BROTHERS OF CHARITY SERVICES IRELAND

POLICY FOR THE MANAGEMENT AND HANDLING OF COMPLAINTS

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Signed	**Michael Hennessy, Chief Executive**		
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TABLE OF CONTENTS

Ethos **2**
1.0 Introduction **2**
2.0 Policy **2**
3.0 Purpose **3**
4.0 Scope of this Policy **3**
4.1 The Complaints Policy Does Not Cover 3
4.2 Complaints Procedure for people who use our services 3
4.3 Responding to Concerns or Allegations of Abuse 4
4.4 Vexatious and Malicious Complaints 4
4.5 Anonymous Complaints 4
4.6 Unacceptable Behaviour 4
5.0 Legislation/ Other related Policies **5**
6.0 Definitions and Glossary of Terms **5**
7.0 Roles and Responsibilities **6**
8.0 Procedure **7**
8.1 Who can complain? 7
8.2 How can complaints be made? 7
8.3 Stages of the Complaints Procedure 8
Stage 1: Point of Contact Resolution – 8
Stage 2: Formal Complaint – 8
Stage 3: Review 8
Stage 4: Independent Review - Ombudsman 8
8.4 Withdrawal of Complaints 9
8.5 Timescales within which complainants will receive a response 9
8.6 Timescales within which complaints will be considered 9
8.7 Supporting Complainants and Staff during Investigations 9
8.8 Learning from Complaints 9
9.0 Capacity to Respond **10**
10.0 Revision and Audit **10**
10.1 Audit and Annual Report to the Health Services Executive 10
10.2 Confidentiality 10
10.3 Monitoring/Evaluation and Review of Policy 10

Appendix 1 National Office Complaints Procedure **11**

Ethos

'We are committed to working with people with an intellectual disability to claim their rightful place as valued citizens. Inclusion is a fundamental principle that underlies all aspects of our work. We believe in the intrinsic value of every person and we aim to further the dignity of all associated with our services.'

'We continue the Brothers of Charity Services' tradition of being open to the best contemporary influences. We want to be inspired by the most creative ideas ...and to ask how we give them concrete expression.'
The Brothers of Charity Services Ethos (2001), Going Forward Together.

1.0 Introduction

The Brothers of Charity Services Ireland endeavour to offer services/supports in local communities. This enables each person who is supported by our services to positively engage in the social and economic life of their local towns and villages and in doing so, develop a range of relationships that enhance his/her quality of life.

Our responses are based on the recognition of each person (who is supported by our service) as an individual, an equal citizen with equal rights, and an absolute respect of that status. We, therefore, support all persons to live their lives based on their own personal visions and choices, to identify and select their personal goals in life and to develop their personal plan to achieve those goals.

2.0 Policy

The Brothers of Charity Services Ireland, aim to provide as responsive a service as is possible. If an individual is not happy with the quality of our service, we need to know about it. It is therefore the policy of the Services to provide a clear mechanism though which complaints are processed.

We endeavour to work in a spirit of partnership and openness, and we assure people that if they have any concerns or complaints, we would appreciate being informed of these in detail, and will seek to resolve the issues involved. We believe that the handling of complaints provides an opportunity to put things right for the complainant, and to improve services.

We undertake to:

- deal promptly with complaints received,
- handle complaints effectively and sympathetically, and
- offer an apology for poor service or where a mistake has occurred.

We take complaints seriously and try to learn from any mistakes we have made. Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will inform the complainant when changes we have promised have been made. ***All complaints will be treated in a confidential manner within the complaints process and in line with the Data Protection (2018) and the EU General Data Protection Regulations (2016), and Freedom of Information Act (2014).***

3.0 Purpose

This Complaints Policy is designed to inform individuals we support, their families/guardians, suppliers and members of the public, about how to make a complaint and how we will deal with their complaints. It is also to ensure that staff are aware of what to do when an individual brings a complaint about our services to their attention - be it in person, over the phone, in writing through a letter or e-mail, or the Complaints procedure for people who use our Services

4.0 Scope of this Policy

This policy applies to complaints from individuals who are supported by our services, families and guardians, suppliers and members of the public, excluding those listed below.

4.1 The Complaints Policy Does Not Cover

- Matters that are dealt with under specific policies and procedures.
- Complaints arising from matters relating solely to the exercise of clinical judgement by a practitioner (e.g. therapist, doctor, nurse) acting on behalf of the Brothers of Charity Services Ireland. The Complaints Officer may have to make a judgement call on what is or is not, a matter relating solely to clinical judgement.
- Matters that are or have been the subject of legal proceedings.
- Matters relating to the recruitment and appointment of employees.
- Complaints relating to any service not governed by the Brothers of Charity Services Ireland. These complaints should be directed to the agency concerned.
- A matter that could prejudice an investigation being undertaken by An Garda Síochána.
- A matter that has been brought before any other complaints procedure established under an enactment (e.g. Complaints made under Part 2 of Disability Act, 2005 or the Mental Health Act 2001).

In the instance where complaints fall into the categories above the complainant will be informed of the channels through which their complaint should be referred.

4.2 Complaints Procedure for individuals who use our services

In addition to the Regional Complaints Procedures some regions have specific procedures for individuals who use our services e.g. "I'm not Happy", Your Service Your Say or through the Regional Advocacy structures.

Some individuals who use our services may not have the capacity to articulate grievances or complaints. In such cases we encourage and support the use of advocates/staff/key worker/family member or citizen advocates supporting them to bring forward their complaint.

We wish to assure anyone who makes a complaint that doing so will not adversely affect their service; in fact, it may enhance their service and in some cases may enhance the service of those in similar circumstances.

4.3 Responding to Concerns or Allegations of Abuse

This Complaints Policy and the Regional Complaints Procedures are superseded at all times by the policy and procedures for managing any allegations or concerns about abuse. In the case of adults staff will follow the Brothers of Charity Services Ireland National Policy and Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse and the HSE Safeguarding process.

In the Case of Children staff will follow the Brothers of Charity Services Ireland National Policy and Procedure – The Welfare and Protection of Children and Children First – National Guidance for the Protection and Welfare of Children (HSE).

4.4 Vexatious and Malicious Complaints

The Services views the making of a malicious or vexatious complaint with the utmost seriousness and any such complaints, found to be malicious or vexatious will be referred to An Garda Síochána.

4.5 Anonymous Complaints

It is the policy of the Services that complainants must provide contact details when making a complaint against the Services to enable appropriate validation, follow up and investigation of that complaint unless there is a good and sufficient reason for withholding this information. Anonymous allegations on their own cannot lead to a formal investigation as there is always a possibility that they are vexatious. Notwithstanding the fact that anonymous allegations cannot be subject to a formal investigation unless there is supporting evidence, such allegations will be reviewed within the limitations of the information provided to assure that the systems in place are robust and the welfare of those we support is not at risk.

4.6 Unacceptable Behaviour

The Services respect the right of individuals we support, their families and members of the public to make a complaint however in making a complaint the Services will not tolerate:

- Abusive or aggressive behaviour,
- Behaviour which is offensive – in either language or general behaviour,
- Excessive telephone calls, emails or letters,
- Sending multiple or duplicate correspondence to Services staff,
- Persistent refusal to accept a decision or explanations,
- Making unreasonable demands of members of staff, whether in relation to provision of information or documents, or expecting responses within an unreasonable timescale,
- Using social media or the internet to publish unreasonable or derogatory views or opinions in relation to any member of staff, volunteer or in relation to the Services itself,

and will always act to manage it in a manner that protects our staff and volunteers in line with our Policy on Unacceptable Behaviour.

5.0 Legislation/ Other related Policies

- The Disability Act 2005
- The Ombudsman Act 1980 & Ombudsman Amendment Act 2012
- The Health Act 2007 & Health Amendment Act 2013
- The Brothers of Charity Services Ireland National Policy & Procedures for the Safeguarding of Vulnerable Adults at Risk of Abuse.
- The Brothers of Charity Services Ireland National Policy & Procedures – The Welfare and Protection of Children.
- Good Practice Guidelines on the Handling of the Personal Assets of People supported by the Services.
- Code of Practice for all persons supporting Adults using the BOCSI
- Code of Practice for all persons supporting Children using the BOCSI
- Supporting a Culture of Safety, Quality and Kindness – A Code of Conduct for Health and Social Service Providers HSE 2018
- The Brothers of Charity Services Ireland National Policy on Unacceptable Behaviour
- Freedom of Information Act (2014)
- Data Protection Act (2018) and the EU General Data Protection Regulations (2016).
- 'Your Service Your Say', HSE Guideline Document for Providers who have entered into a Service Agreement under Section 38 or 39 of the Health Act 2004: Complaints Management Procedure for voluntary Organisations January 2021 (Version 9).
- In order to fulfil its obligations as a Service Provider the Brothers of Charity Services Ireland is required to create and process records which hold both personal and sensitive data. These records are kept 'in confidence' and processed in strict accordance with the privacy and data protection rights of the individual. The BOCSI shares records only for the purpose of compliance with service delivery, health, and regulatory requirements. Data will be disclosed where required or authorised by law and in line with the General Data Protection Regulations

It is important to note that this Policy has been developed to complement all relevant policies, procedures and guidelines already in use in the Services, including Trust in Care, Dignity at Work, Grievance and Disciplinary Procedures, National Policy and Procedures for the Safeguarding of Adults with Disability from Abuse and Children First, and that matters appropriate for these other procedures will continue to be treated in the same manner and in accordance with these agreed procedures

6.0 Definitions and Glossary of Terms

Complaint: Most definitions of a complaint follow similar lines such as "A complaint is an expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation".

A Complaint is defined as per Section 46, part 9 of the Health Act 2004, - "*complaint means a complaint made under this Part about any action of a Service Provider that;*

- *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."*

For the purpose of this policy a complaint is '*an expression of dissatisfaction which needs a response.'* A complaint may include concerns about when standards of care, environment, treatment, and practice are perceived to fall short of what is acceptable.

Complainant: Person(s) making the complaint.

Complaints Officer: A person designated by the Services for the purpose of dealing with complaints made to it in accordance with procedures established under Section 38 of the Health Act 2004.

Services refers to the Brothers of Charity Services Ireland.

Staff includes all persons paid or unpaid who support individuals in our Services.

7.0 Roles and Responsibilities

Board of Directors - is responsible for ensuring corporate governance in relation to complaints management and holds the Chief Executive accountable for its implementation.

Chief Executive – has overall responsibility for ensuring the effective handling and consideration of complaints within the Services and reporting on such matters to the Board of Directors

Director of Services – has overall responsibility for ensuring the effective handling and consideration of complaints within their region.

Where there is a serious complaint made, the Director of Services will make the Chief Executive aware of same in a timely manner.

Regional Complaints Officer/s –

- has overall day to day responsibility for the implementation of the Complaints Policy and Procedure in their region/areas of responsibility;
- is responsible for coordinating the complaints arrangements and managing the process in their region. The role also acts as primary point of contact for complainants;
- is responsible for the effective reporting and management of the system and processes for handling complaints.

National Complaints Officer – is responsible for

- responding to any complaints that fall within their own remit;
- responding to any complaints forwarded to them from a Region;
- collating returns from the Regions to identify trends;
- liaising with the Ombudsman's Office as appropriate. He/she acts as the registered Liaison Officer for the BOCSI with the Office of the Ombudsman;

- briefing the Chief Executive and Board regarding complaints and any developing trends;
- placing and tracking complaints as appropriate in the National Risk Register.

8.0 Procedure

8.1 Who can complain?

Each BOCSI region has a local complaints process and anyone directly affected by the way in which the Services has carried out its functions, or anyone acting directly on such a person's behalf, may make a complaint under the relevant BOCSI Region's procedure. This includes individuals or a relevant person acting on behalf of an individual or organisation.

In the first instance individuals are encouraged to bring up appropriate issues directly with the relevant staff/service area involved with the complaint either by telephone or in person.

The BOCSI are aware of the importance of responding to issues quickly and of handling all complaints as sensitively as possible. It is expected that a large proportion of complaints can and will be responded to promptly at point of contact.

The response will be to

- listen carefully to the complaint;
- establish the facts surrounding it with the aim of resolving the issue;
- offer an apology where necessary; and
- answer the questions raised.

To comply with HSE reporting requirements and assist in identifying trends, all complaints and their outcome will be recorded and passed to the Regional Complaints Officer.

8.2 How can complaints be made?

- BOCSI Regional Procedures will outline how complaints can be made in each region.
- In the event that the individual does not wish to address the complaint with the relevant Brothers of Charity Services Ireland Region they can make a complaint to:
    - National Complaints Officer, Brothers of Charity Services Ireland, National Office, Kilcornan House, Clarinbridge, Co. Galway. H91 K2E9.

  Web site: www.brothersofcharity.ie Make a Complaint to download forms

  The Procedure which will be followed in respect of a complaint made to the National Complaints Officer is outlined in Appendix 1
- Confidential Recipient – The HSE have appointed a 'Confidential Recipient', independent of the HSE to whom anyone can make a complaint or raise concerns about the care and treatment of any vulnerable person receiving residential care in a HSE or HSE funded facility. To make a complaint or raise a concern contact :

Office of the Confidential Recipient
Merlin Park University Hospital,
Block B.
Galway H91 N973.

Email grainne.cunningham@crhealth.ie., Mobile 087 6657269,
Freephone1890 949494 Details are also accessible in each service

- Advocate – An Advocate may assist complainants in making their complaint and support them in any subsequent processes in the management of that complaint. An Advocate can be a family member, staff member or a person trusted by the complainant if it is possible to do so within the principles of advocacy. The National Advocacy Service for People with Disabilities (NAS) provides an independent, confidential and free, representative advocacy service that works exclusively for the person using the service and adheres to the highest professional standards. To access this service contact the: National Advocacy Services, National Office, Level 3 Rear Unit, Marshalsea Court, Merchant's Quay, Dublin 8. www.advocacy.ie or National Line 0818 073000.

8.3 Stages of the Complaints Procedure

8.3.1 The Services aims to provide full, fair, timely and appropriate responses to those who make a complaint. Every complaint is different so the approach to investigation and resolution will differ depending on the nature of the complaint and the issues raised.

8.3.2 Each Regions Complaints Procedure will address how the Region will address

- Oral Complaints/Concerns/Comments
- Written Complaints

In general the four stages used by the Services to resolve complaints are as follows and details of these stages are addressed in the Regional Procedure

Stage 1: Point of Contact Resolution –
These are straightforward complaints which may be suitable for prompt management and to the individual's satisfaction at point of contact

Stage 2: Formal Complaint –
Unresolved complaints at stage 1 or more serious or complex matters may need to be addressed immediately under Stage 2

Stage 3: Review
In the event that a complainant is unhappy with how their complaint has been addressed they may request a review. The Complaints Officer should inform them of their right to appeal to the BOCSI, Chief Executive, who will determine the most appropriate form of review.

Stage 4: Independent Review - Ombudsman
An individual who is dissatisfied with a recommendation made or step taken in response to a complaint or with a review may refer the complaint to the Ombudsman.

Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W773.
Phone: +353-1-639 5600, **Lo-call:** 1890 223030, **Fax:** +353-1-639 5674

On line form: https://www.ombudsman.ie/making-a-complaint/make-a-complaint/

In the case of a complaint being made by a child or by an adult on behalf of a child the Ombudsman for Children should be contacted as follows:

Ombudsman for Children's Office Millennium House 52-56 Great Strand Street Dublin 1
Phone +353 1800 20 20 40, **Fax** +353 01 874 7333
Email address is oco@oco.ie or on the web site
http://www.oco.ie/complaints/make-a-complaint.html

8.4 Withdrawal of Complaints

A complainant may, at any time, withdraw a complaint made and, on advice of such withdrawal, the Services may cease to investigate or review the complaint.

However, where the Complaints Officer has reasonable grounds for believing that public interest would best be served by the continuation of the investigation or review, he or she must refer the matter to the relevant Director of Services for a decision on the matter.

8.5 Timescales within which complainants will receive a response

The Services policy is to resolve complaints as early as possible and timelines are set out in the Region's procedures. Complainants will be advised by the Complaints Officer if there is likely to be a delay in responding to their complaint within the specified timescales and where reasonably practicable, will keep the complainant informed about the progress of the investigation.

8.6 Timescales within which complaints will be considered

A complaint should be made as soon as possible after the action giving rise to it, normally within three months of the event. However, in exceptional circumstances, if a complainant can demonstrate that they became aware of the circumstances relating to the complaint after six months, the relevant Director of Services, if he/she deem it to be in the public interest to do so, can extend this time limit to a period not exceeding 12 months.

8.7 Supporting Complainants and Staff during Investigations

Advice and assistance is available to complainants at any stage in the complaints process from the relevant Complaints Officer.

It is recognised that being the subject of a complaint can be distressing to staff who should be advised by their Team Leader/Services Manager of the supports available to them including the Employee Assistance Services.

8.8 Learning from Complaints

The BOCSI are a learning organisation and all recommendations arising from investigations of complaints will be outlined in a corrective action plan by the relevant Complaints Officer. These corrective action plans will be considered by the relevant senior managements teams providing them with opportunities to focus on reducing systems failure and managing for their inevitability, whether caused by technology, human error or procedurally.

Once agreed, each Manager will ensure that corrective action plans are implemented within their respective areas of responsibility. It is important to identify

areas of learning from complaints investigations and disseminate this learning to all relevant staff groups, in order to improve performance and reduce the likelihood of any recurrence of the actions/ omissions giving rise to the complaint.

9.0 Capacity to Respond

In some instances the Services may be constrained by resources in our capacity to resolve the complaint, but we will endeavour to respond as best we can and seek to find alternative ways of addressing the issues. If appropriate we will identify and include such issues in our service plans and work with the statutory authorities to gain the necessary resources to resolve the matter.

10.0 Revision and Audit

10.1 Audit and Annual Report to the Health Services Executive

Each BOCSI region will ensure that details of complaints are collated and submitted to the Health Service Executive on a quarterly basis indicating:

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

These reports are copied to the National Complaints Officer who reviews them to assess for trends and prepares a report to the Board Committee on Risk on a yearly basis

Notwithstanding the foregoing, where there is a serious complaint made, the BOCSI region will make the relevant Head of Disability Services, HSE, aware of same in a timely manner.

10.2 Confidentiality

All personal information is held under strict legal and ethical obligations of confidentiality. Complainant identifiable information will only be made available on a strict need to know basis and with the consent of the complainant. For the purpose of data analysis and the identification of trends, no consumer identifiable information will be made available with the complaints.

10.3 Monitoring/Evaluation and Review of Policy

This procedure will be reviewed every 3 years or more frequently if required by any new legislation.

Appendix 1 National Office Complaints Procedure

Introduction

The Brothers of Charity Services Ireland, aim to provide as responsive a service as is possible. If an individual is not happy with the quality of our service, we need to know about it. It is therefore the policy of the Services to provide a clear mechanism though which complaints are processed.

We endeavour to work in a spirit of partnership and openness, and we assure people that if they have any concerns or complaints, we would appreciate being informed of these in detail, and will seek to resolve the issues involved. We believe that the handling of complaints provides an opportunity to put things right for the complainant, and to improve services.

We undertake to:

- deal promptly with complaints received,
- handle complaints effectively and sympathetically, and
- offer an apology for poor service or where a mistake has occurred.

We take complaints seriously and try to learn from any mistakes we have made. Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will inform the complainant when changes we have promised have been made. ***All complaints will be treated in a confidential manner within the complaints process and in line with the Data Protection (2018) and the EU General Data Protection Regulations (2016), and Freedom of Information Act (2014).***

This procedure outlines the manner in which complaints may be made to the BOCSI National Office and how such complaints will be addressed.

Who can complain?

Each BOCSI region has a local complaints procedure and in the first instance individuals are encouraged to address concerns/complaints in relation to a BOCSI region to the relevant region to address. Complaints however may come to the National Complaints Officer in a number of ways

- In the event that the individual does not wish to address the complaint with a relevant Region they can make a complaint direct to the National Complaints Officer stating this.
- In the event that the complaint relates to a National Function the complaint is passed to the Head of Function to respond, unless the complaint relates to the Head of Function in which instance the Chief Executive (CE) will review the complaint.
- If a complainant wishes to appeal the outcome of an investigation into a complaint which has been made to a BOCSI region they can do so to the BOCSI, Chief Executive, who will determine the most appropriate form of review.
- If a complaint which relates to a Region comes to the National Office in error the complaint is forwarded to the Director of Service of the Region.

- If your complaint is about a staff member we will consult our Human Resources Department who may determine that this complaint be dealt with under their procedures.
- The Services cannot address complaints relating to the congregation of the Brothers of Charity and any such complaints will be passed to the Congregation's liaison.
- Complaints regarding Abuse or Safeguarding are not dealt with under this procedure and are immediately passed to the relevant Designated Officer who will follow the Brothers of Charity Services Ireland National Policy and Procedure for the Safeguarding of Vulnerable Adults at Risk of Abuse or National Policy and Procedure – The Welfare and Protection of Children
- Anonymous complaints will be considered only where there is sufficient information provided to enable BOCSI to investigate the case.

How can complaints be made:

A complaint may be made in any of the ways below:

- You can contact the National Complaints Officer on tel: 091796623.
- You can use the form on our website at www.brothersofcharity.ie
- You can e mail : gina.magliocco@bocsi.ie
- You can write a letter to us at the following address: National Complaints Officer, Kilcornan House, Clarinbridge, Co. Galway, H91 K2E9. Alternatively you can nominate an advocate to act on your behalf

What should you include in your complaint

- State your name, address and telephone number (email if applicable) and whether you are acting on behalf of someone else.
- Identify the Service Region and location relating to your complaint.
- Briefly describe the nature of your complaint stating relevant dates and times.
- List your specific concerns starting with the most important concern.
- Be clear about what you are hoping to achieve e.g. I want this practice to stop or I want an apology.
- State your preferred method of communication.

Dealing with your complaint

- We will formally acknowledge your complaint **within 5 working days**.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements relating to communication.

If you are making a complaint on behalf of somebody else, we will need their agreement to you acting on their behalf.

Investigation

If your complaint triggers an investigation we will tell you who we have asked to investigate your complaint. If your complaint is straightforward, we will usually ask somebody from the BOCSI to look into it and get back to you. If it is deemed more appropriate we may ask someone from outside the BOCSI to investigate. We will

set out to you our understanding of your complaint and ask you to confirm that we have got it right. We will also ask you to tell us what you want to happen.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it is important that you tell us. We will also need to talk to individuals involved or named in the complaint. If there is a simple solution to your problem, we may ask you if you are happy to accept this.

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority **within 30 working days**.

If your complaint is more complex we will:

- Let you know within this time why we think it may take longer to investigate;
- tell you how long we expect it to take; and
- give you regular updates **every 20 working days** on any progress made.

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and the seriousness of the issues you have raised. In some instances, we may ask to meet you to discuss your complaint. Occasionally, we might suggest mediation or another method to try to resolve disputes.

When investigating your complaint, we will look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to your complaint. If necessary, we will talk to the staff or others involved and look at our policies and any guidance.

Outcome

If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication and will explain how and why we came to our conclusions.

Internal Review

We will carry out an internal review when.

- New relevant evidence/information has become available that might have had a bearing on the original decision in the case.
- There was a failure on the part of a BOCSI Region to obtain information and examine a relevant and substantial issue.
- The complainant feels that the decision of the BOCSI Region was incorrect or unreasonable in the context of the complaint or the particular circumstances of the case.
- The BOCSI Region request us to undertake a review.

There will only be one review of a complaint decision and the person appointed to carry out the review will be a member of BOCSI's senior staff who has had no previous involvement in the case. All members of staff will act professionally and impartially with complainants and colleagues when conducting an internal review.

The Chief Executive will call on an external reviewer if there is no appropriate senior staff member to undertake an internal review.

Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Ombudsman. The Ombudsman is independent and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- have been treated unfairly or received a bad service through some failure on our part
- have been disadvantaged personally by a service failure.

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The Ombudsman expects you to bring your complaint to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- telephone: 01 6395600
  Lo-Call: 1890223030
- email: ombudsman@ombudsman.gov.ie
- the website: www.ombudsman.gov.ie
- writing to: The Office of the Ombudsman
  6 Earlsford Terrace
  Dublin 2 D02 W773