

**ALSAA**

**Comments, Compliments and Complaints Policy and Procedure**

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## 1.0 Policy Statement

ALSAA invites comments, compliments and complaints from members, visitors, staff, contractors and the general public about the services provided by ALSAA. Comments or complaints will be viewed as an opportunity to inform and continuously improve the quality of the facilities and activities that we provide and to learn lessons so as to prevent similar occurrences in the future. Complaints, criticisms or suggestions, whether oral or written will be taken seriously, handled appropriately and sensitively. Complaints that will be managed using the procedures described in this document.

## 2.0 Purpose

**ALSAA** aims to provide the highest quality service to **members and guests** and to communicate effectively with all relevant parties. This policy aims to direct staff and volunteers at **ALSAA** in the appropriate and effective management of all complaints and comments received from **members and guests**, in order to ensure that the wellbeing and rights of **members and guests**, volunteers and staff are upheld and the organisation is afforded the opportunity to learn from feedback received.

## 3.0 Scope

This policy applies to all employees, volunteers, contractors, members, guests and visitors and any member of the public associated with ALSAA.

## 4.0 Roles and Responsibilities

### 4.1 Executive Council

The Executive Council have overall responsibility for ALSAA; it is the responsibility of the ALSAA Executive Council to:

- Approve, oversee and ensure implementation of the policy.
- Investigate any concerns brought to their attention by members, staff, contractors or the general public.
- Ensure that all decisions and actions are recorded.

### 4.2 CEO

It is the responsibility of the CEO to:

- Oversee and ensure implementation of the policy.
- Investigate any concerns brought to their attention by members or staff.
- Ensure that all decisions and actions are recorded.
- Produce reports as required by the board or other agency.

### 4.3 Designated Complaints Officer

It is the responsibility of the Designated Complaints Officer (DCO) to:

- Manage complaints in accordance with the procedures described in this policy;
- Ensure the policy and procedures for complaints management in ALSAA are in line with current legislation and best practice;

- Ensure that all Managers and staff are aware of and comply with the complaints management policy and procedures;
- Ensure that all staff and volunteers are supported to effectively manage complaints at the first point of contact;
- Co-ordinate education and training for staff in complaints handling;
- Follow up complaints not resolved at local level;
- Inform the CEO of outstanding / unresolved complaints;
- Audit compliance with and determine effectiveness of the Complaints Policy and submit reports to the CEO /Board of Management as required;
- Ensure that consumer-friendly information on how to make a complaint is widely available throughout the premises

#### **4.4 Line Managers**

It is the responsibility of Line managers to:

- Ensure that this policy is accessible to all staff within their area of responsibility and for maintaining records of this locally;
- Ensuring that staff within their area of responsibility attend training and/or in-service on this policy as made available and that records of this are kept locally;
- Implement the procedures outlined in this document;
- Implement improvements to their service where required as a result of the findings and recommendations arising from the complaint investigation;
- Provide evidence that lessons have been learned and improvements have been made to their service as a result of complaints;
- Ensure that their staff are appropriately supported throughout the complaint management process.

#### **4.5 All staff & Volunteers**

All staff and volunteers have an obligation to effectively deal with complaints made to them, either through dealing with the complaint at the point of contact in line with the local complaints management systems where appropriate or forwarding the complaint to the DCO. In addition, it is the role of staff to:

- Participate in Complaints Management Training;
- Partake in any investigation of a complaint where necessary;
- Be involved in improvement initiatives within their service;
- Provide information relevant to complaints to the DCO.

## 5.0 Complaints

- Anyone can make a complaint; however, it is ALSAA's policy that complainants must provide contact details when making a complaint against ALSAA to enable appropriate validation, follow up and investigation of that complaint unless there is a good and sufficient reason for withholding this information;
- Anonymous complaints will not normally be investigated as there is always a possibility that they are vexatious or malicious and the anonymity of the complainant does not enable the principles of natural justice and procedural fairness to be upheld. Notwithstanding the fact that anonymous complaints cannot be the subject of a formal investigation unless there is supporting evidence, management should assure themselves that the systems in place are robust and the welfare of members and guests is not at risk;
- If the complaint is made by phone, or by person, the member of staff taking the complaint should encourage the caller to provide a name and telephone number at which they may be contacted;
- The caller should be advised that unless they provide their name and contact details, it may not be possible to investigate the complaint if the disclosure of identity is regarded as essential to facilitate a full and proper investigation of the complaint;
- If a complainant makes a complaint in confidence, the identity of the complainant will only be known to the recipient of the complaint and the Complaints Officer. If the investigation of the complaint requires the identity of the complainant to be disclosed, the consent of the complainant must be obtained to disclose this information. In this case, the complainant must be informed that it may not be possible to carry out a full and proper investigation of the complaint without their consent to disclose their identity;
- If an anonymous complaint provides details that enable the identification of individual staff members, these details must be anonymised and there must be no record of an anonymous complaint on the file of any individual staff members.

### 5.1 Vexatious and Malicious Complaints

- If found to be frivolous or vexatious, ALSAA will not pursue the complaint any further;
- However, this does not remove the complainant's right to submit their complaint to independent agencies;
- If a complaint is found to be vexatious or malicious, there will be no record of the complaint in the file of the service/staff member about which the complaint was made;
- Before the complaint is deemed vexatious the DCO must bring it to the attention of the CEO.

### 5.2 Alternative Policy, Procedure or Guideline For Managing A Complaint

- Where the subject matter of a complaint is such that alternative complaint processes are appropriate for the management of such complaints, the DCO will either investigate the complaint using the alternative process or will refer the complaint directly to the CEO for investigation under the relevant policy, procedure or guideline.
- The complainant must be informed by the DCO that their complaint is being managed under the appropriate policy and procedure.

### 5.3 Time Limits For Making A Complaint

- A complaint must be made within 12 months of the date of action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint. This time limit may be extended if, in the opinion of the DCO, special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to:
  - If the complainant is ill or bereaved
  - If 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 person 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

The DCO must notify the complainant of the decisions to extend / not extend time limits within 5 working days.

### 5.4 Advocacy

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. Members and guests may request any staff member or other appropriate person to assist them with making their complaint.

## 6.0 Procedures

Members and guests who wish to make a complaint about ALSAA should initially contact the person who they are dealing with in ALSAA. If they are not satisfied with the initial response to the complaint, they should contact the:

**Designated Complaints Officer**  
**ALSAA, Complex**  
**Swords Rd,**  
**Toberbunny,**  
**Dublin 9**

Should an employee be concerned about the practice of a colleague, they should in the first instance approach the colleague with their concerns. If there is no satisfactory conclusion, then the concerns should be brought to their Line Manager, who may at that point consult with the CEO.

### 6.1 Comments & Compliments

Comments and compliments can be made by any member, visitor and member of the public either verbally to staff or can be recorded on the Comments, Suggestions and Complaints forms which are available;

- A letter of thanks will acknowledge compliments that include a name and address within 30 days. The appropriate Line Manager is responsible for ensuring this happens;
- Compliments that focus on individual members of staff or service units will be sent to the appropriate Line Manager;
- A letter of thanks will be sent to the staff member by Line Manager to ensure that they are aware of the compliment;
- A letter of acknowledgement will be sent to thank them for taking time to compliment the service and inform them that the staff member has been made aware of the feedback;

### 6.2 Complaints - Stages

There are four distinct stages in the complaints management process:

**Stage 1:** Local resolution of verbal complaints at the point of contact

**Stage 2a:** Informal resolution of the complaint

**Stage 2b:** Local Investigation of written complaints

**Stage 3:** Independent Review

### 6.3 Receiving and Managing a Verbal Complaint - Stage 1

Verbal complaints are usually more frequent, of a less serious nature than written complaints and are often resolvable on the spot. All staff are accountable to members and guests and have a responsibility to receive and respond to verbal complaints. When receiving a verbal complaint from a complainant, the staff member should:

- be respectful and helpful towards the complainant.
- Find a quiet area/office – do not talk in a public space.
- Give the complainant full attention.
- Do not attempt to lay blame, be defensive or argue.
- Remain positive and do not take anger as a personal attack.

**Note:** In the course of receiving a verbal complaint a staff member is not expected to tolerate personal abuse or aggressive behaviour from the complainant and assistance should be sought immediately from their line manager if this occurs.

#### Options For Managing A Verbal Complaint - Stage 1

1. The complaint is received by a staff member who immediately brings it to the attention of the DCO.
2. The complaint is received by the DCO who determines that it is appropriate to manage the complaint at local level with a view to resolving the complaint or the complainant is advised to submit their complaint as a formal written complaint for investigation.
3. The DCO will determine that the complaint may be managed with a view to resolution at local level.
4. The DCO determines that they need to manage the complaint with input from relevant parties.

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

#### When A Complaint Should Not Be Managed At Stage 1

There are a variety of reasons why a complaint should not be managed at Stage 1 of the process. The key reasons include:

- The complaint involves too many issues to resolve at the point of contact;
- The complaint was a result of harm/incident or a near miss and requires further investigation to identify and eliminate the root causes;
- The complaint was as a result of deviations from quality standards that require further investigation to identify the reasons for the deviation and if there are any system improvements required;



- The complaint involves multi-disciplines and multi-locations and involvement of all parties is required to investigate the complaint effectively and fairly.
- The DCO 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 is of the opinion that:
  - The subject-matter of the complaint is trivial
  - the complaint is vexatious or not made in good faith, or
  - is satisfied that the complaint has been resolved.
- A complaints officer shall, as soon as practicable after deciding not to investigate or further investigate a complaint, inform the complainant in writing of the determination or decision and the reasons for it within 30 days of receiving the complaint.

### **Procedure When Complaints Cannot Be Resolved At Stage 1**

If it is not possible to resolve the complaint to the satisfaction of the complainant at the first point of contact or local level, the person receiving the complaint must advise the complainant of:

- The reasons why the complaint cannot be resolved at this level
- That they may submit the complaint as a formal written complaint as per Stage 2 of the procedure and inform them of the process for submitting a formal written complaint. The form for submitting written complaints is included.

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 Complaints Officer to validate the complaint and to liaise with the complainant in the course of the investigation of the complaint. If requested by the complainant, the DCO may provide assistance to the complainant to make a written complaint.

### **Recording Verbal Or Informal Complaints At Stage 1**

Verbal or informal complaints should be documented on the Local Complaint Log by the DCO. This must be forwarded to the DCO for analysis of trends, risks and required actions.

## 6.4 Managing A Written Complaint - Stage 2

Any written complaints received by a staff member must be brought immediately to the attention of their relevant Line Manager who must inform the DCO as soon as possible;

- Written complaints may also be directed by the complainant directly to a DCO.

An acknowledgement letter must be sent within 7 working days of receipt of the complaint. When acknowledging a written complaint:

- Acknowledge the receipt of the complaint, the date it was written and inform the complainant of the date it was received by the organisation;
- Discuss the appreciation of consumer feedback as a means of improving systems and service delivery;
- Express regret for any inconvenience or difficulties that the complainant experienced;
- Advise the complainant when they will next receive contact and that they will be kept informed of the processing of their complaint;
- Inform the complainant that confidential files may have to be accessed by authorised personnel to fully investigate the complaint;
- Inform the complainant that they must contact the DCO dealing with the complaint immediately (within 5 working days) if they do not wish for the members and guests confidential files to be accessed. If the DCO does not receive any contact from the complainant within 5 working days he/she should endeavour to contact the complainant;
- Offer the opportunity for the complainant to contact you to discuss any of the matters above;
- Close the letter.

### Pre-Investigation of The Complaint

The DCO will carry out a pre-investigation of the complaint in order to determine if the complaint is a complaint **as per** this policy. Additionally as part of the pre-investigation process the Complaints Officer must determine that:

- The subject matter of the complaint is not trivial,
- The complaint is not vexatious,
- The complaint is made in good faith,
- The complaint has not already been resolved.

Where the DCO determines that the complaint is not a complaint as defined in this policy she/he will determine how best to manage the complaint as detailed in this policy. The DCO will inform the complainant in writing, within 14 working days of making the decision/determination and inform them of how their complaint will be dealt with as appropriate.

### **6.4.1 Stage 2a: Informal Resolution Of A Complaint**

Having completed the pre-investigation process, the DCO will consider whether it would be practicable, having regard to the nature and the circumstances of the complaint, to seek the consent of the complainant and any other person to whom the complaint relates to in finding a resolution to the complaint by the parties concerned;

The DCO must determine the most appropriate informal resolution approach for a particular complaint, e.g., contacting the complainant with a view to resolving the complaint informally or arranging a meeting between the parties concerned;

Where resolution is achieved through this informal process, the DCO must create a report outlining the details of the complaint, the resolution process and the outcome of the resolution process including any recommendations made;

Where the complaint is not resolved by informal resolution approaches, the DCO will record the details of the informal resolution process attempted and the reasons why the approach failed to resolve the complaint and will inform the complainant of the process for the formal investigation of the complaint.

### **6.4.2 Stage 2b: Process for Formal Investigation of a Written Complaint**

Where a formal investigation is required and appropriate and where informal resolution is not appropriate or was not successful, the DCO will initiate the investigation of the complaint once all steps have been taken to remove or treat any immediate harm caused by the action about which the complaint is being made. The DCO:

- May request any documents and communicate with any persons he or she believes can assist with the investigation of the complaint,
- Identify all parties involved in the complaint (i.e. complainant & staff members/service managers about whom the complaint is being made) and
- Advise of the decision to carry out a formal investigation,
- May also request further information about the complaint from the complainant to enable a full and proper investigation of the complaint,
- Where deemed appropriate, will establish and lead or delegate a lead person and investigation team, consisting of all relevant persons and staff with expertise and knowledge to carry out the investigation.
- If the DCO determines that an investigation team is required, she/he will decide on the size and membership of the team;
- The investigation team in conjunction with the DCO will develop terms of reference of the investigation. The terms of reference determine the objectives of the investigation team and the limits of its responsibility and authority.

### 6.4.3 Principles Governing the Investigation Process

The investigation will be conducted thoroughly and objectively with due respect for the rights of the complainant and the rights of the service/staff members to be treated in accordance with the principles of natural justice.

The DCO will have the necessary expertise to conduct an investigation impartially and expeditiously. Where appropriate, the DCO may request appropriately qualified persons to carry out clinical assessments, validation exercises, etc.

Confidentiality will be maintained throughout the investigation to the greatest extent consistent with the requirements of fair investigation. A written record will be kept of all meetings and treated in the strictest confidence. The DCO may interview any person who they consider can assist with the investigation. Staff are obliged to co-operate fully with the investigation process and will be fully supported throughout the process;

Staff who participate in the investigation process will be required to respect the privacy of the parties involved by refraining from discussing the matter with other work colleagues or persons outside the organisation. It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness or to attempt to obstruct the investigation process in any way.

### 6.4.4 Timeframes for Investigation of Complaint

Where the complaint will be investigated, the DCO must endeavour to investigate and conclude the complaint **within 30 working days of it being acknowledged**. If the investigation cannot be investigated and concluded within 30 working days then the DCO 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 DCO must update the complainant and the relevant staff/ service member every 20 working days.

The DCO must endeavour to investigate complaints within 30 working days. However, where the 30 working days timeframe cannot be met despite every best effort, the DCO 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 DCO 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. She/he should encourage the complainant to stay with the local complaints management process while informing them that they may seek a review of their complaint by the Ombudsman.

#### Timeframes for Obtaining Further Information from the Complainant

Where it has been indicated to the DCO prior to or during the investigation that further information is required from the complainant to enable the full and proper investigation of the complaint, the DCO must contact the complainant immediately, outlining the information required and request a response from the complainant within 10 working days of receipt of the letter.

When the required information is not received within this time period, the DCO may extend the time limit for receipt of the information by a further 10 working days. The complainant must be informed that if he/she fails to comply with this request for further information, the DCO may decide to invalidate the complaint if the information required is essential for the further processing and management of the complaint.

### **Timeframes for Eliciting Responses from Staff Members**

Where there is a response required from staff members in relation to issues raised by the complaint, the DCO must inform the CEO first before any discipline of the staff/volunteer member of the issue to which a response is required. The CEO is then responsible for ensuring the staff member provides a response to the issues raised.

Where the DCO is of the opinion that the matter does not warrant the involvement of the CEO, he/she may contact the staff member directly. The DCO must record the date of the notification. The relevant staff member is required to respond within 10 working days of receiving notice of the complaint.

### **Timeframes for Eliciting Responses from Persons No Longer Employed By ALSAA**

When a complaint involves a staff member who is no longer employed by ALSAA, the DCO must endeavour to contact the relevant ex-staff member immediately, to inform them of the complaint and to invite a response from that staff member to the issues raised within the timeframes as outlined above.

Every effort is to be made to comply with the timeframes as outlined above. However, there may be special circumstances where timeframes cannot be met due to the unavailability of the ex-staff member or the current location of the ex-staff member. These issues must be brought to the attention of the complainant and the complainant must be assured that the management of the complaint is progressing as quickly as possible.

If, after all reasonable efforts, the DCO is unable to obtain a response from any persons no longer employed by ALSAA, the DCO must endeavour to investigate the complaint to the best of his/her ability with the information available to him/her.

#### **6.4.5 Preparation of a Report Post-Investigation**

Post investigation of the complaint, the DCO will prepare a signed and dated report which will include:

- A description of the complaint,
- The reason for actions resulting in the complaint,
- A description of the investigation process to assure the complainant that their complaint has been fully and fairly investigated,
- The DCO's findings and any recommendations which he/she considers appropriate
- The reasons for such findings and recommendations.
- An apology when the investigation shows that ALSAA was at fault.

If the investigation showed that there were no legitimate grounds for the complaint and the complaint was not substantiated, the report will outline the reasons why this decision was reached. Where the complaint was substantiated, the report will detail recommendations considered appropriate by the DCO to prevent re-occurrence of the causes of the complaint and for quality improvement.

The DCO will forward the report as soon as practicable (and within the timeframe specified in this policy) to the complainant, the relevant Service Manager/Staff Member and to the CEO. The report forwarded to the complainant will also advise that he/she may request a review of the outcome of the investigation of their complaint and will provide the complainant with the details of how to request the review. The recipients of the report will be invited to contact the Complaints Officer to clarify any issues in the report.

#### **6.4.6 Withdrawal of Complaints**

A complainant may, at any time, withdraw a complaint made and, on advice of such withdrawal, the Complaints Officer may cease to investigate or review the complaint. However, where the Complaints Officer has reasonable grounds for believing that public interest would best be served by the continuation of the investigation or review, he or she must refer the matter to the CEO for a decision on the matter.

#### **6.4.7 Implementation of Recommendations Made By Complaints Officer**

The DCO will forward a report of the investigation to the CEO at the same time as the complainant. Within 30 working days of receiving the report from the DCO, the CEO shall take such steps, as appropriate to the nature of the complaint, as are reasonable to give effect as soon as practicable and to the greatest extent practicable to any recommendation of the DCO, provided that the CEO is satisfied that it is within the functional remit of ALSAA;

Where the implementation of a recommendation would require or cause a material amendment to its approved service plan, the CEO may amend the recommendation as deemed appropriate. Where the recommendation is being amended or rejected or where alternative measures are being taken,

the CEO must give the reasons for their decisions. The CEO must put an action plan in place for the implementation of the recommendations of the investigation. The action plan, persons responsible and timeframes are to be identified and recorded. Where a complainant has requested a review of the outcome of the investigation, the CEO will suspend the implementation of a recommendation and will notify the complainant of this suspension.

### **6.5 Independent Review - Stage 3**

At all stages of the process, complainants must always be made aware of their right to an independent review of their complaint

### **6.6 Redress**

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to the members of ALSAA. It will have a positive effect on staff morale and improve ALSAA's relations with the public. It will also provide useful feedback to ALSAA and enable it to review current procedures and systems which may be giving rise to complaints;

Redress should be consistent and fair for both the complainant and the service against which the complaint was made. ALSAA should offer forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant personally. This redress could include:

- An apology
- An explanation
- Admission of fault
- Change of decision
- Correction of misleading or incorrect records
- Technical assistance
- Recommendation to the appropriate bodies to make a change to a relevant policy or law.

### **6.7 Data Collection and Reporting**

The DCP will maintain a database of all comments and complaints for the service, the information collected will be provided to the CEO/Board of Management at regular intervals throughout the year;

### **6.8 Training and Education**

Complaints handling training and education will be part of the organisation's overall in-service programme and will be provided periodically to relevant staff.

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