



---

# Complaints Policy (General)

---

Galway Simon Community

---

Approval date: August 2018

---

Revision date: August 2020

---

1. Responsibility for approval of policy	<i>PAG</i>
2. Responsibility for implementation	<i>All Services</i>
3. Responsibility for ensuring review	<i>PAG</i>
4. Document Reference Number	<i>SS0026</i>
5. Document Version Number	<i>3</i>
6. Author	<i>Claire Williams</i>

## 1. Policy Statement

1.1 Galway Simon Community views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person that has made the complaint.

## 2. Purpose

2.1 The purpose of this policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at Galway Simon Community knows what to do if a complaint is received
- To make sure all complaints are dealt with fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do
- To ensure compliance against Service Level Agreements from statutory agencies (e.g. HSE, TUSLA, Local Authorities).
- To ensure accuracy of reporting of complaints received and how these were resolved or responded to, to the HSE on a quarterly basis

## 3. Scope

3.1 This policy applies to all employees and volunteers of Galway Simon Community across all areas of the organisation. It applies to all areas of our operations, apart from

- Client Services whereby the Client Complaints Policy should be followed
- Complaints from staff members, who should use Galway Simon's Grievance procedure.

## 4. Principles

4.1 Complaints may come from clients, members, volunteers, donors, shop customers or members of the public.

4.2 A complaint can be received verbally, by phone, by email or in writing.

## 3. Definitions

3.1 **Complaint** is defined as per the Health Act 2004, as a complaint made about any action of the Executive (HSE) or Galway Simon Community that:

- It is claimed, does not accord with fair or sound administrative practice, and
- Adversely affects the person by whom or on whose behalf the complaint is made.

3.2 **Complainant:** refers to the person(s) making the complaint.

3.3 **Informal Complaint:** Complaints dealt with informally at either Stage 1: Management of a Verbal Complaint at the Point of Contact, or Stage 2 (A) Informal Resolution of the Complaints Process.

3.4 **Formal Complaint** refers to any complaint which is escalated beyond Stage one. The complaint may have been received verbally or in writing but requested by the complainant or is deemed by a staff member of GSC to be more appropriate to be addressed formally.

3.5 **Advocacy** is defined 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 (Citizen Information (Comhairle 2005)).

## 4. Roles and Responsibilities

### 4.1 All staff

- Each staff member has a responsibility to accept any complaint made to them and to try to manage and resolve the complaint at the point of contact or, where more appropriate, to refer the complaint to their Line Manager or to a Complaints Officer for management in line with this operating procedure.
- Ensure that information on how to provide feedback and on how to make a complaint is accessible and made widely available throughout Galway Simon Community.
- All staff are responsible for complying with legislation, policies and procedures in relation to complaints.

### 4.2 Complaints Officer(s)

- Complaints Officers are responsible for overall management of complaints as follows:
  - Acknowledge and investigate all complaints received or assigned to him or her.
  - Notify relevant senior manager of formal investigation.
  - Notify all parties involved of decision to carry out formal investigation.
  - Establish and lead Investigation Team where required.
  - Prepare a report on the investigation at the conclusion or during the investigation if requested by the Chief Executive.

**4.2.1 Note:** The complainant may make written representations if he/she so wishes in support of his/her complaint which shall be considered by the complaints officer.

**4.2.2** On conclusion of the investigation, the Complaints Officer will report findings and recommendations to relevant senior manager, that he/she considers are fair and reasonable having regard to all the facts and circumstances of the complaint.

**4.2.3** On conclusion of the investigation, the Complaints Officer will provide a report on findings to complainant.

### 4.3 Senior Managers

- Submit complaints management information on a monthly basis to the Chief Executive.
- Draw up terms of reference for formal investigations in conjunction with Complaints Officer(s) and notify Chief Executive.
- Where required, the appropriate senior manager for the department where the complaints was received, in consultation with Complaints Officer will establish an Investigating Team.
- Inform Chief Executive of outcome of formal investigation.

### 4.4 Chief Executive

- Day to day implementation is the responsibility of the CEO.

### 4.5 Board of management

- Overall responsibility for this policy lies with the Board of Directors

## 5. Procedures

### 5.1 How you can make a complaint:

- You can make a verbal complaint in person to any of Galway Simon Community's staff, volunteers or trustees.
- You can make a verbal complaint by phone to 091381828 or
- You can send a written complaint to the relevant service, shop or office manager or to The CEO, Galway Simon Community at 18 Tuam Road Centre Tuam Road, Galway or by e-mail at [CEO@galwaysimon.ie](mailto:CEO@galwaysimon.ie)

## 6. How we receive complaints?

6.1 Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities that you may have.

6.2 Complaints that are made by telephone or in person will be recorded in writing by the staff member on the ViClarity Complaints record.

6.3 The person who receives a phone complaint or an in person complaint will:

- Write down the facts of the complaint
- Ask for your name, address and telephone number
- Note down your relationship to Galway Simon Community (for example: client, member of the public, volunteer etc.)
- Tell you that we have a complaints procedure.
- Tell you what will happen next and how long it will take.
- Where appropriate, ask you to send a written account by post or by email so that your complaint is recorded in your own words.

6.4 Complaints that are received in writing or by email will be forwarded to the relevant department and you will be informed in writing, unless otherwise specified in the correspondence, that we have a complaints procedure and as to what will happen next and how long this will take.

## 7. Advocacy

7.1 All complainants have a right to appoint an advocate to assist them in making their complaint and to support them in any subsequent processes in the management of that complaint.

7.2 Comhairle (2005) [now Citizens Information Board] outlines the principles of advocacy as:

- Empowerment of the person where possible
- Respect for the person and his/her wishes
- Acting in the person's best interest
- Acting independently
- Maintaining confidentiality
- Acting with diligence and competence.

7.4 Any form of advocacy used must be agreeable to both the complainant and Galway Simon Community.

## Procedure: How we resolve complaints

### 8. Stage One: Local resolution at the point of contact

8.1 Staff have clear obligations to resolve verbal and informal complaints at first point of contact wherever possible.

8.2 In many cases, your 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.

8.3 Where a complaint is resolved at the point of contact, the person who has dealt with the complaint will record details of complaint and action taken on a Complaints Form in ViClarity and inform the complainant that they have noted same.

8.4 Complainants may not accept the outcome of the management of the complaint at the point of contact. They may seek to have the complaint moved to Stage 2. The complaint is then referred to the appropriate manager or senior manager.

8.5 Whether or not the complaint has been resolved, the complaint information will be passed to the department senior manager **within one week**.

### **9. Stage Two**

- 8.6** On receiving the complaint, the relevant manager or senior manager completes the manager's section in the complaints record on ViClarity.
- 8.7** If the complaint has not already been resolved, s/he will delegate an appropriate person to deal with your complaint (which may, depending on the nature of the complaint include the Complaints Officer) and to take appropriate action;
- 8.8** If the complaint relates to a specific person, that person will be informed and will be given a fair opportunity to respond.
- 8.9** Complaints will be acknowledged by letter or email by the person handling the complaint **within a week**. The acknowledgement will say who is dealing with the complaint and when you can expect a reply. A copy of this complaints procedure will be attached.
- 8.10** The appointed person dealing with the complaint will investigate it fully and complete a report to be given to the relevant manager or senior manager, who will inform CEO of the investigation findings.
- 8.11** Whether your complaint is upheld or not, the reply to you will describe the action taken to review the handling of your complaint, the conclusions from the review, and any action taken as a result of the complaint.
- 8.12** Ideally you should receive a definitive reply within four weeks. If this is not possible because for example, the review of your complaint has not been fully completed, a progress update will be sent with an indication of when a full reply will be given.
- 8.13** If you are not happy with the outcome of your complaint, you can appeal in writing to the CEO within four weeks of the decision being communicated to you.
- 8.14** The decision taken at this stage is final, unless the CEO decides it is appropriate to seek external assistance with resolution.

### **9. External Stage**

- 9.1** You can complain to the Charities Regulator at any time by their online query system. Information about the kind of complaints the Charity Regulator can involve itself in and their online query system can be found on their website at:  
[http://www.charitiesregulatoryauthority.ie/en/cra/pages/raise\\_a\\_concern\\_about\\_a\\_charity](http://www.charitiesregulatoryauthority.ie/en/cra/pages/raise_a_concern_about_a_charity)

### **10. Vexatious or Malicious Complaints**

- 10.1** Galway Simon Community may during the course of investigation consider that a complaint made was vexatious or malicious. In this case, the complaint will not be pursued any further.
- 10.2** Before a complaint is deemed to be malicious or vexatious, the Complaints Officer must first bring it to the attention of the CEO or delegated person when CEO not present.
- 10.3** This does not remove the complainant's right to submit their complaint to an independent agency such as, for example, the Ombudsman or Charities Regulator.
- 10.4** Where a complaint made against a staff member or service is deemed to be vexatious or malicious, there will be no record of the complaint kept on the file of the staff member or service about which the complaint was made.
- 10.5** A vexatious or malicious complaint from a member of the public could contain some of the following characteristics which may inform the decision to deem the complaint to be made with vexatious or malicious intent:
- No name provided either on written correspondence or refusal to provide name during phone contact or in person.
  - No address of complainant being provided.
  - No phone number or follow up contact details provided.

- A pattern of repeated complaints being made by what is suspected to be the same anonymous individual (consistent tone of voice, language used, expressions used, patterns of times of contact and mode of contact).
- A repeated pattern of the complainant making unreasonable demands (e.g. for resource allocation) which cannot be met by Galway Simon Community.
- A repeated pattern of the complainant making complaints frequently about a staff member/ service where there are repeated findings of no wrong doing. Caution must be advised that each individual complaint is considered separately and fairly so as to address genuine concerns expressed.

**10.6** Where complaints are deemed malicious, actions may be taken by Galway Simon Community to ensure these types of complaints are not repeated. Actions may include:

1. If the person making the complaint is an employee of Galway Simon Community, s/he may be subject to disciplinary action.
2. If the person making the complaint is not an employee of Galway Simon Community, they may face prosecution under the law.

### **11 Withdrawal of a complaint**

**14.1** A complaint may be withdrawn at any time and any investigation can finish at that point. If the investigation team believe that the wider interests of the organization are best served by completion of the investigation the matter will be referred to the CEO for a decision.

### **12. Confidentiality:**

**10.1** All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

### **13. Monitoring and Learning from Complaints**

**11.1** Complaints are reviewed annually by the Board of Directors to identify any trends which may indicate a need to take further action.