



in sync Youth & Family Services

Complaints Policy and Procedure for Service Users (Revised: 2020)

Introduction

The **in sync Youth & Family Services** Complaints Procedure offers a facility to members of the public and anyone who uses or participates in the services provided by **in sync Youth & Family Services** who wish to make a complaint regarding the quality of our services or the manner in which we conduct our business. This document:

- Demonstrates the commitment of **in sync Youth & Family Services** to our participants/users/clients, other stakeholders, external agencies, funders and members of the public.
- Demonstrates the commitment of **in sync Youth & Family Services** to provide the best possible quality of service and ensuring best practice is operated across all our service and projects.
- Helps **in sync Youth & Family Services** to find out about things that have gone wrong so they can be fixed quickly and efficiently.

Complaints Policy of in sync Youth & Family Services

It is the policy of **in sync Youth & Family Services** to deal with all complaints in accordance with the principles of natural fairness and equality. **in sync Youth & Family Services** views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the individual (or organisation) that has made the complaint.

This policy aims to:

- Provide a complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
- Publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
- Make sure everyone at Kildare Youth Services knows what to do if a complaint is received.
- Make sure all complaints are investigated fairly and in a timely way.
- Make sure that complaints are, wherever possible, resolved and that relationships are repaired.

- Gather information which helps us to improve our practice and service delivery.

Definition of a Complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of service delivery or any action by **in sync Youth & Family Services** that adversely affects the person by whom or on whose behalf the complaint is made.

Where Complaints Come From

- Complaints may come from any participant/user/client/member of **in sync Youth & Family Services**
- This policy does not cover complaints from staff members, who should use the **in sync Youth & Family Services** Discipline and Grievance procedure contained in the HR Staff Manual.

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 (Comhairle 2005) 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.

Confidentiality

- All complaint information will be handled sensitively and in confidence.
- Only those who need to be informed in order to investigate the complaint or in order to fulfil relevant data protection requirements will be informed.

Responsibility

- Overall responsibility for this policy and its implementation lies with the Senior Management Team of **in sync Youth & Family Services** on behalf of the Board of Directors of **in sync Youth & Family Services**.

Monitoring and Review

- Complaints are reviewed annually to identify any trends which may indicate a need to take further action.
- This policy will be reviewed regularly and updated as required.
- This policy was approved by the Board of Directors on

Complaints Procedure

Stage One: Informal Resolution

In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate.

- Therefore, the complainant (participant/user/client/member) should firstly bring his/her complaint on an informal basis to the attention of the relevant manager/member of staff responsible for the issue being complained about.
- In addition to this all **in sync Youth & Family Services** projects/services/programmes also have review and evaluation procedures for activities/programmes/services which provide opportunities for participants to raise concerns or complaints that they may have.
- Staff should have clear delegations to resolve verbal complaints at first point of contact wherever possible.
- If the complaint is resolved at this informal stage the details of the complaint should be formally noted/recorded as well as how it was successfully resolved. This information should be passed to an immediate line manager and maintained on file.
- If the complaint is not resolved between the complainant and the relevant manager/member of staff responsible for the issue being complained about the CEO will become engaged at this stage
- The CEO must consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to finding an informal resolution of the complaint by the parties concerned.
- Mediation may be used to attempt resolution of the complaint at the stage if both parties agree.
- Where informal resolution is not successful or is deemed inappropriate, the Regional Director will initiate a formal investigation of the complaint (Stage Two below).

Stage Two: Formal Investigation: Making A Formal Complaint

If the complaint is not resolved informally or the complainant does not wish to or feel comfortable dealing directly with the relevant manager/member of staff a formal complaint can be made to **in sync Youth & Family Services**. The complaint can be made verbally or in writing.

Verbal Complaints

Verbal complaints can be made by telephone or in person and must be recorded. Staff should have clear delegations to resolve verbal complaints at first point of contact wherever possible.

The following information needs to be acquired by the person receiving the verbal complaint:

- Take the name, home address and a daytime telephone/mobile number of the complainant.
- Note down the relationship of the complainant to Kildare Youth Services (participant/user/client/member).
- Write down full details/facts of the complaint including times and dates etc.
- Clarify if the complaint is solely on behalf of the individual or an organisation they represent.

- Write down the names of those staff responsible for delivering the service/project/programme (and any other staff or volunteers present).
- Inform the complainant that we have a complaints procedure.
- Inform the complainant what will happen next and how long it will take.
- Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

Verbal complaints may be made by phone to **Tom Dunne, CEO, in sync Youth & Family Services, 086/3359992** or in person (see Appendix 1 for advice on dealing with a verbal complaint). If a complainant wishes to make a complaint in person they should check to ensure the availability of the Regional Director to meet them in advance.

Written Complaints

A Written Complaint can be sent by post or email and should contain the following information:

- Name, home address and a daytime telephone/mobile number of the complainant.
- Full details of the complaint including times and dates etc.
- Names of those staff responsible for delivering the service/project/programme where the issue arose (and any other staff or volunteers present).
- Whether the complaint is solely on behalf of the complainant or an organisation they represent.
- Copies of any relevant documentation.

Written complaints may be sent to **in sync Youth & Family Services** by post or email to:

CEO

in sync Youth & Family Services

**Units 34/35 Naas Town Centre,
Dublin Road,
Naas,
Co. Kildare.
Tel: 045897893
Mobile: 086 3359992
Email: tom.dunne@insync.ie**

Note 1: If the complaint relates directly to the CEO the complaint will be dealt with at Board level (see Stage Three).

Note 2: Not all complaints received by **in sync Youth & Family Services** can be investigated solely using the procedures outlined in this document. The CEO must, upon initial examination of the complaint, determine if the complaint or aspects of the complaint requires management under other established procedures or if a funder/partner/external agency needs to be involved in the process.

Acknowledgements

- Complaints should be acknowledged by the person handling the complaint within 5 working days to the complainant.
- The acknowledgement should say who is dealing with the complaint, when the person complaining can expect a reply 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.

- A copy of this complaints procedure should be attached.

Resolving Complaints

- On receiving the complaint, the CEO will record it on a Complaints Record Form and will proceed to investigate and to take appropriate action.
- The CEO will discuss the complaint with the manager and staff directly involved in the delivery of the service/project/programme concerned and will then decide how the complaint should be handled.
- If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond.
- Complaints should be acknowledged by the person handling the complaint within one week to the complainant. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaints procedure should be attached.
- Ideally complainants should receive a definitive reply within one month. If this is not possible because an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given (see detailed time frame below).
- Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
- The CEO is responsible for carrying out the formal investigation of the complaint at this stage 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.

Stage Three: Board Engagement

If the complainant feels that the problem has not been satisfactorily resolved at Stage Two, they can request that the complaint is reviewed at Board level. If the complaint relates directly to the CEO the complaint will be dealt with at Board level. At this stage, the complaint will be passed to the Board Chairperson to be dealt with as follows:

- The request for Board level review should be acknowledged within one week of the Board receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.
- The Board of Directors may investigate the facts of the case themselves or delegate a suitably senior person to do so. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage Two.
- If the complaint relates to a specific person, they should be informed that it has been referred to Board level.
- The CEO who dealt with the original complaint should be kept informed of what is happening.
- Ideally complainants should receive a definitive reply from the Board within four weeks. If this is not possible because for example, an investigation has not been fully completed or the Board of Directors has not had the opportunity to meet and consider it, a progress report should be sent to the complainant with an indication of when a full reply will be given.
- Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.
- The decision taken at this stage is final, unless the Board decides it is appropriate to seek external assistance with resolution.

Timeframes Involved Once a Complaint is Received

- The CEO will inform the complainant in writing, within 5 working days of making the decision/determination, that the complaint will not be investigated and the reasons for it.
- Where the complaint will be investigated, the CEO must endeavour to investigate and conclude the investigation of a complaint within 30 working days of it being acknowledged.
- If the investigation cannot be investigated and concluded within 30 working days then the CEO must communicate this to the complainant and the relevant service/staff member within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.
- The CEO must update the complainant and the relevant staff/ service member every 20 working days.
- The CEO must endeavour to investigate complaints within 30 working days. However, where the 30 working days' time frame cannot be met despite every best effort, complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.
- If this timeframe cannot be met, the CEO must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant.
- In the case of **in sync Youth & Family Services** projects funded by the HSE, the Regional Director should encourage the complainant to stay with the local HSE complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/ Ombudsman for Children.

Time Limits for Making a Complaint

- The CEO must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that: ***A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint***
- The CEO may extend the time limit for making a complaint if in the opinion of the CEO special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:
 - If the complainant is ill or bereaved
 - If the new relevant, significant and verifiable information relating to the action becomes available to the complainant
 - If it is considered in the public interest to investigate the complaint
 - If the complaint concerns an issue of such seriousness that it cannot be ignored
 - Diminished capacity of the service user at the time of the experience e.g. mental health, critical/ long-term illness.
 - Where extensive support was required to make the complaint and this took longer than 12 months
 - A Complaints Officer must notify the complainant of decision to extend / not extend time limits within 5 working days.

Matters Excluded from a Complaint

A person is not entitled to make a complaint about any of the following matters which are excluded as per Part 9 of the Health Act, 2004:

- a matter that is or has been the subject of legal proceedings before a court or tribunal
- a matter relating solely to the exercise of clinical judgment by a person acting on behalf of either the Executive or a service provider
- an action taken by the Executive or a service provider solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b)

- a matter relating to the recruitment or appointment of an employee by the Executive or a service provider
- a matter relating to or affecting the terms or conditions of a contract of employment that the Executive or a service provider proposes to enter into or of a contract with an adviser that the Executive proposes to enter into under Section 24
- a matter relating to the Social Welfare Acts
- a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004
- a matter that could prejudice an investigation being undertaken by the Garda Síochána
- a matter that has been brought before any other complaints procedure established under an enactment.

Refusal to investigate or further investigate complaint

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 the 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.

Unreasonable complainant behaviour

- The service provider should set out how they will deal with vexatious complainant behaviour either in the complaints policy or a separate policy if they so wish.
- 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 consider invoking their equivalent of the HSE Policy for Dealing with Vexatious Complaints. In the case of Kildare Youth Services this equivalent would be the organisations Grievance and Disciplinary Procedures.
- The complainant must be notified of their right of review if they are not happy with the outcome of the complaint.

Recording

The complaint will be formally recorded on the **in sync Youth & Family Services Complaints Record Form** (see page 9).

Redress

If the complaint is upheld redress to the complainant should be consistent and fair to both the complainant and the individual/service against which the complaint was made. Redress can involve a range of measures depending on the nature of the complaint including the following:

- An Apology
- An Explanation
- Refund/Compensation
- Waiver of Debt/Payment
- Admission of Fault
- Change of Decision
- Replacement
- Repair/Rework
- Correction of Misleading or Incorrect Records/Information
- Technical or Financial Assistance
- Recommendation to Make a Change to Policy

HSE Review

- In the case of HSE funded projects/services, where the investigation at Stage Two or Three fails to resolve the complaint, the complainant may seek a review of their complaint by the HSE Internal Process. All requests for a HSE review should be forwarded to: **The Head of Consumer Affairs, HSE, Oak House, Millennium Park, Naas, Co. Kildare.**
- The Head of Consumer Affairs will examine the request for review and appoint a Review Officer if appropriate to carry out the review of the complaint.
- Review Officer(s) will review the processes used to carry out the investigation of the complaint and the findings and recommendations made post-investigation.
- The Review Officer(s) will either uphold, vary or make a new finding and recommendation.
- The Review Officer may carry out a new investigation of the complaint or recommend that a local re-investigation of the complaint be carried out by a Complaint Officer independent of the initial investigation team

Stage 4: Independent Review

If the complainant is not satisfied with the outcome of the complaint, the process or any aspect of how it has been dealt with by **in sync Youth & Family Services** he/she is entitled to pursue a complaint outside of the organisation and may seek a review of the complaint by the Ombudsman/ Ombudsman for Children.

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

HSE Requirements

In the case of **in sync Youth & Family Services** projects/services funded by the HSE whereby a service provider has established a complaints procedure by agreement with the HSE, **in sync Youth & Family Services** must provide the HSE with a general report on the complaints received by the service provider during the previous year indicating:

- The total number of complaint received
- The nature of the complaints
- The number of complaints resolved by informal means

- The outcome of any investigations into the complaints

In the case of **in sync Youth & Family Services** services/projects funded by the HSE please note there is no statutory Internal Independent Review stage for Voluntary Organisations and The Health Service Executive have designated authority to appoint review officers as per the Health Act 2004 (Complaints) Regulations 2006 and all requests for reviews must be addressed to Director of Advocacy, Quality, Risk and Clinical Care Directorate, Health Service Executive, Oak House, Millennium Park, Naas, Co. Kildare

in sync Youth & Family Services Complaints Record Form

Part 1 – Complainant Details

Date of Complaint: _____ Complaint Number: _____

Name of Complainant: _____

Address:

Contact Phone/Mobile: _____ Email: _____

Relationship of Complainant to **in sync** Youth & Family Services: _____

Is the complaint solely on behalf of the individual or an organisation they represent:

Yes ☐ No ☐ If Yes, please state name of organisation: _____

Part 2: Details of Complaint

Please give exact date, time & location of the accident:

Time and date: _____ Location: _____

Please describe the nature of the complaint: _____

Names of staff person(s) present/responsible for delivering the service where the complaint arose:

Appendix 1: Dealing with a Verbal Complaint

- Remain calm and respectful throughout the conversation.
- Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam".
- Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organisation e.g "I understand that this situation is frustrating for you".
- Do not engage in debating/discussing the facts in the first instance, especially if the person is angry.
- Show an interest in what is being said
- Ask the person what they would like done to resolve the issue.
- Give clear and valid reasons if a request cannot be met.
- Ask for clarification wherever necessary.
- Demonstrate that you have understood the complaint by reflecting back what you have noted down.
- Make sure that the person understands what they have been told.
- Be clear about what you can do, how long it will take and what it will involve and do not promise things you can't deliver.
- Wherever appropriate, inform the person about the available avenues of review or appeal.
- If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise.