



# Complaints Policies and Procedures

Approval date: 15/05/2015

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1. Responsibility for approval of policy	<i>Board of Management</i>
2. Responsibility for implementation	<i>Chief Executive</i>
3. Responsibility for ensuring review	<i>Operations Manager</i>

### **Mission Statement**

*Coolmine Therapeutic Community believes that everyone should have the opportunity to overcome addiction and lead a fulfilled and productive life.*

### **Values**

Dignity and Respect; Compassion; Honesty, Consistency, Responsibility; Safety and Security; Commitment to Quality.

### **1. Purpose:**

This procedure establishes guidelines for reporting on and resolution of complaints by Coolmine Therapeutic Community clients or people who are in contact with Coolmine Therapeutic Community services, either with a view to entering a programme or in representing an external service.

A separate procedure exists for processing complaints made by employees of Coolmine Therapeutic Community (HR011).

### **2. Policy:**

The policy of Coolmine Therapeutic Community is that:

- 2.1. Complaints are dealt with promptly in such a way as to protect complainants and enhance the quality of the services.
- 2.2. The appropriate remedy to any upheld complaint should aim insofar as this is possible to restore the complainant to the position he or she would have been in, had things not gone wrong.
- 2.3. Information about the Complaints Procedure is available for clients and staff, and the staff are aware of how it operates.
- 2.4. It is the responsibility of managers to develop an environment in which conflict can be resolved and staff teams can learn from such incidents.

### **3. Procedure:**

#### **General Guidelines**

- 3.1. This procedure is client-centred, focusing on the promotion of clients' welfare and safeguarding their rights.
- 3.2. Clients will be supported by staff in understanding what constitutes a complaint, in understanding the procedure, in completing forms and in their representation throughout the process.
- 3.3. In the case of a Formal Complaint clients can request an advocate to help them to discuss the issue with staff and accompany them to meetings. This advocate can be a friend or relative named as a support in their care plan, or another client.
- 3.4. Complaints will be handled sensitively to facilitate disclosure and lessen the difficulties and fears that may surround the whole process.
- 3.5. All complaints will be processed methodically and fully recorded.
- 3.6. All investigations will be prompt and all parties involved will be updated regularly on progress.
- 3.7. Copies of all documentation related to the complaint will be kept by the local manager in a specific complaint's file.
- 3.8. In the case of HSE funded project s complaints to follow the four stages

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

**Stage 2: Local investigation of written and serious complaints - Formal**

**Stage 3: Internal Reviews - Formal Complaints about Staff**

**Stage 4: Independent Review: Appeals Regarding Formal Complaints about Staff –**

**HSE funded projects**

- **Review Process**

Internal reviews are to be carried out by the HSE. All reviews should be addressed to  
National Advocacy Unit,  
Quality and Patient Safety Division,  
HSE,  
Oak House,  
Lime Tree Avenue,  
Millennium Park,  
Naas,  
Co. Kildare.  
Tel: 045 880 400  
Fax: 1890 200 896  
Email: yoursay@hse.ie

- **Independent Review – Ombudsman**

Nothing in this Part prohibits or prevents any person who  
is dissatisfied with a recommendation made or step taken in response  
to a complaint under this Part or with a review under this Part from  
referring the complaint to the Ombudsman or the Ombudsman for  
Children.

Office of the Ombudsman  
18 Lr. Leeson Street, Dublin 2.  
Tel: +353-1-639 5600  
Lo-call: 1890 223030  
Fax: (01) 639 5674

Ombudsman for Children's Office  
Millennium House  
52-56 Great Strand Street  
Dublin 1  
Tel: 01-8656800

All complaint forms and copies of related records and documents will be kept in a designated Complaints Folder in the Manager's office. The contents of this folder will be reviewed regularly in supervision with the Services Manager and the Manager will prepare an annual complaints report.

### **Informal complaint**

*Informal Complaints generally relate to minor health and safety concerns, lapses in household procedures (relating to laundry, maintenance etc.), lapses in communication (lack of information, unexplained decisions, rudeness), failure to meet commitments (delay in decisions, missed appointments), or behaviours of clients.*

- 3.9. A complainant making an Informal Complaint will have the opportunity to do so in a confidential space.
- 3.10. Appeals by clients relating to Warnings, Behaviour Consequence Assignments and Contracts for Change are dealt with in the procedure that governs those mechanisms.
- 3.11. Where possible staff will deal with complaints at point of service. This will generally be a matter of rectifying an oversight and alerting other staff members or (in the case of repairs) of contacting maintenance services and taking interim steps to minimise the impact of any damage, or of speaking to clients about their behaviour.
- 3.12. All such complaints, actions and remedies will be recorded in the Communication Book and where appropriate in the Maintenance Book.
- 3.13. In the case that staff cannot resolve the issue the complainant should be referred to the Manager, using the Informal Complaint Form.
- 3.14. If the Manager cannot find a resolution to the complaint to the complainant's satisfaction the client should be reminded of their right to make a Formal Complaint. I
- 3.14.1. n this case the Manager will then carry-out an investigation and talk to all concerned, as outlined in this procedure.

### **Informal Complaints about Staff-Members**

- 3.15. In the case of an Informal Complaint concerning a staff-member the complainant will be directed in the first instance to use the formal procedure. *Because of the potential seriousness of such complaints all complaints concerning staff will be thus forwarded immediately for the attention of the Manager.*
- 3.16. Staff should not be drawn into a conversation with a complainant about another staff member, who is the object of the complaint.

- 3.17. If a client persists in criticising or complaining about a staff member, they should be reminded of the complaints procedure and informed that this is the correct way to make a complaint.

### **Formal complaints**

- 3.18. *Formal Complaints are generally made when; the complainant is dissatisfied with the outcome of the Informal Complaints Procedure; when a complaint is made about a member of staff; when the complainant considers that the matter of the complaint demands managerial attention (i.e. instances where the complainant feels that their safety or security has been compromised by project policies or procedures or where serious Health and Safety issues remain unresolved, or where the complainant feels that they have otherwise been adversely affected as a result of the negligence of the project).*
- 3.19. If it is not possible to resolve the matter satisfactorily at the point of service, a complaint form and envelope (for confidentiality) will be issued to the complainant to make a Formal Complaint.
- 3.20. The completed complaint form will be passed-on to the Manager as soon as it is received.
- 3.21. The Manager will acknowledge a Formal Complaint within three days of receiving it and meet with the complainant at the earliest opportunity and not later than seven days after receipt of the complaint.
- 3.22. In the event that the Manager is on annual leave or otherwise unavailable the complaint should be forwarded to Head of Services.
- 3.23. Where investigation is necessary the Manager will inform the complainant of a time-line for this process which will ideally not be longer than seven working days but may take longer depending on the availability of the people involved.
- 3.24. The Manager will file the complaint in the Complaints Folder and log any immediate or subsequent actions taken in response to it.
- 3.25. The complainant will receive a written response from the Manager, outlining the actions to be taken.
- 3.26. If there are any witnesses to the action or situation which gave rise to the complaint they should be asked to give a written account.
- 3.27. If the complaint is upheld the complainant will be informed of the outcome and actions to be taken which will be in line with best practice and the policies of Coolmine Therapeutic Community.
- 3.28. If the complainant is satisfied with the outcome they will be asked to sign a document detailing the outcome and the Manager will counter-sign this, to be filed in the Complaints Folder.

### **Formal Complaints about Staff**

- 3.29. Where an investigation is warranted the Manager will meet individually with any person involved.
- 3.29.1. Management will be sensitive to the fact that, at this stage, the complaint is only under investigation.
- 3.30. Where an allegation of misconduct is made, the complaint is subject to an initial examination by the Manager, if this is acceptable to the person making the complaint.
- 3.31. The Manager's investigation will involve meetings of all parties both individually and together.
- 3.32. If investigation by the Manager is unacceptable to the persons involved then the Head of Services should do the investigation.
- 3.33. If investigation by the Manager or the Head of Services is unacceptable to the persons involved the C.E.O. should designate another independent and impartial person with a view to determining the facts and the credibility or otherwise of the allegation.
- 3.34. At the earliest opportunity staff involved will be given a written record of the content of the complaint that relates to them.
- 3.35. Staff involved will be offered access to the Employee Support Scheme.
- 3.36. The complainant will receive a written response from the investigator, outlining the actions to be taken.
- 3.37. If there are any witnesses to the action or situation which gave rise to the complaint they should be asked to give a written account.
- 3.38. In distributing written records of complaints and responses management will be aware of the sensitive nature of this process and the probability that this situation will be discussed informally by staff and clients.
- 3.39. More members of the team can be informed of the complaint where management feel this will contribute to the best provision of service, but this should be on a need-to-know basis.
- 3.40. If the complaint is upheld the complainant and staff-member(s) will be informed of the outcome and actions to be taken which will be in line with best practice and the policies of Coolmine Therapeutic Community.
- 3.41. If the complainant and subject(s) of the complaint are satisfied with the outcome of the process they will be asked to sign a document detailing the outcome and the Manager will counter-sign this, to be filed in the Complaints Folder.

### **Appeals regarding formal complaints about staff**

- 3.42. Appeals can be made by the complainant and the subject(s) of the complaint according to the appeals procedure below.

***Appeals***

- 3.43. If the complainant or the subject(s) of the complaint are dissatisfied with the response and/or outcome the complaint will proceed by way of appeal to the next line of management, up to the C.E.O., depending on the previous level of the investigation, who will investigate according to the steps outlined above.
- 3.44. If the people involved are dissatisfied with the outcome of this first stage of appeal they will be facilitated in contacting the C.E.O. who will bring the appeal forward to an external arbitrator.

***Formal Hearings of Complaints***

- 3.45. The Manager will inform the C.E.O. that a Formal Hearing is required when:
- 3.45.1. Resolution cannot be achieved within the project.
- 3.45.2. When an appeal is made against the decision of a Manager regarding a complaint.
- 3.46. For a Formal Hearing, the C.E.O. will appoint three people to establish the facts. Two of these will be Managers and the third will be a H.R. Officer.
- 3.47. If there is a further appeal or if any of the parties involved are dissatisfied with the proposed process for a Formal Hearing then the C.E.O. will appoint an external arbiter.

***Persistent Public Allegations by a Client about Staff******At the Informal Stage***

- 3.48. If a client persists in making public allegations against a staff-member or the team – when the client has been given the opportunity to avail of the Formal Complaints procedure – that client will be cautioned for harassment according to the Behavioural Interventions and Warnings Procedure and if necessary can be asked to leave the project and be excluded from Coolmine Therapeutic Community services until such time as they agree to cease making such allegations.
- 3.49. The Manager will explain this process to the client.
- 3.50. Making persistent malicious allegations may result in an extended exclusion from Coolmine services to be determined by management.

***At the Formal Stage***

- 3.51. If a client persists in making public allegations against a staff-member – when the complaint is already under investigation, or that investigation has been completed (*regardless of whether the complaint was upheld or not*) – that client will be cautioned for harassment according to the Behavioural Interventions and Warnings Procedure and, if necessary, will be asked to leave the project until such time as staff believe they will cease making such public allegations.
- 3.52. The Manager will explain this process to the client.

- 3.53. Making persistent malicious allegations may result in an extended exclusion from Coolmine Services to be determined by Management.

***Reports/Monitoring***

- 3.54. Where a complaint has been resolved in favour of a complainant, the result should be noted for reference in similar cases.
- 3.55. If a particular issue becomes a regular source of complaint, a review of the operation of the project might be undertaken.
- 3.56. To ensure accountability and to enable the benefits to be assessed, an annual report on complaints should be produced and reviewed by management. These reports should detail how the system performed during the year by reference to set targets.
- 3.57. Such reports have a useful role to play in building up confidence in the system and should be made widely available within the organisation and circulated to user groups and other interested parties.
- 3.58. In line with good practice the availability and working of a complaints system will be clearly publicised through notices and mention in the client handbook.
- 3.59. All staff will be familiar with the operation of the system.
- 3.60. The system will be reviewed at set periods.
- 3.61. Staff and clients will have the opportunity to input to reviews of the procedure.

***Responsibility***

- 3.70. It is the responsibility of management and staff to ensure that the establishment, implementation and maintenance of this policy is clearly communicated to resident/clients and visitors to any of the Coolmine facilities.
- 3.80. The managers at Coolmine are responsible for ensuring that all policies and procedures are implemented effectively and efficiently. All other staff and volunteers are expected to facilitate this process.