complaint will not be investigated further the Manager will inform the complainant in writing, within five working days of making the decision that the complaint will not be investigated and the reasons why an investigation will not be pursued.

Recording

- 8.2.10 Overview of steps taken to resolve complaint should be recorded by the Manager in Investigation Log (see appendix 11.2), including details on:
- a. Reference number (same as original complaint)
 - b. Date investigation launched
 - c. Details of investigation
 - d. Investigation outcome
 - e. Date investigation resolved.
- 8.2.11 Age Action understands and has witnessed the benefits and learning that comes from complaints that are documented, reported and effectively investigated. This organisational learning begins with evaluating the incident which caused the complaint through to embedding the necessary changes into practice.
- 8.2.12 The Manager will review any lessons learned in relation to improving services at this point, and will record same on the Investigation Log.
- 8.2.13 All paper files relating to complaint, including that of investigation, will be kept in locked cabinet with HR Department.
- 8.2.14 All electronic files relating to the complaint, including that of investigation, will be password protected and kept in dedicated folder in Management e-files.

Timeframe

- 8.2.15 Confirmation of receipt of complaint sent to complainant within five days of complaint.
- 8.2.16 Letter to notify of investigation outcome sent to complainant within four weeks of receipt of complaint, *or*
- 8.2.17 Letter to inform complainant of delayed outcome as required every four weeks after receipt of complaint.

8.3 Stage three: Appeal/internal review

8.2.18 If the complainant is dissatisfied with the outcome of a complaint and wants to appeal a decision that has been made they must put it in writing to the CEO of Age Action within a two-week period.

8.2.19 Often a complainant will attempt to make direct contact with the Chief Executive to deal with a complaint. They will be referred through the proper stages as outlined so that in the event they are dissatisfied with the complaints process and resolution, the Chief Executive can review the incident and processing of the complaint impartially and without previous involvement with the process.

Recording

8.2.20 Details of the review will be recorded on the Investigation Log by the CEO or delegate. Details including:

- a. Review date
- b. Review by
- c. Review outcome
- d. Details of new recommendations.

Timeframe

8.2.21 Submit decision appeal within two weeks, or ten working days of decision.

8.2.22 The CEO will rule on appeal within 20 working days, or four weeks.

8.4 Stage four: Independent review

8.2.23 If the complainant is not satisfied with the outcome of the complaints management process he/she may seek a review of the complaint by the Ombudsman. In some cases the complainant may also refer the complaint to the Charities Regulator.

8.2.24 The complainant must be informed of their right to seek an independent review from the Ombudsman at any stage of the complaint management process.

8.2.25 Nothing in this Part prohibits or prevents any person who is dissatisfied with a recommendation made or step taken in response to a complaint under this Part or with a review under this Part from referring the complaint to the Ombudsman.

9. Management of complaints

9.1 Time limits for making complaints

A complaint must be made within twelve months of the date of the action giving rise to the complaint or within twelve months of the complainant becoming aware of the action giving rise to the complaint. Management may extend the time limit for making a complaint if there are special circumstances which in their opinion make it appropriate to do so.

9.2 Withdrawal of a complaint

If a complaint is withdrawn, the Line Manager will consider whether the investigation should cease or continue with an internal investigation.

9.3 Confidentiality

All personal information is held under strict legal and ethical obligations of confidentiality. Complainant identifiable information will only be made available on a strict need to know basis and with the consent of the complainant. For the purpose of data analysis and the identification of trends, no client identifiable information will be made available with the complaints.

9.4 Redress and response

Age Action is committed to giving fair and balanced redress or response for unfair or wrong decisions or actions where when taken results in a measurable loss, detriment or disadvantage being sustained by the claimant personally. Redress or response will be appropriate and reasonable for both the complainant and service against which the complaint was made. This could include an apology, an explanation, an admission of fault, change of decision, replacement / repair, recommendation to make a change to a relevant policy, correction of records in line with Irish legislation.

9.5 Complaints about a named staff member

Where a complaint is made about a staff member and the complainant does not provide contact details to enable the validation of the complaint, the complaint will not be investigated in the interest of procedural fairness. However although anonymous complaints cannot be the subject of a formal investigation unless there is supporting evidence, management should assure itself that the systems in place are robust and the welfare of service users is not at risk.

9.6 Complaints not within the remit of this policy

Not all complaints received by Age Action can be investigated using the procedures outlined in this document. The Manager must, upon initial examination of the complaint, determine if the complaint or aspects of the complaint requires management under other established Age Action Policies, Procedures or Guidelines. Details of such complaints and associated policies, procedures and guidelines can be found in appendix 11.3 below.

9.7 Refusal to investigate or further investigate complaints (as per the Health Act)

(1)A complaints officer shall not investigate a complaint if—

- a. the person who made the complaint is not entitled under section 46 to do so either on the person's own behalf or on behalf of another,

- b. the complaint is made after the expiry of the period specified in section 47(2) or any extension of that period allowed under section 47(3).

(2) A complaints officer may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, that officer—

(a) is of the opinion that—

1. the complaint does not disclose a ground of complaint provided for in section 46,
2. the subject-matter of the complaint is excluded by section 48,
3. the subject-matter of the complaint is trivial, or
4. the complaint is vexatious or not made in good faith, or (b) is satisfied that the complaint has been resolved.

(3) A complaints officer shall, as soon as practicable after determining that he or she is prohibited by subsection (1) from investigating a complaint or after deciding under subsection (2) not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it.

9.8 Unreasonable complainant behaviour

Age Action will not tolerate vexatious or malicious complaints.

It is noted that in a minority of cases where the organisation will take all reasonable measures to try to resolve a complaint through the complaints procedure, the complainant does not accept these efforts. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, the organisation may cease to engage with the internal complaints process and will notify the complainant of their right to refer their complaint to an independent body such as the Ombudsman.

Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, Age Action will manage and record any incidents in line with Age Action's Incident Management Process.

10. Related documents

- 10.1 National Complaints Governance and Learning Team, HSE, Your Service Your Say, March 2018, *Guideline Document for Providers who have entered into a Service Agreement under Section 38 or 39 of the Health Act 2004: Complaints Management Procedure for Voluntary Organisations*
- 10.2 Health Act 2004
- 10.3 Age Action Incident Management policy.

11. **Appendices**

- 11.1 Complaints log
- 11.2 Investigation log
- 11.3 Details of complaints not in the remit of this policy
- 11.4 One-page explainer of complaints process

Appendix 11.1: Complaints log

Date:	Received by:	Complaint method:	Detail of complaint:	Follow up actions:	Type of complaint:	Outcome:	Date of resolution:	Timeframe achieved:	Notes of reporting Manager
								0	
								0	
								0	
								0	
								0	
								0	
								0	

Appendix 11.2: Investigation log

Ref #	Date investigation launched:	Details of investigation:	Investigation outcome:	Date investigation resolved:	Timeframe achieved:	Recommendations arising:	Recommendations implemented:	Notes of reporting manager:	Review date:	Review by:	Review outcome:	Details of new recommendations:
					0							
					0							
					0							
					0							
					0							
					0							
					0							

Appendix 11.3: Details of complaints not in remit of this policy

Details of complaint or allegation	Policy, procedure, guideline or legislation to be followed
Allegation of abuse of a child	<ul style="list-style-type: none"> • Age Action Child Protection Policy, • Children First – National Guidelines for the protection and welfare of children
Professional misconduct Complaints by staff of any inappropriate behaviour of other staff at work	Refer to manager /HR to deal with under some or all of the following: <ul style="list-style-type: none"> • Age Action Grievance and Disciplinary procedures • Age Action Dignity at Work policy
Complaints against HR	Refer to manager / HR to deal with under some or all of the following: <ul style="list-style-type: none"> • Age Action Dignity at work policy • Age Action Grievance and Disciplinary policy • Age Action Employment & Recruitment policy
Complaints about bullying and harassment made against staff	Refer to line manager / HR to deal with complaint under some or all of the following: <ul style="list-style-type: none"> • Age Action Dignity at Work Policy • Age Action Grievance and Disciplinary policy
Complaints in relation to breaches of Data Protection Rights	Refer to Data Protection Commissioner
Complaints in relation to environmental issues	Refer to local environmental office

Matters excluded (As per Part 9 of the Health Act)

A person is not entitled to make a complaint about any of the following matters:

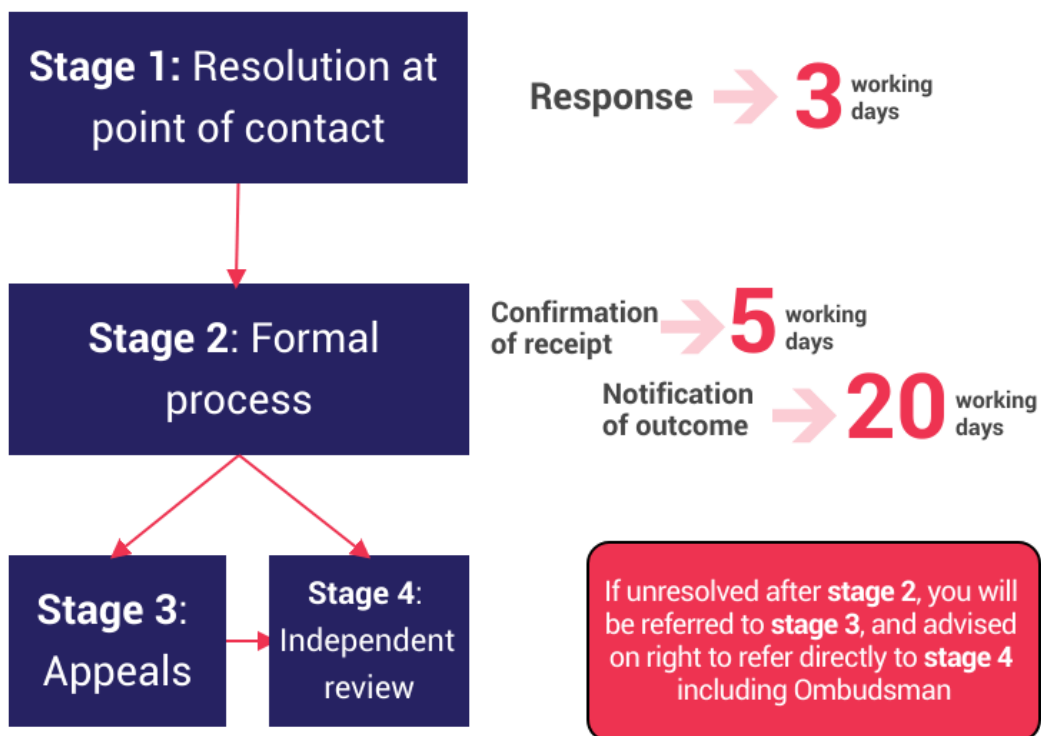
- (a) a matter that is or has been the subject of legal proceedings before a court or tribunal;
- (b) a matter relating to the recruitment or appointment of an employee by the Age Action;
- (c) a matter relating to or affecting the terms or conditions of a contract of employment that the Age Action proposes to enter into or of a contract with an adviser that the Age Action proposes to enter into;
- (d) a matter relating to the Social Welfare Acts;
- (e) a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004;
- (f) a matter that could prejudice an investigation being undertaken by the Garda Síochána;
- (g) a matter that has been brought before any other complaints procedure established under an enactment.

Appendix 11.4: One-page explainer of complaints process



Complaints process

You can make a complaint **verbally** or **in writing** to any staff member of Age Action



For more information about the Complaints process you can call **01 4756989**, or email **info@ageaction.ie**