

LARCC Cancer Support Centre	Policy No. 10
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Complaints Policy	Last Review Date: April 2018



COMPLAINTS POLICY

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02	Additional points to policy	27/1/2012
03	Modification as per ICS review	1/8/2013
04	Review	March 2016
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1. What is the Purpose of 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 Clients and/or their carers, and for staff and volunteers.

2. Statement of 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 timely manner.
- Learning from the complaint and, if necessary, making changes to the way LARCC works.

3. Scope - 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:

- Clients.
- The relatives or carers of our Clients.
- Staff.
- Volunteers.

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4. Procedures / Guidelines - 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 LARCC.
- By telephone.
- By e-mail.
- By letter.
- By fax.
- By using a complaint form (the Appendix of this document gives an example of a LARCC complaint form).

A complaint can be made informally or formally. An informal complaint is where the person making the complaint talks to someone in LARCC 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. The LARCC Manager has responsibility for handling formal complaints.

5. Steps involved in handling a formal complaint

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

1. Acknowledge receipt of the complaint.
2. Fully document the complaint, including the nature 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 the Manager but otherwise maintain confidentiality.
5. Assure the person making the complaint that they will be kept informed of action that has been taken.

For the Manager: if a complaint is made against a member of his / her staff or volunteer team the Manager will follow the steps above if they have not already been done by a team member, and then:

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.

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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.

6. 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.
- 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.

7. 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 manager assures themselves that the complaint is valid or otherwise, and act accordingly.

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8. 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.

If an allegation of abuse against an elderly person or other vulnerable adult (e.g. person with a 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 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 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 Act 99 and the Children Act 00. 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.

9. 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.

10. 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 Client or staff/volunteer is exposed to unacceptable risk.

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

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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.

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.

APPENDIX

LARCC Cancer Support Centre

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 General Manager:

Signature: _____

Date: _____