

Age Action Complaints Management Policy

PURPOSE

Age Action promotes the rights of all those who come into contact with staff or volunteers of Age Action to be treated with dignity, respect and equality. The rationale for having such a policy is to make sure that all those who come into contact with staff of Age Action are treated with respect, dignity and equality. Any complaint will be viewed as an opportunity to inform and to continuously improve the quality of service provision.

WHO CAN MAKE A COMPLAINT

Complaints can be made about any aspect of the services provided by the Age Action. A complaint can be made about something that was not done correctly, or something that should have been done but was not. It is the right of Age Action service users to make a complaint where services are perceived to fall short of what is expected or is acceptable. In such instances Age Action is wholly committed to identifying the reason(s) why, and rectifying any shortcomings which may arise in our service delivery.

Any person who is or was a consumer of Age Action services, or who is seeking or has sought services from Age Action may complain in accordance with the established procedures of this complaints policy.

Complaints can be made verbally, in writing or e-mail.

Complaints that may be resolved at the first point of contact may be made verbally, face to face or by telephone. However, if the complaint cannot be resolved informally, the complainant must be encouraged to make the complaint in writing or electronically in order to ensure the accurate recording of the facts of the complaint. Cognisance must be taken of the fact that some individuals may have difficulty in effectively recording their complaint and may require assistance.

Information on how to make a complaint and complaint forms will be available from all of Age Action offices and stores.

WHO MUST OBSERVE THIS POLICY

Board of Directors, Management, Staff and Volunteers of Age Action

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GENERAL PRINCIPLES THAT WILL BE ADHERED TO:

The policy emphasizes that staff should work to resolve issues as quickly and as close to the point of contact as possible. Sympathy and willingness may be all that is needed in some cases. All staff have a responsibility to effectively handle any complaint they receive and to convey to stakeholders that their views and opinions are important and valued, acknowledging that ultimately it is *their* service.

Age Action recognises that responding effectively to complaints received and learning from them is a key aspect to providing a high quality customer focused service.

Age Action is committed to delivering a high quality service to all our clients. Your feedback, on any aspect of our work is important to us.

Complaints will be dealt with in a quick and fair manner. Privacy for both parties will be given.

The rights of both the person making the complaint and the rights of the person whom the complaint is being made will be respected throughout the investigation of the complaint. It is important to acknowledge that both the service user and the service provider have an equal voice and are of equal importance in this process.

Age Action is open to changing internal policies and/or practices, if such a need is identified.

It is the policy of Age Action to ensure that:

- the complaints management process is fair, transparent, non-prejudiced, non-recreminatory and impartial.
- the rights of the complainant and the Age Action representative against whom the complaint is made will be safeguarded throughout the process.
- All Age Action staff will be empowered to appropriately handle complaints and have a responsibility to respond to concerns raised in an appropriate manner.
- Effective information and communication systems will be in place to ensure service users and staff are aware of, and understand the complaint management processes.
- Complaints will be recorded appropriately and collated in a manner that allows effective monitoring, evaluation and analysis to identify patterns and trends.
- Inherent to the complaints management process will be a process of organisational improvement.
- Age Action will not tolerate vexatious or malicious complaints;

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- Age Action will endeavour to resolve all complaints as efficiently and close to the point of contact as possible;
- Complaints are recorded appropriately to facilitate the effective tracking of individual complaints as well as the effective monitoring and evaluation of the complaints management process itself;

ADVOCACY

All complainants have the right to appoint an advocate. If a person is unable to make a complaint themselves the advocate can assist them in making the complaint on receipt of written permission from the complainant. For the purposes of this complaints procedure, an advocate is defined as;

An advocate is a person, nominated by another person, to support them in the process of resolving a dispute. An advocate supports a person to put forward their case. An advocate may write on behalf of the person, attend meetings with or on behalf of the person and speak on behalf of the person.

LIST OF STAGES OF THE COMPLAINTS MANAGEMENT PROCESS

Stage 1: Local resolution of complaints at point of contact (Informal- point of contact)

Age Action staff are entrusted to resolve verbal complaints at or close to the first point of contact wherever possible. Where a complaint is resolved in the initial stages, the complaint must be examined to identify any quality improvements that should be implemented as a result.

Every effort should be made to resolve a complaint immediately or within 24 hours of receiving the complaint **if it is deemed appropriate** to manage the complaint, with a view to resolution, at the first point of contact.

Where complaints cannot or should not be resolved at this point due to their seriousness or complexity, these complaints must be referred to the appropriate Line Manager for resolution or investigation at Stage 2. There may be instances where the Complainant does not accept the outcome of the management of the complaint at stage 1 and may seek a review of their complaint at stage 2 of the process

In all instances the point of contact must inform their line manager of the complaint and efforts to resolve same.

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Stage 2 (A & B)

2A- Informal Resolution & Stage 2B- Formal Investigation

Complaints that could not be resolved at Stage 1 or should not be resolved at this stage due to their seriousness or complexity are then subject to informal resolution or formal investigation under Stage 2 of the complaints management process.

Stage 2A Informal resolution

Where informal resolution was not attempted or was not successful at Stage 1, the relevant Line Manager will attempt informal resolution prior to commencing a formal investigation of the complaint.

Stage 2B Formal Investigation

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

The Manager is responsible for carrying out the formal investigation of the complaint at Stage 2 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. Where the investigation at Stage 2 fails to resolve the complaint, the complainant may use the Review Process at Stage 3.

The Manager will do the following:

- Write to the complainant to make them aware that the complaint has been received within 5 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.
- May require a face to face meeting to ensure that they have all the information necessary if further investigation warrants one.
- Reach a decision about the complaint and inform the complainant of that decision.
- The Manager will feedback the decision to the service user in writing. It is at the discretion of Age Action as to whether the Manager will have a face to face meeting with the person who has made the original complaint.

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The letter should and will contain the following:

- A summary of the complaint
- The steps taken to consider the complaint and gather all the information.
- The decision reached
- A rationale for how the decision was arrived at.
- If it is taking longer than 4 weeks to reach a decision the Manager must write to the person who made the complaint informing them formally that the process is delayed.
- A subsequent letter will be sent every 4 weeks to inform the complainant of the delay and giving a likely timescale.

Where it is determined that a complaint will not be investigated further the Manager will inform the complainant in writing, within 5 working days of making the decision that the complaint will not be investigated and the reasons why an investigation will not be pursued.

Note: The complainant is to be advised that a formal investigation of the 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.

Stage 3: Appeal/ Internal Review (Chief Executive & Operation Supports Team)

If you are dissatisfied with the outcome of a complaint and want to appeal a decision that has been made then you must put it in writing to the CEO of Age Action within a two week period.

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

LEGAL RIGHTS & REPRESENTATION:

If the person making the complaint wishes to be represented at any point of the appeals procedure they must inform the person who is dealing with the complaint in Age Action.

If they seek 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

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during a complaints or appeal process then the process should be suspended and the matter addressed by Age Action's Solicitor and the courts.

TIME LIMITS FOR MAKING COMPLAINTS

A complaint must be made within 3 months of the date of the action giving rise to the complaint or within 3 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.

WITHDRAWAL OF A COMPLAINT:

If a complaint is withdrawn, the Operation Supports Team will consider whether the investigation should cease or continue with an internal investigation.

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.

REDRESS & 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.

TRAINING & EDUCATION

Age Action commits to providing education and training to all Age Action staff to enable them to effectively implement the complaints handling processes. Training will be provided on an incremental basis depending on the needs of the complaints system and on resource availability.

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CONTINUAL IMPROVEMENT

- We understand and have 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.
- Age Action commits to using information from complaints to make improvements to the organisation and will identify and communicate such improvements to staff
 - The Operation Supports Team will collate complaint information and data, will provide regular reports to the Chief Executive and will feed complaints information back in to the organisation for educational and improvement purposes.

REGULAR INTERNAL AND EXTERNAL REPORTING OF TRENDS

Age Action is committed to using complaint register to improve decision making and service provision to the client. To that end, summary data on complaints received is presented to the Chief Executive for review each month at the Operation Supports Team meetings. An overview summary of all complaints received in the previous 12 months is reviewed. (Unless it is warranted beforehand) It is envisaged that Age Action will provide the Board of Directors with an annual report on the complaints received by the service provider during the previous year under the following headings:

- The total number of complaints received
- The nature of the complaints
- The number of complaints resolved by informal means
- The outcome of any investigations into the complaints

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.

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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.

The following tables detail the relevant Age Action Policies, Procedures or Guidelines to be referred to in particular circumstances

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	<p>Refer to manager /HR to deal with under some or all of the following</p> <ul style="list-style-type: none"> • Age Action Grievance and Disciplinary procedures • Age Action Dignity at Work policy
Complaints against HR	<p>Refer to manager / HR to deal with under some or all of the following:</p> <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	<p>Refer to line manager / HR to deal with Complaint under some or all of the following:</p> <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

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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.