

INDEPENDENT COMPLAINTS REVIEW PANEL

Request for a Review of a Complaint

Who can ask for a review of a complaint?

A request for a review of a decision on a complaint may be made by:

- A client who uses Sage Advocacy services;
- Somebody acting on the client's behalf provided that it is clear that the client has sought assistance from that person in making the complaint;
- Somebody acting on the client's behalf where there is clear evidence that the client does not have the capacity to make a complaint or to ask another person to assist; or
- A *bona fide* third party, e.g. relative, social and health care provider or nominated representatives under the Assisted Decision-Making (Capacity) Act 2015, or a person considered by the Panel to be a *bona fide* third party who was not involved in assisting with the original complaint.

The Independent Complaints Review Panel (the Panel) will have discretion as to whether a person can be part of a review as a *bona fide* third party where they were not involved in assisting with the original complaint.

How do I request a review of a complaint?

- To make a request for a review of a complaint by the Panel you should first have availed of the internal complaints process within Sage Advocacy.
- If you have not already done so please contact complaints@sageadvocacy.ie or phone 01 536 7330.
- If you have already availed of the internal complaints process and are unhappy with the outcome, you can request a review. This should be made within 30 days of the decision on the complaint. In certain circumstances the Panel may agree to extend this time limit.

What do I need to do?

You will need to set out the grounds on which the review is being sought and explain why you believe that the decision on the complaint was wrong.

How do I start?

You must fill in a Request for a Review of Complaint form. The form is available here. You can also request a form by phoning Sage Advocacy at 01 5367330 or emailing complaints@sageadvocacy.ie.

How will my request for a review be handled?

In reviewing any decision on a complaint, the Panel must first decide whether a review is necessary.

In doing so they will be guided by a number of factors. The full list of factors is available in the next section below. For example, the Panel will only consider a complaint about the work of Sage Advocacy and will not consider any anonymous or frivolous complaints. The Panel will also need to be given reasons why you think the decision on the complaint was wrong.

If a review is **not felt to be necessary**, the Chair of the Panel will inform you in writing of the reasons for its decision.

If a review **is necessary** the Panel will send a copy of your request to the Executive Director of Sage Advocacy and ask for a response to the points made in your request. This response will be sent to you by the Panel for further comment by you. Any further comments you make will be provided to the Executive Director and the Panel will then proceed with a review of your complaint.

Please note that full documentation related to the complaint needs to be made available to the Panel, and this may also include personal data relating to the client of Sage Advocacy, and, where relevant, the person acting on behalf of the client.

What are the full factors that the Panel considers?

The Panel will be guided by the following:

- The original complaint must have been examined and decided by the Executive Director and the outcome has not been accepted by the complainant;
- When considering a request for a review, the Panel will have regard to the same criteria considered by the Executive Director when examining the original complaint.

These criteria are as follows:

- The complaint cannot be considered frivolous or vexatious;
- The complaint cannot be anonymous;
- The complaint must have been made directly by a client, on behalf of a client or by a *bona fide* third party;
- The complaint must relate to the work of Sage Advocacy and not to another organisation, agency or service;
- The complaint does/did not relate to HSE Safeguarding & Protection Team/Garda Síochána concerns which are dealt with under the Safeguarding Vulnerable Persons Policy of Sage Advocacy;
- The complaint was/is not the subject of legal proceedings;
- The complaint cannot be considered if it relates to an Information or Subject Access Request made to Sage Advocacy under the General Data Protection Regulations 2016, which may be appealed directly to the Data Protection Commission.

In addition, the complainant should give reasons as to why the decision of the Executive Director on their complaint justifies a review such as, but not confined to:

- new evidence which has come to light which could materially affect the basis of the Executive Director's decision; and/or
- evidence of a substantial flaw which significantly affected how the decision on the complaint was reached by the Executive Director.

What decisions can the Panel make?

The Panel can either:

- confirm the Executive Director's decision on the complaint; or
- refer the matter back to the Executive Director for reconsideration in accordance with guidance provided by the Panel.

The Panel will then inform you in writing of its decision and if it feels no further action is necessary it will explain the reasons why.

What if I don't agree with the Panel's decision?

The Panel's decision is normally final and conclusive. However, it may, in certain circumstances, be reviewable by the Ombudsman.

How long will the review of my complaint take?

The Panel will strive to carry out its review within 28 days of receiving full comments from the Executive Director and Complainant, and the entirety documentation related to the request for a review. When the Panel makes its decision, a short summary written report will then be forwarded to the person who made the complaint within the next 7 days.

INDEPENDENT COMPLAINTS REVIEW PANEL

Request for a Review of a Complaint

Date: _____

Please tick relevant box/boxes

1. Are you a client of Sage Advocacy?

2. Are you acting on behalf of a client of Sage Advocacy who has asked for your assistance in making a complaint?

3. Are you acting on behalf of a client who does not have the capacity to make a complaint themselves?

4. Are you a *bona fide* third party, e.g. relative, social and health care provider or nominated representative under the Assisted Decision-Making (Capacity) Act 2015

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|--|----------|
| Your Name: | Address: |
| Phone: | |
| Email: | |
| I consent to Sage Advocacy processing my data for the purposes of this complaints <input type="checkbox"/> | |
| (If making complaint on behalf of a client) | |
| Client's Name: | Address: |
| Phone: | |
| Email: | |
| Relationship to client, please explain: | |

Please provide details of new evidence that has come to light, and/or evidence of a substantial flaw which significantly affected how the decision on the complaint was reached by the Executive Director (use separate sheet if necessary):

Please return this form by email to complaints@sageadvocacy.ie or post to Complaints Officer, Sage Advocacy, 24-26 Ormond Quay Upper, Dublin, D7 DAV9.

In order to address this request, the data provided will be recorded by Sage Advocacy. All information gathered is kept safely, securely and privately, will be used solely for the purpose intended, and not shared without your consent. The only exception is if we are required to do so by law, to protect the client or someone else from serious harm. You can request to see your information at any time, or request to withdraw your information.