

Feedback and Complaints Policy & Procedure

Rationale and Policy Considerations

A clear and effective Complaints Policy is an important part of providing a quality service. Even where every effort is made to meet quality standards, those who use a service may not always feel satisfied with the type, level or quality of the service that is provided. Although complaints can be difficult to receive and respond to, acting on a complaint appropriately, efficiently and promptly can help upgrade service quality and is important for the reputation of the service and to help ensure positive relationships.

This Policy outlines how AONTAS act upon the feedback we get from our members, stakeholders and the general public. It will explain how you can make a complaint and advises you on your rights when doing so. The AONTAS Complaints Policy is available on the AONTAS website at <https://www.aontas.com/>

1. DEFINITION OF A COMPLAINT

Definition of a complaint (as per the Health Act 2004, part 9)

“complaint” means a complaint made under this Part about any action of the Executive or a service provider that—(a) it is claimed, does not accord with fair or sound administrative practice, and adversely affects the person by whom or on whose behalf the complaint is made.

2. PURPOSE

The purpose of the complaints policy is to enable AONTAS members, stakeholders and the general public to express concerns or issues they may have with any aspect of their interactions with AONTAS as an organisation, our staff and volunteers. The procedure enables the issues raised to be dealt with fairly, without delay and in a confidential manner. AONTAS welcomes all feedback and will use the information to develop and improve.

WHO CAN MAKE A COMPLAINT?

Any person who has engaged with AONTAS as an organisation may complain, in accordance with the procedures established under this Part, about any action of AONTAS staff or volunteers

- a) It is claimed that AONTAS does not accord with fair and sound administrative practice, and;
- b) It adversely affects or affected that person.

As defined in the Health Act 2004, an action does not accord with fair and sound administrative practice if it is:

- taken without proper authority.
- taken on irrelevant grounds.
- the result of negligence or carelessness
- based on erroneous or incomplete information
- improperly discriminatory
- based on undesirable administrative practice, or
- in any other respect contrary to fair or sound administration.

3. HOW COMPLAINTS CAN BE MADE

You can make a complaint verbally, in writing or by email:

- you can telephone AONTAS on 01 406 8220.
- you can email mail@aontas.com.
- you can make a complaint via our website contact form: [Feedback and Complaints | Aontas](#)
- you can write to: AONTAS– Ireland’s National Adult Learning Organisation, 2nd Floor, 83-87 Main Street, Ranelagh, Dublin 6, Ireland D06 E0H1

A Complaints form is attached below, and copies are available on request.

4. WHAT INFORMATION TO INCLUDE WHEN MAKING A COMPLAINT (written or verbal):

A written complaint should include:

- Who was involved?
- What happened and when?
- What are you concerned about?
- Have you done anything else to resolve this matter?
- What do you want to happen now?
- It will also assist the investigator if any extra information and/or copies of other relevant documents are attached to your written complaint.

5. ACKNOWLEDGEMENTS OF COMPLAINTS

(Health Act 2004) Upon a complaint being received by or assigned to AONTAS (including a referral under section 48(2)), they shall notify, within 5 working days, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.

6. ADVOCACY

All complainants have the right to appoint an advocate. An advocate helps by supporting you to put forward your views, claim your entitlements and, where necessary, represent you and negotiate on your behalf. You can contact advocacy services through the Irish Advocacy Network or the Citizen's Information Board.

Any person who wants to make a complaint can appoint an advocate to assist them in making their complaint and support them in managing that complaint. A staff member or a trusted person may also act as advocates for people wishing to make a complaint. Anyone who is an advocate must, however, uphold the principles of advocacy listed below.

- empowerment of the person where possible
- respect for the person and their wishes
- act in the person's best interest
- act independently
- maintain confidentiality.
- act with diligence and competence.

7. ACTIONS TAKEN AFTER A COMPLAINT IS RECEIVED

AONTAS will take every complaint seriously. AONTAS's process for managing complaints is as follows:

Stage 1 - Local resolution of verbal complaints at point of contact (Informal) *the staff member receiving the verbal complaint will record the details on our Complaint Form.

Stage 2 - Local investigation of written and serious complaints (Formal)

Stage 3 - Internal Review

Stage 4 - Independent Review (Ombudsman)

7.1 STAGE ONE - LOCAL RESOLUTION

If an issue arises AONTAS will attempt to resolve the issue informally at the local level with the appropriate person and will record the details of the complaint on our Complaint Form.

7.2 STAGE TWO - LOCAL INVESTIGATION

If informal resolution is unsuccessful or not appropriate a complaint can be made by:

- Contacting AONTAS by the above complaints methods i.e. verbal, written or email
- An investigator will be appointed who will report details of the complaint to the Chief Executive Officer or alternatively the AONTAS Chairperson.
- Upon a complaint being received by or assigned to the investigator (including a referral under section 48(2)), they shall notify, within 5 working days, the complainant, in writing, that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.
- The matter will be dealt with immediately and fairly.
- Confidentiality will be always upheld.

7.3 STAGE THREE – INTERNAL REVIEW (Appeals Process)

If a complainant is not satisfied with recommendations made by the investigator, the complainant may apply in writing for a review to the Board of Directors of AONTAS.

AONTAS has designated authority to appoint review officers as per the Health Act 2004 (Complaints) Regulations 2006 and all requests for reviews must be addressed to:

AONTAS CEO, AONTAS Ireland's National Adult Learning Organisation, 2nd Floor, 83-87 Main Street, Ranelagh, Dublin 6, Ireland D06 E0H1. Tel: 01 406 8220.

7.4 STAGE FOUR – INDEPENDENT REVIEW - OMBUDSMAN (Appeals Process)

If you are not happy with the outcome of the review carried out by AONTAS, you have a right to request an independent review of the complaint by the Ombudsman. The Ombudsman is responsible for ensuring that the public receive good customer care and fair treatment from the Government and public bodies. If you have gone through all the stages outlined above, you may make your complaint directly to the Ombudsman.

8. TIMEFRAMES INVOLVED ONCE A COMPLAINT IS RECEIVED

The complaints investigator will inform the complainant in writing, within 5 working days of making the decision, if the complaint will not be investigated and the reasons for it.

Where the complaint will be investigated, the complaints investigator will endeavour to investigate and conclude the investigation of a complaint within 30 working days of the

acknowledgement of the complaint. They may call on other staff, witnesses, experts and so on to assist with the investigation.

If the complaint cannot be investigated and concluded within 30 working days of acknowledging the complaint, the complaints investigator will communicate this to the complainant and relevant staff member within 30 days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.

The complaints investigator must update the complainant and relevant staff member every 20 working days until the matter is resolved.

The complaints investigator must endeavour to investigate complaints within 30 working days. However, where the 30 working days' timeframe cannot be met despite every best effort, the complaints investigator 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 complaints person must inform the complainant that the investigation is taking longer than six months, give an explanation why and outline the options open to the complainant. They should encourage the complainant to stay within the local complaints management process while informing them that they may seek a review by the Ombudsman.

9. TIME LIMITS FOR MAKING A COMPLAINT

The Complaints investigator must determine if the complaint meets the time frames as set out in Section 47, Part 9 of the Health Act 2004 which requires that:

- A complaint must be made within 12 months of the date of the action giving rise to the complaint or within 12 months of the complainant becoming aware of the action giving rise to the complaint.
- **A Complaints investigator may extend the time limit for making a complaint if in the opinion of the Complaints investigator special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:**
 - **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.**
 - If the complainant is ill or bereaved.
 - If new relevant, significant and verifiable information relating to the action becomes available to the complainant.
 - Diminished capacity of the service user 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

- A Complaints investigator must notify the complainant of decision to extend / not extend time limits within 5 working days.

10. MATTERS EXCLUDED (AS PER PART 9 OF THE HEALTH ACT)

10.1 48-(1) A person is not entitled to make a complaint about any of the following matters:

- A. a matter that is or has been the subject of legal proceedings before a court or tribunal.
- B. a matter relating solely to the exercise of clinical judgement by a person acting on behalf of AONTAS.
- C. an action taken by AONTAS solely on the advice of a person exercising clinical judgment in the circumstances described in paragraph (b);
- D. a matter relating to the recruitment or appointment of an employee by AONTAS
- E. a matter relating to or affecting the terms or conditions of a contract of employment that AONTAS proposes to enter into or of a contract with an adviser that AONTAS proposes to enter into under section 24;
- F. a matter relating to the Social Welfare Acts
- G. a matter that could be the subject of an appeal under section 60 of the Civil Registration Act 2004
- H. a matter that could prejudice an investigation undertaken by the Gardaí
- I. a matter that has been brought before any other complaints procedure established under an enactment.

48-(2) Subsection (1) (i) does not prevent a Complaints investigator from dealing with a complaint that was made to the Ombudsman or the time limit for making complaints.

10.2 ANONYMOUS COMPLAINTS

You can choose whether to make an anonymous complaint or give your name and contact details. We encourage you to give your details if you make a complaint so that we can let you know the outcome after we investigate it.

In general, we cannot investigate anonymous complaints against a named staff member. However, all anonymous complaints will be passed to the relevant Complaints investigator who will decide on the appropriate action.

If you make a complaint by phone or in person, the member of staff taking the details of the complaint will encourage you to give your name and telephone number. They will tell you that unless you give a name and contact details, it may not be possible to investigate the complaint properly.

10.3 VEXATIOUS OR MALICIOUS COMPLAINTS

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

11. REDRESS

An effective complaints system which offers a range of timely and appropriate remedies will enhance quality of service. Redress should be consistent and fair for both the complainant and the service against which the complaint was made. AONTAS offers 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. The redress includes:

- Apology
- An explanation
- Admission of fault
- Change of decision
- Replacement
- Repair /rework
- Correction of misleading or incorrect records
- Recommendation to make a change to a relevant policy or law

A Complaints investigator may not, following the investigation of a complaint, make a recommendation the implementation of which would require or cause:

- AONTAS to make a material amendment to its approved service plan, or
- A service provider and AONTAS to make a material amendment to an arrangement under section 38.

If, in the opinion of the relevant person, such a recommendation is made, that person shall either

- Amend the recommendation in such manner as makes the amendment to the applicable service plan or arrangement unnecessary, or

- Reject the recommendation and take such other measures to remedy, mitigate or alter the adverse effect of the matter to which the complaint relates as the relevant person considers appropriate.

12. ANNUAL REPORT

A report shall be compiled on the complaints received by AONTAS during the previous year indicating:

- The total number of complaints received.
- The nature of the complaints.
- The number of complaints resolved by informal means.
- The outcome of any investigations into the complaints.

CONTACT DETAILS:

AONTAS Complaints investigator OR AONTAS CEO: AONTAS– Ireland’s National Adult Learning Organisation, 2nd Floor, 83-87 Main Street, Ranelagh, Dublin 6, Ireland D06 E0H1

- you can telephone AONTAS on 01 406 8220.
- you can email mail@aontas.com
- you can make a complaint via our website contact form: [Feedback and Complaints | Aontas](#)

*APPENDIX: - COMPLAINTS FORM

AONTAS COMMENT OR COMPLAINT FORM

Email to: mail@aontas.com

Post your complaint to:

AONTAS Complaints investigator OR AONTAS CEO: AONTAS– Ireland’s National Adult Learning Organisation, 2nd Floor, 83-87 Main Street, Ranelagh, Dublin 6, Ireland D06 E0H1

****Please include where possible - Who was involved?, What happened and when?, What are you concerned about?, Have you done anything else to resolve this matter?, What do you want to happen now?***

Include any extra information and/or copies of other relevant documents

YOUR COMPLAINT DETAILS - *Attach extra pages if necessary*

Name:	
Address:	
Telephone number:	
Email:	
Date:	

SIGNED: _____