



*Circle of Friends Cancer
Support Centre Ltd*

POLICY ON COMPLAINTS

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POLICY ON COMPLAINTS

1. What is the purpose of this policy on complaints?

Every person is unique and ideally their care, support and treatment should be tailored to their needs. However, sometimes things do not always work out as planned and things go wrong. It is important, therefore, to have a policy to cover these circumstances and the procedures that enable a person to make a complaint and to have that complaint dealt with in a prompt and satisfactory manner. A policy provides clarity for members/clients and/or their carers, and for staff and volunteers.

2. What are principles of a good complaint's procedure?

The key principles in addressing complaints should be:

- Acknowledging the complaint promptly.
- Listening to what the person making the complaint has to say.
- Recording the nature of the complaint.
- Investigating the complaint thoroughly.
- Handling the complaint in a consistent manner, even when different people in our cancer support service might be involved at different times.
- Ensuring the complaint is dealt with appropriately, fairly and in a culturally appropriate and timely manner and that the person making the complaint is not disadvantaged in any way.
- Ensuring the person managing the complaint process is independent of the person against whom a complaint has been made.
- Informing the person making the complaint how they will be informed of the outcome and their right to appeal.
- Informing the person making the complaint of the support available to assist them to make the complaint.
- Learning from the complaint and, if necessary, making changes to the way our cancer support service works.

3. Who does the complaints policy apply to?

A complaint can be made by any of the following and the complaints policy therefore applies to them all:

- Members/clients.
- The relatives or carers of our members/clients.
- Staff.
- Volunteers.
- Visitors

POLICY ON COMPLAINTS (continued)

4. How might a complaint be made?

A complaint can be made in any number of ways, all of which are equally valid and valued. These include:

- In person. Most complaints can be put right by the person making the complaint talking to a relevant member of staff/volunteer of our cancer support service.
- By telephone.
- By e-mail.
- By letter.
- By using an online feedback form¹.
- By using a complaint form (the end of this document gives an example of a complaint form).

A complaint can be made informally or formally. An informal complaint is where the person making the complaint talks to someone in our cancer support service who can sort out the problem for them there and then. If the complainant is still not satisfied and they wish to make a formal complaint, they should be encouraged to do so as soon as possible. Our cancer support service will appoint someone with responsibility for handling formal complaints.

5. What support will be made available to assist the person making a complaint?

When a person makes a complaint, our cancer support service will provide them with an information leaflet explaining the procedure for handling complaints, the different ways in which they can make their complaint and the availability of literacy support or assistance to complete forms.

6. What are the steps involved in handling a formal complaint?

When a formal complaint is made, the following steps apply:

1. Acknowledge receipt of the complaint within 5 *working days* of receiving the complaint.
2. Fully document the complaint, including the nature and circumstances of the complaint, who it is against and times and dates.
3. Read your record of the complaint back to the person making the complaint to ensure accuracy.
4. Report the matter immediately to your secretary but otherwise maintain confidentiality.
5. Assure the person making the complaint that they will be kept informed of action that has been taken and that they have the right to appeal the decision.

¹ Not every cancer support service will have the facilities or resources for on-line complaints.

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6. Carry out an investigation to ascertain the pertinent facts surrounding the complaint.
7. Notify the person the complaint has been made against and of the nature of the complaint made against them.
8. Allow the person against whom the complaint has been made an opportunity to respond or rebut the complaint.
9. Ensure that the full details of the complaint are documented, together with any decisions on action, or otherwise, to be taken.
10. Notify the person who made the complaint in writing of the decision regarding the complaint – whether or not the complaint is upheld and the reasons for the decision, and what action, if any, will be taken and its outcome. They should also be made aware of the right to appeal a decision and the procedure for doing this.

7. What are the principles of conducting a formal investigation?

If the complaint warrants a formal investigation, the following principles shall apply:

- Any formal investigation will be led by a senior member of management who is independent of the person against whom a complaint has been made.
 - Terms of reference will be drawn up for the formal investigation.
 - The investigation will be carried out objectively and thoroughly and in line with the terms of reference.
 - The investigation will be carried out as quickly as possible.
 - The person who made the complaint will be informed that a formal investigation will take place.
 - Confidentiality must be maintained throughout the investigation process to the greatest extent possible.
 - Staff/volunteers will be obliged to co-operate with the investigation and will be fully supported throughout the investigation process.
 - A written record of all meetings will be maintained and treated in strictest confidence.
 - Staff/volunteers who attempt to obstruct or exert pressure on any person involved in the investigation will be considered to have committed a disciplinary offence.
 - A written report on the findings of the investigation and recommendations will be provided.
 - This written report will be provided to the member of staff/volunteer against whom the complaint has been made and they will be given the opportunity to comment before any action is taken.
 - The person who made the complaint will be informed in writing of the action to be taken and its outcome and of their right to appeal a decision and the procedure for doing this.
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POLICY ON COMPLAINTS (continued)

8. Anonymous complaints

Anonymous complaints may or may not be vexatious and as such cannot result in a formal investigation unless there is supporting evidence. However, it is important that anonymous complaints are taken seriously and that supervisors/managers assure themselves that the complaint is valid or otherwise, and act accordingly.

9. Appeals

A person making a formal complaint will be informed of the right to appeal a decision and the circumstances under which a review of an outcome can be requested.

A decision may be appealed in writing to the Chairperson. The Chairperson should acknowledge receipt of the request for an appeal in writing within 5 *working days*. The Chairperson will meet the person appealing the decision in order to verify and understand their concerns and will keep a record of this meeting. The appeal will be brought to a sub-committee of the Board or governing body of our cancer support service for a final decision. The person making the complaint will be informed of this decision in writing.

10. Allegations of abuse

An allegation of abuse is a very serious matter and must be treated as such. The primary concern should be to ensure that a member/client is not put at further risk of abuse while an investigation of the allegation takes place.

The steps outlined above in section 6 on how to conduct a formal investigation will apply.

In addition, the following reporting procedures should be followed by staff/volunteers in the event of abuse being either suspected or alleged:

1. Ensure the details of the allegation are fully documented, including dates, times and witnesses.
2. Read this record back to the person making the allegation in order to ensure it is accurate.
3. Report the matter immediately to your Chairperson.

In the event that you as a staff/volunteer team member witness abuse against a member/client, you should:

1. Seek help to stop the inappropriate behaviour.
2. Do not confront the alleged abuser on your own.
3. Ensure the member/client is not in any immediate danger.

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4. Ensure the member/client receives necessary treatment and support.
5. Report the matter immediately to your Chairperson.

11. External reporting

If an allegation of abuse against an elderly person or other vulnerable adult (e.g. person with physical disability or learning disability) is made, the person should be given the choice of reporting the allegation to the authorities. The exceptions to this which require that you make a report are:

- Where there are reasonable grounds to suspect that a criminal offence has taken place, the matter must be reported immediately to the Gardaí.
- Where the person is at serious risk of harm, the matter must be reported immediately to the Gardaí and/or Health Service Executive Community Care team.

In all circumstances the person must be made aware that you are making a report and to whom this report is being made.

Staff and volunteers will be made aware of their obligations under the Child Care Acts 1991 and 2011 and the Children Act 2001. Where allegations of child abuse are made, the provisions of ***Children First: National Guidelines for the Protection and Welfare of Children shall apply.***

Allegations of child abuse should be reported to the Health Service Executive Community Care team. Allegations of child abuse where a criminal offence is suspected must be reported to the Gardaí.

12. The Defence of Qualified Privilege

Where you as a staff member or volunteer have a duty to speak and you do so without malice, you will be assured that the Defence of Qualified Privilege applies. This protects you from any defamation claim that your statement might give rise to.

13. Protective measures

During an investigation involving allegations or complaints against a staff member or volunteer, it may be necessary to put 'protective measures' in place to ensure that no member/client or staff/volunteer is exposed to unacceptable risk.

Protective measures are not disciplinary sanctions and will be explained as such to staff/volunteers.

Protective measures may include the following:

- Providing an appropriate level of supervision.
- Putting the staff member off duty with pay or putting the volunteer off duty pending the outcome of the investigation.

POLICY ON COMPLAINTS (continued)

Putting a staff member or volunteer off duty will only be used in exceptional circumstances. These include where there is a clear allegation of abuse of a serious nature, including physical, sexual or emotional abuse.

Support will be provided to a staff member or volunteer who is suspended.

When deciding on the appropriateness of putting protective measures in place, the views of the staff member or volunteer will be taken into consideration but the final decision rests with management.

14. Record keeping

All complaints will be recorded in a complaint's log. This log should include the date of the complaint, the nature and circumstances of the complaint, the name of the person making the complaint, the name of the person that is the subject of the complaint, the outcome and the date of the outcome.

15. Reviews

An annual review of the types of complaints and the outcomes will take place so that the outcomes of complaints can be used by our cancer support service for continuous improvement.

16. Implementation plan

Those responsible for rolling out, communicating and implementing this policy in our Cancer Support Service are the Board of Management

The policy will be communicated and disseminated to staff and contracted third parties such as counsellors and therapists in the following manner: ***Printed copies given to all members and a meeting will be arranged to discuss the policies.***

The following training will be provided to staff and contracted third parties: ***Training will be provided by South Tipp Volunteer Centre and ETB***

Members/clients will be informed of the following information about this policy that is relevant to them: ***Policy Details and Location of Policy***

Members/clients will be informed of the relevant information by ***Chairperson and Secretary at a face to face meeting.***

POLICY ON BOUNDARIES FOR STAFF (continued)

17. Review and audit of policy

The policy will be reviewed by ***the Board of Management on or before October 2018*** and feedback will be provided to the Board/management committee, staff and contracted third parties.

Any changes to the policy on boundaries for staff will be agreed by the Board/management committee and notified to staff, volunteers, service users and contracted third parties.

POLICY ON COMPLAINTS (continued)

[Insert Name of Cancer Support Service]

Complaints/Incident Form

Complaint Received From:

Date received:

Telephone No:

Address:

Email Address:

Complaint taken by:

Form sent to complainant: Yes No

If no, why not:

Received by [insert title of Board Officer responsible for receiving complaints]

Date: _____ Signature: _____

Details of complaint:

(please include as much detail as possible and continue on another page if necessary)