



## **NAS Complaints Policy and Procedure**

### **1. Purpose**

The purpose of this policy is to set out how a person engaging with NAS can make a complaint about any element of the NAS service, and how such complaints will be handled.

### **2. Scope**

- This policy applies to situations where a person wishes to make a complaint about their experience with NAS. This includes a person applying for or using NAS services or any other person who has had any interaction with NAS. (Where the complaint relates to NAS refusal of service or use of a waiting list, this policy and procedure will apply and the criteria set out in the Access and Eligibility Policy will be used to evaluate the merits of the case.)
- Allegations or suspicions of abuse made against a NAS staff member will be dealt with under the Disclosures Suspicions and Observations of Abuse Policy.
- This document is primarily for NAS staff and management to guide them through the complaints handling process. The accompanying document in Appendix 1 “How to Make a Complaint against NAS - Complaints Policy and Procedure” is intended to set out the process for the person making a complaint.

### **3. Background and Guiding Principles**

- 3.1 This policy relates directly to the NAS Core Values of Respect and Equality and the associated standards in the Code of Practice, particularly Standard 4.2: “Independent, representative advocacy is accountable to the people who use the service”. As outlined at 4.2.a, NAS Staff are accountable to the person they are working with and to NAS.

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- 3.2. This complaints process aims to offer a range of timely and appropriate responses which will enhance quality for those using the service.

#### **4. Responsibilities of NAS Staff**

- 4.1. At an early stage in the advocacy relationship, NAS staff informs the person they are working with of their right to make a complaint at any stage and provide them with information on how to do this.
- 4.2. If a person indicates to NAS staff member that they are unhappy with an aspect of the service provided by NAS, they will attempt to resolve the matter to the person's satisfaction but will also advise them of their right to make a complaint, and will provide them with the document "How to Make a Complaint against NAS - Complaints Policy and Procedure" and contact details for the Regional Manager.
- 4.3. All NAS staff will co-operate fully with the complaints procedure and will respond in a comprehensive and timely manner to requests for information during the investigation process.

#### **5. Responsibilities of NAS Management**

- 5.1. NAS Management will ensure that an up-to-date complaints policy is in place and that the necessary structures and training are in place to support it.
- 5.2. In most instances it will be the responsibility of the Regional Manager to receive and handle a complaint. Where a Regional Manager is unavailable, the complaint will be handled by another member of management (RM/SA). Where the complaint concerns the Regional Manager, the National Manager will receive the complaint. Where a complaint concerns the National Manager it will be received by the NAS Board. A complaint about an individual Board Member will be received by the Chair.
- 5.3. NAS will collate and analyse the type, nature, number and outcome of complaints received and will report annually to the NAS Board on all complaints received. NAS will, where appropriate ensure that any learning from complaints is translated into recommendations for changes to policy or practice.

## **6. Time Limit and Exceptions**

6.1 A complaint must be made within twelve months of the date of the action giving rise to the complaint. This time limit may however be extended at the discretion of the National Manager if special circumstances make it appropriate to do so. These special circumstances include but are not limited to:

- Complainant illness or bereavement;
- Extensive support being required by the complainant which led to the delay;
- New, relevant or significant information relating to the action in question becoming available;
- The complaint relates to an issue of such seriousness that it cannot be ignored;
- It is considered in the public interest to investigate the complaint;

## **7. Complaints Procedure**

7.1 The NAS Manager receiving the complaint will acknowledge it in writing within 5 working days and agree with the complainant how they will communicate with them (email, phone, and letter.) Every attempt will be made to facilitate the complainant's preferred style or method of communication. They will ensure that the complainant has a copy of the document 'How to Make a Complaint against NAS - Complaints Policy and Procedure' (Appendix 1) and is aware of the complaints procedure and timeframes. They will also try to find out whether the complainant requires support to pursue the complaint and will insofar as possible try to assist them to source this support.

7.2 NAS will keep a log of all communications and details and a timeline of actions taken in relation to any complaint.

7.3 Details of the complaint will be kept confidential to those immediately concerned.

7.4 Data collected during the complaint will be recorded and stored in accordance with the Data Protection Acts.

7.5 Throughout the process the NAS will keep the complainant and the subject of the complaint (if the complaint relates to a person) up-to-date with developments as set out in this policy and in the Staff Handbook.

## **8. Complaints Procedure- Stages**

### **Stage 1**

The NAS Manager will contact the complainant, record details of the complaint and explore what the complainant would like to happen. They will then contact the staff member involved, give them a written summary of the complaint and ask for a response. They may then explore whether a solution can be found which would be satisfactory to the complainant.

This process will be completed within 15 days. Alternatively the complainant may request to proceed directly to Stage 2.

### **Stage 2**

If the complainant wishes to proceed directly to Stage 2, the NAS Manager will initiate a formal investigation to ascertain all the facts and identify the relevant policies and procedures. Other members of the management team may be involved at this point.

- The NAS Manager will ensure the person is offered a complaint form to complete (Appendix 2) or facilitated to communicate their complaint in their preferred way. They will ensure that the complaint is acknowledged in writing within 5 working days of its receipt. The NAS Manager will outline to the complainant the steps to be taken in investigating the complaint and a time limit for completion of the investigation. This investigation will usually be completed within a time limit of 30 working days.
- Once the investigation is concluded a written report will be compiled. Arrangements will be made to meet the person, where they will be advised of the outcome and provided with a copy of the findings.
- If the investigation is not concluded within 30 days, the NAS Manager will write to the complainant and relevant people outlining why this is the case and indicating the time it will take to complete the investigation.
- Should resolution of the complaint continue to be delayed, the complainant and relevant people will be updated every twenty working days.

- Where the 30 day time frame cannot be met due to the complexity of the investigation, the unavailability of relevant parties or other exceptional circumstances, every effort should be made to conclude the investigation of the complaint within six months of the receipt of the complaint.
- If the six month timeframe cannot be met, the complainant will be informed in writing that the investigation is taking longer than six months, giving an explanation as to why and outlining the alternative options open to the complainant.

### **Stage 3**

If the matter has not been resolved to the complainant's satisfaction, it will be escalated as appropriate to the National Manager and/or Board of NAS. A timeframe for response will be agreed and communicated to the complainant.

A complaint against NAS which is not resolved by the NAS complaints process will be referred to CIB. The decision of CIB will be final. The complainant may choose to seek legal advice and pursue legal action if they are not satisfied with CIB's decision.

## **8. Complaints made directly to C.I.B.**

- 8.1 CIB sometimes receives complaints relating to the agencies which it funds. In such a case, CIB will first check that the complaint does relate to a NAS staff member. They will then encourage the person to make the complaint directly to the relevant NAS Manager or to the NAS Board.
- 8.2. If the person is unwilling to go directly to NAS the Complaints Administrator will accept the complaint and follow the CIB Complaints Procedure.

## **9. Related Policies**

Other policies which may be of particular relevance to situations covered by this policy include:

- Access and Eligibility Policy
- Prioritisation Policy

- Case Management Policy
- Equality Policy

## **10. Review Date**

This policy will be reviewed as necessary.

**ENDS**



## Appendix 1

### **How to make a Complaint against NAS- Complaints Policy and Procedure**

Our values and our policies and procedures are all aimed at ensuring that everyone who uses NAS gets a good service from us. One of our core values is respect for the people we work with, and part of showing respect is being accountable for how we do our work. Equality is another of our core values and if anyone feels they have been discriminated against or treated unfairly we need to know so that we can put it right.

We take all complaints seriously. You will not be refused a service or receive poor treatment from NAS just because you make a complaint. We strive to deal fairly with all complaints and will try our best to put things right for you and for other users of our service.

This document will tell you what you need to do if you want to complain about any aspect of your experience with NAS.

If you find this document difficult to read you can ask a NAS advocate or manager to go through it with you or you can ask for it in other formats.

#### **Who can make a complaint?**

Anyone who makes a complaint about NAS can do it themselves or be represented or assisted by whomever they choose. If you wish to make a complaint but feel that you need support, NAS will try to help you find someone to support you who is independent of NAS.

NAS will accept a complaint made by someone on behalf of another person when that person cannot complain by themselves.

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Third parties such as service providers or family members can also make a complaint in their own right if they feel NAS has not treated them properly in its dealings with them.

### **What can you make a complaint about?**

You can make a complaint about any situation where you feel

- We have not treated you with respect.
- We have given you a poor service.
- We have not stuck to our policies or procedures.

If you have applied for advocacy services from NAS and have been refused or placed on a waiting list, you may appeal if you think that this decision is unfair. You will be given a copy of the Access and Eligibility Policy which explains how decisions about eligibility for services are made. The complaints procedure will investigate whether NAS has correctly followed the Access and Eligibility Policy and whether there are any other circumstances which should have been taken into account.

### **Complaints Procedure:**

You can let us know that you have an issue with NAS

In writing – a letter or email, fax

Verbally – over the phone or in person

You may use our complaints form if you like but you do not have to use it.

We will acknowledge receipt of your complaint within 5 working days.

The procedure is in 3 stages:

#### **Stage 1 - Informal:**

- The manager will talk or write to you about the complaint and explore whether there is a solution that meets your needs without a formal investigation taking place.
- The manager will also speak to the person against whom you are making the complaint.

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- This process should usually take less than 15 days to complete. If you are not satisfied with the results of this stage you can go on to Stage 2. You may, if you wish, go straight to the formal stage (Stage 2) without using Stage 1.

## **Stage 2 - Formal:**

This stage is very much like Stage 1 but this time the manager will undertake an exhaustive formal investigation to ascertain all the facts and will produce a written report at the end of the process.

- The manager will contact you within 5 days to let you know they have received your complaint.
- The manager will probably meet with you to ensure that they have all the relevant details.
- Stage 2 will usually take less than 30 days. If it is going to take longer, the manager will explain the reasons for the delay and discuss your options with you.
- At the end of the process the manager will tell you the outcome. If you are not satisfied with the results of this stage you can go on to Stage 3.

## **Stage 3 – Referral to the National Manager and/or Board of NAS**

The National Manager and/or Board of NAS will consider the manager's report from Stage 2 and may also decide to investigate certain aspects of the complaint further. They may ask you to meet with the Board or representatives of the Board or may look for further information from you. The timeframe for this stage will be agreed with you.

## **Appeal to Citizens Information Board (CIB)**

NAS is funded by the Citizens Information Board (CIB). If a complaint cannot be resolved by NAS you can request to have it investigated by the CIB. You will be provided with details of the CIB Complaints Procedure at that point. The decision of the CIB will be final.



Appendix 2

## COMPLAINT FORM

**Name:**

**Address:**

**Tel:**

**Email:**

**Details of your complaint**

**Date/Day/Time service used:**

**Date of Complaint:**

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