

## Variety Ireland Complaints Procedure Policy

### Policy Statement

**Variety – the Children’s Charity of Ireland (Variety Ireland)** is committed to providing the best services and interventions possible to those whom we assist and those who support us underpinned by our values of:

- Supporting children and families
- Promoting inclusion and equality
- Encouraging self-sufficiency, independence and confidence
- Working for social justice

It is the policy of **Variety Ireland** to respond to all complaints in a prompt, fair and sensitive manner. The Complaints policy is not designed to apportion blame, but to learn, respond and improve our services. This policy relates specifically to the Fundraising Policies and Practices of the National Office.

### Purpose

The purpose of the **Variety Ireland** Complaints Policy and Procedure is to offer a mechanism for those whom we assist to complain or those who have donated to us or supported us and to ensure that all complaints are considered and responded to promptly, fairly and sensitively. The aim of the Complaints policy and procedure is to try to resolve complaints quickly and fairly. Complaints provide us with an opportunity to learn, adapt and improve our services.

### Scope

This policy applies to all members, and volunteers of the charity and others who provide services on the charities behalf (e.g. contractors). It is for use by any member of the public who uses, has used or has sought to use any **Variety Ireland** services or support or has received or sought assistance by the Variety Ireland. Complaints are viewed by Variety Ireland as a constructive part of the organisation’s learning process and accountability for service provision.

### What people can expect from a complaints policy and procedure

- A fair hearing, a timely response and a clear explanation of the outcome even if it is not favourable to them
- An appropriate remedy where it is found that they were not treated fairly or properly and
- An assurance that complaints will inform policy and practice within the charity.

## Guiding Principles

- Those whom we assist have a right to complain and should find it easy to do so
- Complaints will be taken seriously and be dealt with promptly, fairly and sensitively
- Complaints will be dealt with informally in the first instance by talking to the person/service involved
- People who are not satisfied with how a complaint is dealt with locally have a right to make a formal complaint in writing
- **Variety Ireland** will be open and accountable for any decisions made
- **Variety Ireland** will act fairly and proportionately – individuals will not be penalised for making complaints
- **Variety Ireland** will put things right by acknowledging mistakes and apologising where appropriate
- **Variety Ireland** will use the lessons learnt from complaints to improve and change our work when necessary

## Child & Vulnerable Adult Protection

Complaints which relate to or identify a risk to the safety or welfare of a child, young person or vulnerable adult, will be dealt with by **Variety Ireland** under our safeguarding for the Protection of Children, Young People and Vulnerable Adults.

## Complaints against Volunteers

If a complaint is made in relation to bullying and harassment or inappropriate behaviour by a volunteer, it will be investigated in accordance with the Rule of the charity.

## Complaints against Staff

If a complaint is made in relation to bullying and harassment or inappropriate behaviour by a member of the charity, the relevant complaints procedure of the charity will be implemented

## Complaints against Persons Contracted to Carry out Work on Behalf of the Charity

If a complaint is made in relation to bullying and harassment or inappropriate behaviour by a person contracted to carry out work on behalf of the charity, the relevant complaints procedure of the charity will be implemented

## Confidentiality

All complaints will be treated as confidential, and information shared will only be passed to others on a 'need to know' basis. Information on other services or services users, including assistance provided to others, will not be shared with the person making the complaint.

## Complaints Procedure

All **Variety Ireland** members, volunteers, contractors and employees will be mindful of the rights of those whom we assist to complain and be heard appropriately. All complaints are dealt with in strict

confidence. In the interests of fairness and transparency, anonymous complaints will not be accepted.

## **Making a Complaint:**

Anyone making a complaint is entitled to be taken seriously, to be listened to in a fair and courteous manner and to have their complaint dealt with sensitively and respectfully. Complaints can be made orally or in writing. A complaint may be made directly to the person the complainant is dealing with, or to the leader of the relevant section e.g. Variety Board Director or the CEO . It is hoped that many complaints can be dealt with informally and satisfactorily on the spot.

If the complaint cannot be solved at this point, the volunteer, contractor or staff member will offer to get a more senior leader to deal with it.

## **Informal Complaints Process:**

The purpose of the informal complaint process is to encourage a person who has a complaint to speak directly with the individual or the manager of the service involved and to resolve the complaint locally and informally. Most problems can be resolved at this stage with good will and a calm, fair and objective response.

Where a person makes an informal complaint in person, by phone, or email, relevant details will be taken and recorded by the person contacted in the first instance. Where possible an explanation, further information and / or an apology will be offered to resolve the complaint at this time.

If the complaint cannot be resolved at this point, contact details for the individual will be recorded and arrangements made to contact them with an initial response at a convenient time will be made.

If the complaint relates to a volunteer, member or service other than person contacted, the person taking the complaint will offer to pass on the person's comments and ask the person if they wish to be contacted by the relevant party directly. If they agree, their contact details will be passed on to the Board of Directors and exclude any Board member who the complaint may relate to.

If the complainant does not wish to be contacted directly by the person against whom they have made the complaint, this will be noted and a record of their complaint will be passed to the CEO of **Variety Ireland**. The charity CEO will contact the person by phone or in person, if agreed, to hear their complaint.

Where possible an explanation, further information and / or an apology will be offered to resolve the complaint at this time. If the complaint is resolved satisfactorily at this point, no further action is required.

## **Making a Formal Complaint:**

If a person wishes to make a formal complaint they will be asked to put their complaint in writing. Any details of oral complaints will be noted by the person receiving the complaint on the Complaints Form. Every effort will be made to provide any assistance required to complete the form. The following information should be provided.

- The name and address of person affected and the service they are involved with;
- If the complaint is being made by a third party, such as parent, carer or other adult on behalf of another person, the name and address of the parent, carer or other adult should be recorded;
- Exactly what the person is dissatisfied with, including names, dates and events, as relevant;

- The name/s of the **Variety Ireland** member/s, volunteer/s, or contractors involved, if known;
- If the complaint is complicated it is recommended to put it in writing so that no important detail is overlooked. It is also important to include all relevant documentation/correspondence;
- Sometimes people have special needs that may affect their ability to make a complaint. Every effort should be made to assist in whatever way is required e.g. assistance with reading and writing, mobility etc.

## Responding to a Formal Complaint

On receipt of a written complaint, the person the complaint is addressed to will acknowledge receipt of the complaint within 14 working days. Every effort should be made to try to resolve the issue immediately. This may be by way of providing:

- An acknowledgement and/or
- An explanation and/or
- Additional information and/or
- An apology

If this is not sufficient, the leader of the activity e.g. CEO or Board member(s) will contact the person making the complaint and, where agreeable, arrange to speak to or meet the complainant within 28 days.

If it is not suitable or appropriate for the leader of the activity to assess the complaint (for example if the complaint alleges misconduct on their part) the next leader will do so e.g. a designated member of the board or CEO or their written nominee.

- The complainant has the right to bring an independent advocate to this meeting.
- Minutes of the meeting will be taken and kept securely.
- If resolution can be made by issuing an apology, it will be done so at this meeting and followed up in writing in 10 days.
- However, should further assessment be required this should be outlined to the complainant.
- If further assessment is required a record of all meetings and discussions in relation to the complaint will be maintained.
- Complaints are confidential and will not be discussed ad hoc.
- Where necessary the activity leader e.g. board member lead or CEO , may seek best practice advice from the rest of the board or independent legal advice. A record must also be kept of all advice sought and received.
- Having completed the assessment, the activity leader will write to the person, outlining the outcomes of the assessment. This should take place within 30 days. If the assessment cannot be completed within 30 days the person will be updated on progress and given a reasonable timeframe for the conclusion of the assessment. The person will be updated on progress every 20 days, until the process is complete.
- When the assessment is concluded, the leader will decide whether or not the complaint is upheld.
- The leader will write to the complainant outlining again the reason for the decision and offering to meet with them in person, if desired.

## Appealing the Outcome of a Complaint

- It should be made clear that if the complainant is not satisfied, they can lodge an appeal. Details of who the appeal can be made to should be given. An appeal must be lodged within 10 days.

- Should the complainant choose to appeal they should be facilitated to do so.
- An appeal should be made to the next leader e.g. board member
- The next board leader must complete their assessment within 30 days.
- It is the responsibility of the leader handling the complaint assessment:
  1. to maintain all records confidentially,
  2. to issue an apology, explanation, or acknowledgement to the complainant as appropriate
  3. to consider and implement any changes in practice that may be required
  4. to submit a summary of the complaint and how it has been resolved to the CEO or board members of the charity, as appropriate.

## Right of Reply

- Individuals have a right to know that a complaint has been made against them and they have a right of reply and to have any factual inaccuracies corrected.
- If an individual is named in a complaint or if a complaint cites a breach of organisational code of behaviour, ethics or policy by an individual, the person involved must be informed and has a right to respond.
- The response should be noted and included with the record of the complaint.
- It should be acknowledged that complaints can be a source of distress upset or embarrassment. Independent support should be offered to the person against whom the complaint has been made throughout the process.

## Follow up

- Individual complaints will be reviewed to inform practice and policies where relevant.
- A record of the complaint and the response will be maintained in a confidential file in the relevant service or conference.
- Complaints will be reviewed annually to identify areas for improvement, training needs, resource implications or policy amendments required.

## False or Malicious Complaints

Complaints can sometimes be contentious or be expressed by emotive language that may sometimes appear to be malicious or without foundation. Although a complainant's motive or emotion may cloud his or her judgment and flavour the complaint, it should not preclude a proper consideration of the substance of the complaint. Careful analysis of such complaints should be made to isolate the basic information sources, which should then be assessed on their merits.

Care should also be taken in instances of a complainant who has previously made a complaint that was found to be false. No assumption should be made that the new allegation must also be false.

Where a complaint or allegation is found to be false and there is evidence of malicious intent on the part of the complainant, remedies are possible.

Note that establishing that a complaint is false is not the same as establishing that the complaint cannot be substantiated. The former implies there is evidence to show the allegation is false. The latter implies a lack of evidence either way.

Where it is established that a complaint was either false or unfounded this should be clearly noted on the file and both the complainant and the person/s or service against whom the complaint was made should be advised in writing.