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North Tipperary Development Company

COMPLAINTS POLICY

Document Control

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North Tipperary Development Company

North Tipperary Development Company (NTDC) is an Integrated Local Development Company that provides area-based responses to long term unemployment and promotes social inclusion and economic and rural development throughout North Tipperary. The Company is committed to working from the local development perspective of inclusion, partnership, participation, area-based planning/lobbying, equality and non-discrimination. NTDC seeks to add value to services and supports already being delivered in the County by statutory, community and voluntary agencies. The Company further seeks to collaborate with other groups to meet needs where gaps in service provision are identified. NTDC operates within the old North Tipperary Local Authority Area and is governed by a Board of Directors.

Programmes delivered by NTDC include:

- Childcare
- Community Based Youth Projects
- Ascend Domestic Abuse Service, North Tipperary
- Traveller Primary Health Programme
- Traveller Development Programme
- Job Clubs
- After-schools Service
- Community Employment Scheme
- Community Development Programme
- Family Support
- Rural Social Scheme
- Tús Programme
- SEAI Energy Programmes
- Rural Development Programme

Purpose:

The purpose of this policy is to outline the complaints and appeals procedure within North Tipperary Development Company in relation to complaints made against services delivered by NTDC.

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Definition:

You have the right to complain if you are not fully satisfied with any aspect of the service provided by NTDC.

Complaints Procedures are validly applied to:

An action of the service which 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.

An action does not accord with fair and sound administrative practice if it is:

- a) taken without proper authority,*
- b) taken on irrelevant grounds,*
- c) the result of negligence or carelessness,*
- d) based on erroneous or incomplete information,*
- e) improperly discriminatory,*
- f) based on undesirable administrative practice, or*
- g) in any other respect contrary to fair or sound administration.*

(Section 61 of the Child and Family Agency Act, 2013)

Who can make a Complaint in relation to NTDC:

In relation to NTDC, you can make a complaint about any action or lack of action by NTDC that you consider to be unfair and that negatively affects you or has negatively affected you. The person making the complaint must have been the one affected or have the written permission of the one affected to make the complaint.

The following people can make a complaint against NTDC:

- People who have received or are receiving service from NTDC;
- People who have sought or are seeking services from NTDC;
- Close relatives or carers of the above people, or others who have the consent of the person concerned to act on his/her behalf or have the legal authority to do so;
- Parents or carers of children who are being/have been provided with services by NTDC;

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- Close relatives or carers of a deceased person who was in receipt of NTDC services.

When can a Complaint against NTDC be made:

A complaint must be made within 6 months of the incident. In the case of Tusla and HSE funded projects, this is period is 12 months. Complaints can only be made by individuals.

Exclusions from the Complaints Procedure:

In general HR issues are mostly excluded, as are those that are the *subject* of legal proceedings, a Garda Investigation or a CORU complaint. The complaints process is not a disciplinary process.

The following matters are excluded from examination under the Complaints Policy as it applies to **NTDC**:

- A matter that is or has been the subject of legal proceedings before a court or tribunal;
- An action taken on the basis of or matter relating solely to the exercise of clinical judgement (a decision about medical diagnosis or treatment);
- A matter relating to the recruitment or appointment of an employee;
- A matter relating to a contract of employment with NTDC;
- A matter relating to the 'Social Welfare Act';
- A matter that could be the subject of an appeal under section 60 of the 'Civil Registration Act 2004';
- A matter that could prejudice an investigation by An Garda Síochána;
- A matter that has been brought before any other complaints procedure established by law;
- Matters that give rise to child protection or welfare concerns which must be referred to the area duty social work team.

How to Make a Complaint:

If you are dissatisfied with the service and are considering making a complaint, first discuss the matter with the staff member you dealt with to address your concerns there and then. The staff member with who you speak will give you a copy of this Complaints Policy to enable you to decide how you wish to proceed. Having spoken

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to or with the staff member if you are not satisfied with the outcome of these discussions then:

- Make a formal complaint by completing and forwarding the complaint form to the (respective Service Manager), North Tipperary Development Company, 2nd Floor, Friars Court, Nenagh, Co. Tipperary, E45 KN59. If you do not know the Line Manager's name, please ask at Reception (067-56676).
- If you are making a complaint about a particular staff member and you are giving that staff member's name, you must complain in writing. You should give details such as dates and locations so that the service manager can check the facts of the complaint.
- In general, anonymous complaints are more difficult to investigate and anonymous complaints against a named staff member NTDC cannot be investigated. However, all anonymous complaints will be passed on to the relevant service manager, who will decide if s/he needs to take any action.
- NTDC understands that individuals making a complaint have the right to use a support system/advocate during this process.
- Harassment (as defined in Section 14A (7) Employment Equality Act, 1998) of NTDC staff, volunteers or Board members will not be tolerated at any stage of the complaints process.

Complaints Procedure in relation to NTDC:

In relation to the NTDC Service a six-step process for dealing with the complaint.

- 1. Informal Resolution:** Having acknowledged your complaint within five working days the Service manager will attempt to resolve the matter to the satisfaction of the person making the complaint and other party(s) concerned.
- 2. Written complaint-Investigation, Report and Recommendations:** If this cannot be facilitated, the Service Manager will carry out an impartial investigation of the matter. Every effort will be made to conclude the investigation within 30 working days of acknowledgement of receipt of the complaint. If this is not possible you will be advised of the delay, the anticipated completion date and be advised every 20 days of any further delays. The investigation and report will be completed within six months of acknowledgement. You will be issued with a copy of the report, which will indicate one of three findings: Upheld; Upheld in part or Not Upheld and include, where relevant, a set of recommendations to address

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the matters at issue. NTDC management will contact you within 30 days to indicate how the recommendations are to be implemented.

3. **CEO Review:** If you are unhappy with the Service Managers report you can request for a review to be conducted by the CEO, NTDC.
4. **NTDC Appeal Board:** If you are unhappy with the CEO's review you can appeal to the NTDC Appeal Board.
5. **For Tusla funded programmes:** If you are unhappy with the findings or recommendations of NTDCs Appeal Board, you may seek a review of the matter directly by contacting "Tell Us" tellus@tusla.ie. The request for review must be made within 30 days of receiving the NTLP Appeal Board Report and should identify the elements of the findings or recommendations that the complainant requires to have reviewed and/or the reasons for requesting that they be reviewed. A review officer will be assigned by Tusla.
6. **Review by Ombudsman's office:** If you remain dissatisfied, you may seek a review from the Office of the Ombudsman ombudsman@ombudsman.ie or the Ombudsman for Children Office ococomplaint@oco.ie

Redress:

An effective complaints system will enhance the quality of our service and enable us to review current policies and procedures which may be giving rise to complaints.

Redress should be consistent and fair to both the complainant and the service against which the complaint was made. Redress may include:

- An apology
- An explanation
- Admission of fault
- Change of decision

We will take the learning from the complaint process and, where necessary, amend our practices in order to improve our performance.