



**KLP**

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**KLP Complaints Policy and Procedure**

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This complaints procedure is being drafted in such a way that it will encompass all elements of the company. KLP have aligned it as much as is practical to the HSE “Your Service Your Say: The Management of Service User Feedback for Comments, Compliments and Complaints, HSE Policy 2017”, where practical. KLP have use the Your Service Your Say, Complaints Management Procedure for Voluntary Organisations, v8 March 2018, as the bases of this document, but have excluded those elements which it fees are not relevant to the company. It should be noted that KLP provides day services to individuals, is non-residential and as such this is reflected in the procedure.

## 2.1 Definition of a complaint

A complaint means a complaint made under this Part about any action of the Kilkenny LEADER Partnership (KLP), as a service provider that:

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

## 2.2 Purpose

The aim of this document is to outline the process and procedures to be followed in the event of a complaint being made both to the complainant, and the staff/management of KLP.

## 2.3 Who can make the complaint

Any person, who has or is currently in receipt of a service, or support from KLP or is currently seeking or has sought such services or support, may submit a complaint on the following bases:

- a. It is claimed that activities undertaken or delivered by KLP do not accord to sound administrative practice,
- b. The way in which KLP operates has adversely affected the individual making the complaint.

## 2.4 How can complaints be made:

Complaints can be submitted to KLP in the Complaints Form in the appendix to this document, via, post, hand delivery or email. Appendix 1 Complaints Form.

## **2.5 Acknowledgement of Complaints**

Upon the receipt of a complaint, it will be assigned by Management to a senior member (Complaints Officer) of staff to investigate and compile all the relevant data. The designated staff member will contact the complainant, within 5 days of receipt of the complaint, introducing themselves, as the person working on the complaint, and outlining the steps which will be taken to review the complaint, and the timeline which they anticipate adhering to for the completion of the investigation.

## **2.6 Advocacy**

Advocacy is defined by The Citizen Information (Comhairle 20015) 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. Complainants have the right to appoint an advocate, who, if the person is unable to make a complaint themselves can assist them in making the complaint.

## **2.7 The stages of the complaints management process**

### **2.7.1 Stage 1: Point of Contact Resolution**

This type of complaint is straight forward, which may be possible to be address quickly and easily at point of initial contact.

### **2.7.2 Stage 2: Formal Investigation Process**

Those complaints which remain unsolved at stage 1 will be referred by Management (CEO or Assistant CEO) to a Senior Member of staff here after referred to as Complaints Officer. Those complaints which appear at initial contact as being complex will be moved directly to stage 2, for investigation as deemed appropriate.

The Complaints Officer must consider if along with the complainant an informal resolution can be reached to the complaint by mutual agreement. If not a more formal route will need to be undertaken.

The Complaints Officer will carry out the formal investigation of the complaint, those staff involved in the complaint, are obliged to participate in the investigation and provide any information which may be requested by the Complaints Officer.

Once the Complaints Officer has concluded their investigation, they must prepare an interim report, which on the investigation, providing copies to Management and all parties involved in the complaint including complainant.

This interim report will be reviewed by all parties, and they will be allowed 10 days to make any submissions to the report, or request points of clarity etc. Once this is carried out the Complaints Officer will prepare a final report, which will include recommendations to resolve the matter.

**Implementation of Recommendations made by the Complaints Officer:**

- Within 30 working days Management will write to the Complainant and Complaints Officer detailing their Recommendation Action Plan.
- Where the recommendation is the implementation of amendment of processes or procedures this must be recorded by Management and with a time line identifying the date of expected amendments.
- Where recommendations of the Complaints Officer are being amended or rejected, Management must give a reason for this decision, and outline any amendments being proposed.
- Where the complainant has requested a review of the outcome of the investigation Management will suspend the implementation of a recommendation and notify the complainant of this suspension.
- If after a period of time the recommendations are not implemented and the complainant is dissatisfied, they should be advised to contact the Board of KLP.
- Where no Recommendation Action Plan is forthcoming from Management the Complaints Officer must follow up.

Should this process not resolve the complaint, the complainant may see to move the complaint to Stage 3 review.

**2.7.3 Stage 3: Review**

In the case where the Complainant is dissatisfied with the outcome of a Stage 2 investigation, they may request a review be made within 30 days of the investigation interim report being sent.

In the case of KLP the final review, will be under taken by the Management Sub-Committee on behalf of the Board of KLP, with the exception of a Staff complaint. All KLP staff complaints will be reviewed by the HR Sub-Committee.

The role of this review is to:

- Determine the appropriateness of the recommendations made by the Complaints Officer under the following areas:
  - i. All aspects of the complaint
  - ii. The investigation of the complaint
- Having determined the appropriateness of the recommendations they can:
  - i. Uphold the recommendation
  - ii. Vary the recommendation
  - iii. Make a new recommendation.

### Implementation of Recommendations made by Review Officer.

- Within 30 working days the management will write to the Complainant and the Review Officer detailing recommendations.
- Where a recommendation is made, and the implementation of which requires an amended to company procedures and policies, in order to be carried out, it will need to be referred to the Board for approval.
- Where a recommendation is being amended or rejected or other measures are being taken the Board needs to approve and provide reasons for these decisions.
- An action plan for the implementation of the recommendations as a result of the investigation should be put in place, by Management, identifying the persons responsible and the time frames.

## 2.8 KLP's recommended timeframes for Complaints

### 2.8.1 KLP time lines for complaints.

KLP have set out the time lines in the table below, under which all complaints should be addressed.

<b><i>Service User/Complaint Timeframes</i></b>	
To make a complaint from date of incident	9 months
Can expect Acknowledgement letter of complaint	10 working days from date of complaint lodged
Withdraw a complaint	At any stage
Request a review of complaint	30 working days
<b><i>All KLP Staff</i></b>	
Respond to a request for information regarding a complaint, by Complaints Officer or Management.	5 working days from date of request.
<b><i>Point of Contact Staff</i></b>	
Complaint at point of contact	Immediately but no longer than 48 hours
Complaint at point of contact – addressed by Line Manager	Immediately but no longer than 48 hours.
<b><i>Complaint Officer</i></b>	
Acknowledgement letter of complaint	10 working days from receipt of complaint.
Seek additional information from all parties to the complaint	10 working days.
Investigate and report on complaint	30 days post the date of letter of acknowledgement.

Update Complainant and relevant staff	Within 10 days post the completion of the report.
<b><i>Review Officers Time Frame</i></b>	
Acknowledgement letter	10 working days from date of receipt of review request.
Review Officer to make contact with Complainant and explain the process	Within 48 hours of receipt of the review request.
Seek additional information from all parties to the complaint	10 working days.
Investigate and report on complaint	20 days post the date of letter of acknowledgement.
Update Complainant and relevant staff	Within 10 days post the completion of the report.
<b><i>Management/Board</i></b>	
Complaint – Recommendation Action Letter	30 working days post receipt of report from Complaints Officer
Review – Recommendations Action Letter	30 working days post report from Review.

### **2.8.2 Time limits for making a complaint.**

A complaint must be made no later than 9 months post the date of the action which is causing the complaint.

The Complaints Officer may extend the time limit for the making of the complaint if in their opinion there are special circumstances, which make it appropriate to do so such as:

- The complainant is ill or bereaved.
- New relevant or verifiable information has become available to the complainant.
- The seriousness of the complaint, are of such that they cannot be ignored.
- Due to diminished capacity of the complainant at the time of the experience, due to illness, mental capacity etc.
- In a case where the complainant required extensive support to enable them to make the complaint, in the first place.

## **2.9 Principles Governing the Investigation Process**

The investigation process will be conducted thoroughly, and objectively with due respect to the rights of the complainant and staff members.

- The Complaints Officer will have the necessary expertise to conduct the investigation impartially and expeditiously, and where necessary the Complaints Officer, may request appropriately qualified persons to assist in the investigation.
- Confidentiality will be maintained during the course of the investigation.
- A written record will be kept of all meetings and treated in the strictest confidence.
- The Complaints Officer may interview any person who they feel can assist in the investigation. Staff are obliged to co-operate fully with the investigation process and will be fully supported throughout the process.

- Staff who participates 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 of 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 attempt to obstruct the investigation process in any way.

## **2.10 Refusal to investigate or further investigate complaints.**

The Complaints Officer can refuse to investigate a complaint if:

- The person who is making the complaint is not entitled to so, on behalf of the person.
- The complaint is made after the expiry period of 9 months.
- If the complaint is with regard to the Complaints Officer themselves, or the Complaints Officer, has already been party to or, have knowledge of the complaint. (In which case Management will nominate another Complaints Officer to the case).

The Complaints Officer may decide not to investigate or further investigate an action to which at complaint relates, if after carrying out a preliminary investigation into the action or after proceeding to investigate such action the officer:

Is of the opinion that:

- The complainant does not disclose a ground of complaint which is relevant.
- The subject-matter of the complainant is trivial.
- The complaint is vexatious or not made in good faith.
- That the complaint has been resolved.

A Complaints Officer shall as soon as practicable after determining that he or she is prohibited from investigating a complaint or after deciding not to investigate the complaint should contact the complainant in writing as to the decision and reasons for same.

## **2.11 Unreasonable Complainant Behaviour**

KLP will work with all complainants to come to a resolution regarding their complaints, however where a complainant, is vexatious, and not prepared to engage in a civilised way. KLP will have no option but to request that they have an intermediary to act on the complainants' behalf, and liaise with KLP during the process. If this is not satisfactory to the complainant, then KLP will cease all investigation of the complaint.

## **2.12 Redress**

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of the service to the client.

Redress should be consistent and fair to both the complainant and the service against which the complaint is made. In the case of KLP which is a not for profit organisation the following are options for redress:

- Apology
- An explanation
- Refund or course fees/ membership fees etc.
- Admission of the fault, and the proposed amendments to procedures to avoid reoccurrence in the future.
- Change of decision, and justification for same.
- Correction of misleading or incorrect records.
- Offer of assistance from an alternative member of staff as case worker

The Complaints Officer may not make any recommendations, without Management or Board approval if they effect the operation of the company, its policies and practices.

### **Glossary:**

**Complainant:** The individual or group making the complaint.

**Complaints Officer:** The individual assigned by Management to investigate the Complaint.

**Review Officer:** This in the case of KLP will be the Management Sub-Committee or the HR Sub-Committee, or a nominee designated by them.



## Appendix 1



# KLP

### KLP complaints Form

#### A. Your Details

Surname: \_\_\_\_\_

Forename: \_\_\_\_\_

Title: Mr/Mrs/Miss/Ms \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Your email Address: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_

Mobile Number: \_\_\_\_\_

Please state by which of the above methods you would like us to contact you.

\_\_\_\_\_

#### Your Requirements

If our usual way of dealing with complaints is difficult for you, please tell us so that we can discuss how we might help you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

**B. Making a complaint on behalf of somebody else: Their details**

Their name in full \_\_\_\_\_

Their Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What is your relationship to them? \_\_\_\_\_

\_\_\_\_\_

Why are you making a complaint on their behalf? \_\_\_\_\_

\_\_\_\_\_

**C. About your complaint (please continue to answer questions on a separate sheet if necessary)**

What do you think we did wrong or failed to do? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe how you personally or the person you are representing suffered or has been affected.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What do you think should be done to put things right? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did this.

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If you have any documents to support your concern/complaint, please attach them with this form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this form to Kilkenny Leader Partnership, 8 Patricks Court, Patrick St., Kilkenny.

For the attention of the CEO, who will then assign somebody to investigate the complaint.