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2 Policy Statement

Cumas aims strives to maintain a culture where individuals and other stakeholders feel comfortable and have the opportunity to provide feedback about services experienced and equally where employees feel confident about taking ownership of this process and supporting individuals throughout.

Cumas views every complaint, feedback provided, and compliment as an opportunity to learn and improve the quality of our services. In additional Cumas in line with Part 9 of the Health Act, 2004 is committed to providing a system for the management of complaints that facilitates effective feedback from and communication to all service users. Responding effectively to complaints received and learning from them is a key aspect to providing a high-quality customer focused service

3 Purpose

The purpose of this policy is to assist encourage and support individuals, connected people, external organisations, and the general public to make a comment or complaint. The policy also guides employees/volunteers to recognise when individuals, external organisations, and the general public have reason to make a complaint the process that must be adhered to. Cumas encourages all people to voice any feedback or complaints they have regarding a service, a staff member, other service users or any other party.

It is the policy of Cumas that a systematic, planned, and controlled approach will be operated in relation to complaints from all parties unsatisfied with Cumas services.

4 Scope

This policy and procedures apply to:

- All individuals who avail of Cumas services
- All individuals working at all levels of the organisation (Whether Voluntary or Paid) including senior managers, officers, co-workers, employees, consultants, contractors, trainees, CE Scheme, part-time and fixed term employees, students, casual and agency staff who are collectively referred to as staff or "staff member" in this policy.

All staff members are bound by this policy and supporting procedures and are required to have an awareness and understanding of this policy and procedures.

5 Definitions

Complaint

"Complaint" means a complaint made under the Act about any action of Cumas that – (a) 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.

Complainant

Person (s) making a complaint. Means any person who is or was provided with a health or personal social service by Cumas or who is seeking or has sought provision of such service may complain, in accordance with the procedures established under Section 46 of the Health Act 2004 about any action of the Service that: (a) It is claimed, does not accord with fair or sound administrative practice, and (b) Adversely affects the person by whom or on whose behalf the complaint is made.

Informal Complaint:

An informal complaint is generally a complaint that can be resolved by those directly involved, i.e. the frontline staff, manager, without requiring a formal investigation.

Formal Complaint

A formal complaint is a complaint that requires a formal investigation in order to proceed to a resolution.

Investigating Officer

The Investigating Officer will be responsible for carrying out a review of their complaint.

Upheld Complaint: Complaints where the outcome was 'upheld' are those where we investigated and found that something went wrong or wasn't to an acceptable standard.

Vexatious: Troublesome, disagreeable, upsetting, worrisome

6 Accountability & Responsibility.

Board of Directors

To approve this policy and seek confirmation on the implementation of same

General Manger

The General Manager (GM) has overall responsibility for ensuring that procedures and processes are in place to support the implementation of this policy

PIC/Day Service Co-Ordinator

- Promote and support a culture where complaints are seen as a welcome source of feedback and used to improve the quality of the service provided by Cumas
- To ensure that staff members are trained in the principles values and practices laid out in this
 policy
- To monitor the effective implementation of this policy in their area of responsibility.
- Ensure the training, resources & support required for the implementation of this policy are available to staff.

Staff Teams

- To be familiar with this policy and implement its procedure
- Attend training as required.
- Encourage and support individuals to raise concerns

7 Implementation

Cumas will take all reasonable steps to ensure that all individuals impacted by this policy are made aware of same. Cumas policies and procedures are signed off by the Cumas Senior Management Team, communicated through SharePoint, email circulation to line managers and inclusion as an agenda item at team meetings.

8 Exclusions

This complaints policy and procedure is for use by Individuals, family members, other agencies, and members of the public. It is not for use by staff who have concerns or grievances; this is dealt with through the *Grievance Procedure* which is available to staff either through their line manager or on Cumas Policy SharePoint site.

 If a complaint involves an allegation of abuse or suspicion of abuse, it should be managed through the Safeguarding policies and procedures While all complaints received will be considered by Cumas however the Health Act 2004 details a number of complaints that are not included in Part 9 of the Health Act.

These complaints are in relation to:

- A matter that is or has been the subject of legal proceedings before a court or tribunal.
- A matter relating solely to the exercise of clinical judgement by a person acting on behalf of Cumas.
- An action taken by Cumas solely on the advice of a person exercising clinical judgement.
- A matter relating to the recruitment or appointment of an employee by Cumas.
- A matter relating to or affecting the terms or conditions of a contract of employment that the Cumas proposes to enter into. (Includes terms or conditions relating to benefits, disciplinary procedures, or grievance procedures).
- A matter relating to the Social Welfare Act
- A matter that could be the subject of an appeal under section 60 of the Civil Registrations Act 2004.
- A matter that could prejudice an investigation being undertaken by An Garda Siochana.
- A matter that has been brought before any other complaint's procedure established under an enactment.

In the instance where complaints fall into the categories above the complaint's officer/line manager will inform the complainant of the appropriate channels through which their complaint should be referred.

8.1 Time limits for presenting complaints

The Health Act 2004 specifies the following: A complaint must be made within 12 months of the date of the action giving rise to the complaint or the complainant becoming aware of the action giving rise to the complaint.

A Complaints Officer may extend the time limit for making a complaint if in the opinion of the Complaints Officer special circumstances make it appropriate to do so. These special circumstances include but are not exclusive to the following:

- if the complainant is ill or bereaved.
- if the new relevant, significant, and verifiable information relating to the action becomes available to the complainant.
- if it is considered in the public interest to investigate the complaint
- if the complaint concerns an issue of such seriousness that it cannot be ignored.
- diminished capacity of the service user at the time of the experience e.g. mental health, critical/ long- term illness
- where extensive support was required to make the complaint, and this took longer than 12 months: or
- if the complainant was living abroad and unable to make the complaint within the 12-month timeframe.

8.1.1 Decision to extend/not extend the 12 month timeframe

Where a decision has been made to either extend or not to extend the 12-month timeframe, the Complaints Officer will inform the complainant within **5 working days** of the decision having being made

9 Procedure

9.1 Assistance for Individuals

Cumas is happy to provide assistance to a person with a disability - in order for them to exercise their rights under this policy. This policy and supporting documentation can be made available in a variety of alternative formats. Cumas will facilitate people who are unable to read, write to make a complaint or provide other feedback by accepting verbal notifications. If the person is unable to do so because of age, illness or disability, the complaint may be made on that person's behalf by:

- A close relative or carer of the person (parent; guardian; son; daughter; spouse; person cohabiting with the person)
- Any person who legally has the care of the affairs of that person
- Any other person with the consent of the person

9.2 Information Provision

The Service Manager will ensure that written and verbal information about how to make a complaint is made available to all individuals who use Cumas services. This information displays prominently the contact details of the designated person to whom complaints may be made. Information on complaints is also available in the Statement of Purpose posters, social stories, and other material for individuals.

9.3 Right to Advocacy

9.3.1 Advocate of choice

All complainants have a right to appoint an advocate to assist them in making their complaint and to support them in any subsequent processes in the management of that complaint. The person can choose their advocate from a close family member, a circle of support member or external advocate. This person will operate within the principles of advocacy as follows

- Empowerment of the person where possible.
- Respect for the person and his/ her wishes.
- Acting in the person's best interest.
- Acting independently.
- Maintaining confidentiality.
- Acting with diligence and competence.

9.3.2 External Advocacy

The National Advocacy Service for People with Disabilities is a free service operated by the Citizens Information Board which provides independent advocacy services for persons with a disability. The advocate works exclusively for the person with a disability with their role being to ensure that their rights are safeguarded. For further information on accessing an advocate in your area, please contact National Advocacy Service for People with Disabilities on 0761 07 3000 or by email at info@advocacy.ie

The Confidential Recipient is an independent person appointed by the HSE to receive concerns and allegations of abuse, negligence, mistreatment, or poor care practices in HSE or HSE funded residential care facilities in good faith from patients, service users, families, other concerned individuals and staff members. The Confidential Recipient will be independent and will have the authority to examine concerns raised to:

- Advise and assist individuals on the best course of action to take to raise matters of concern
- Assist with the referral and examination of concerns
- Ensure that these matters are appropriately addressed by the HSE and its funded agencies

9.4 Making a Complaint

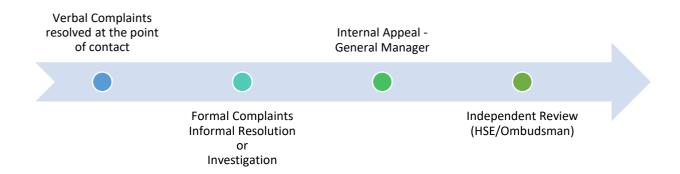
Cumas offer multiple accessible formats for complaints to be expressed this can take the following formats:

- Written (e.g., letter, email, SMS, Complaints form);
- Verbal (face to face, telephone); or
- Any other communication that a person uses

Stages of the Complaints Process

This policy is in place to facilitate the quick fair and complete investigation of complaints. It is underpinned by the concept of natural justice; the open process ensures that the expectations of all parties are realistic.

The process for the management of complaints in Cumas consists of four distinct stages. The following diagram outlines the general process flow of a complaint through Cumas's complaints management process.



9.5 Stage 1 – Verbal/Informal Complaints

Complaints or concerns and even compliments are often brought to the attention of a member of staff at the point of service delivery. The recipient of a **verbal** complaint endeavors to manage and resolve the complaint at the point of contact immediately or within 24 hrs. The complaint is logged by the staff member on the Feedback, **Complaints and Compliments Form (Appendix 1)** and the staff member notifies their Team Leader/Service Manager.

If it is not possible to resolve the complaint to the satisfaction of the complainant at the first point of contact, the person receiving the complaint must advise the complainant:

- the reasons why the complaint cannot be resolved at the point of contact
- that they may submit the complaint as a formal written complaint
- the process for submitting a formal written complaint and how that complaint will be managed Where resolution is achieved through this informal process, the Complaints Officer must complete the Complaints Management Report (Appendix 2) outlining the details of the complaint, the resolution process and the outcome of the resolution process including any recommendations made

9.6 Stage 2 Formal Complaints

Formal complaints may originate from two sources:

- 1) Where a verbal complaint cannot or should not be resolved at the point of contact and the complainant has been advised to submit the complaint in writing for investigation
- 2) The first point of contact from the complainant is in the form of a written complaint.

Where any member of staff receives a written complaint, they should in the first instance bring this to the attention of the relevant Service Manager who will notify the General Manager.

The complaint will be acknowledged within 5 working days of receipt by the Complaints Officer for the relevant service. They will clarify the nature of the complaint if necessary and initiate an investigation.

He/she will appoint an Investigation Officer or if the matter requires it conduct the investigation into the complaint personally.

Where the complaint cannot be investigated, the Complaints Officer will advise the complainant in writing providing the reasons why.

9.7 Investigation of the Complaint

Where a formal investigation is required and appropriate and where informal resolution is not appropriate or was not successful, the Complaints Officer or their designated Investigating Officer will carry out the investigation of the complaint and all relevant parties as required. Any investigation will respect the privacy and confidentiality of all concerned, will be approached fairly and objectively with a target date for a response within 30 working days

The Investigating Officer shall

- Where appropriate, make personal contact with the complainant to clarify and detail the complaint
- Will liaise with and seek evidence from relevant personnel to explore the issues raised by the complaint
- The content of all meetings will be contemporaneously recorded by the Investigation Officer, and this will be checked back with the member of staff to ensure its accuracy
- Will collate and review all available information and determine the outcome of the complaint on the balance of probabilities.
- Will Identify corrective and preventative action measures from each complaint and ensure that these changes are communicated to the relevant staff.
- Record the complaints management process and outcomes, together with recommendations on corrective/preventative actions on Cumas's Complaints Management Report (Appendix 2) with documented corrective and preventative actions included
- The draft report should be provided to the Service Manager/General Manager for review and approval.

9.8 Timeframes for the Investigation Process

If the investigation cannot be investigated and concluded within 30 working days, then the Complaints Officer must communicate this to the complainant and the relevant service/staff member within 30 working days of acknowledging the complaint and give an indication of the time it will take to complete the investigation.

The Complaints Officer must endeavour to investigate complaints within 30 working days. However, where the 30 working days' time frame cannot be met despite every best effort, complaints officer must endeavour to conclude the investigation of the complaint within 6 months of the receipt of the complaint.

If this timeframe cannot be met, the complaints person must inform the complainant that the investigation is taking longer than 6 months, give an explanation why and outline the options open to the complainant. He / She should encourage the complainant to bear with the local Cumas complaints management process while informing them that they may seek a review of their complaint by the Ombudsman/Ombudsman for Children

9.9 Potential Outcomes

- The investigation may find that the complaint cannot be upheld; no further action indicated other than a report back to the complainant.
- Complaint not upheld but further action indicated
- The investigation may find that the specific complaint cannot be upheld but other concerns were identified during the course of the investigation such as a misunderstanding or poor communication that contributed to the complaint being made.
- The investigation may find that the complaint was justified

- The Investigation Officer may recommend what action will be taken such as staff training or change of practice
- Complaint upheld and referral for alternative actions indicated- The investigation may find that the complaint was justified. Information may come to light indicating a breach of Cumas standards and procedures. In this case, the matter will be escalated and managed under the Disciplinary policy.

If the nature of the complaint appears to be of a serious nature which, if substantiated, could lead to disciplinary action, the Disciplinary Policy and Procedures will be followed with a separate process.

9.10 Communicating the Outcomes of the Complaint

Post investigation of the complaint the Complaints Officer will prepare a signed and dated **Complaints Conclusion Letter (Appendix 3)** which will include:

- A description of the complaint
- A description of the investigation process to assure the complainant that their complaint has been fully and fairly investigated
- The Complaints Officer's findings
- An apology when the investigation showed that the Cumas was at fault
- If the investigation showed that there were no legitimate grounds for the complaint and the complaint was not substantiated, the report will outline the reasons why this decision was reached.
- Outline of recommendations and the reasons for such findings and recommendations
- Details of the appeals process

Following the investigation, the Complaints Officer will formally contact the complainant in writing with the outcome and the action taken. Details of the appeal process will be included.

9.11 Appeals

If the complainant is not satisfied with the response to a complaint, he/she may contact the Complaints Officer to discuss the matter further.

- If a complainant remains dissatisfied, an appeal can be lodged in writing. The appeal must be submitted no later than 10 working days following the conclusion of the investigation.
- The General Manager will establish an Appeals Officer to review the complaint and investigation.
- The complainant may be contacted to discuss the matter further.
- The Appeals Officer will review all available evidence and will reach a conclusion and decide on an appropriate course of action and will communicate the appeal conclusion to the complainant within 20 working days of receipt of the written appeal.
- If the complainant is still dissatisfied with the outcome of the appeal, a further appeal may be lodged in writing to the General Manager. The appeal must be submitted no later than 10 working days following the conclusion of the first appeal.
- The General Manager will review all available evidence and will reach a conclusion and decide on an appropriate course of action. A conclusion will be reached and communicated to the complainant within 20 working days of receipt of the written appeal.
- If at the end of the appeals process the complainant is still dissatisfied, Cumas will inform the complainant of the contact details of the Office of the Ombudsman

9.12 External Review

Where complaints are made in relation to matters which fall under the scope of the Health Act 2004 i.e. complaints relating to activities or services which are funded by the HSE in whole or in part access to a Review Process by the HSE will be provided.

A Review Process for complaints is one which gives the complainant an opportunity to have the recommendations made after the investigation of their complaint reviewed either externally by HSE Review Officers or by the Ombudsman or Ombudsman for Children. All requests for reviews should be addressed to: Office of Head of Consumer Affairs, Health Service Executive, Oak House, Millennium Park, Naas, Co. Kildare.

9.13 Redress

An effective complaints system which offers a range of timely and appropriate remedies will enhance the quality of service to the consumers of Cumas's services.

This redress could include:

- Apology.
- An explanation.
- Refund.
- Admission of fault.
- Change of decision.
- Replacement.
- Correction of misleading or incorrect records.
- Recommendation to make a change to a relevant policy.

Any redress is subject to review and approval by the General Manager.

9.14 Reporting to the HSE

Cumas has established a complaints procedure by agreement with the HSE and acknowledges that it must provide the HSE with a general report on the complaints where those complaints are made in relation to matters which fall under the scope of the Health Act 2004 i.e. complaints relating to activities or services which are funded by the HSE in whole or in part. The report will specify all relevant complaints received by the service provider during the previous year indicating: 22.2.1. The total number of relevant complaints received.

- The nature of the complaints.
- The number of complaints resolved by informal means.
- The outcome of any investigations into the complaints.

9.15 Record Keeping

The Cumas complaints procedure will be recorded on standard documentation including:

- Complaints and Compliments Form
- Acknowledgement letter
- Complaint Conclusion Letter
- Complaint Management Report

Copies of all records are retained on a secure SharePoint Folder with limited access and permissions. All complaints are recorded on the *Cumas Complaints and Compliments Register*, which tracks the process, status and outcome of each individual informal and formal complaint and compliment that comes into Cumas. It is the responsibility of all staff to ensure that complaint records are kept confidential and securely held. The use of a complaint reference code and the option of password-protected electronic records should be considered where required.

10 Other Types of Complaints

10.1.1 Anonymous Complaints

Cumas will not investigate anonymous complaints against any member of staff

- To register a complaint, the complainant must provide their personal contact details
- Anonymous complaints against members of staff will not be entertained due to the possibility that they may be vexatious or malicious in nature.
- Anonymity of complainant does not enable the principles of natural justice to be upheld.
- All verbal and written anonymous complaints regarding services or events should be brought to the attention of the relevant line manager for a decision as to whether further action is needed.

10.1.2 Complaints made in confidence

Cumas can facilitate complaints to be made in confidence specifically requested by the complainant.

- In these instances, the identity of the complainant will only be known to the recipient of the complaint, the Investigating Officer, and the General Manager.
- If the investigation requires the identification of the complainant to be known, consent should be obtained.
- If consent is not obtained the investigation cannot proceed. However, the Investigating Officer
 must be satisfied that the nature of the complaint does not represent a risk to Individuals or staff

10.1.3 Unreasonable Vexatious or malicious complaints

The fact a complainant is persistent, makes demands or is angry does not necessarily mean their conduct should be classed as inappropriate or unreasonable, but there are some instances where complainants do not engage appropriately or reasonably.

Unreasonable complainant conduct can be defined as any behaviour by a current or former complainant which, because of its nature or frequency, raises substantial health, safety, resource, or equity issues for the parties to a complaint. Behaviours can present which are threatening, misleading or overwhelm the limited resources available to Cumas with unnecessary phone calls, letters, emails, or large amounts of irrelevant information. A vexatious complainant may insist on remedies they are not entitled to or outcomes that are not possible or appropriate or personalise the complaint to the investigating officer or other staff of the organisation that they have approached to resolve those issues.

If a complaint is deemed to be malicious, the investigation will cease. The complainant will have the option of registering a further complaint with the Office of the Ombudsman. The HR Generalist and the General Manager will review vexatious or malicious complaints to determine of any action should/ can be taken by Cumas. The complainant may be advised formally with a statement an explanation about how further communications relating to their complaint will be dealt with – i.e. further correspondence about this issue will be read and filed without acknowledgement, unless the organisation decides it requires further action.

11 Sign Off

These Policies procedures and guidelines are signed off by

Sinead Foskin Drafting
 The Policy Committee Reviewing
 Cumas Board of Directors Sanctioning

4.

12 Related Documents

- Grievance Policy
- Safeguarding Policy
- Disciplinary Policy
- Dignity and Work Policy

13 Revision History:

Revision No.	Approval Date:	Document References and Changes Made	Name:
1.0	1/8/21	First Draft	Anne Keenan
1.1	1/5/24	Full review and update to policy	Sinead Foskin General Manager
1.2			

14 Appendices

Appendix 1 Complaints Feeback and Compliments Form

Feedback, Compliments and Complaints Form



Cumas Complaint and Compliments Form

We welcome your feedback.

Cumas is committed to providing high quality care and support services and meeting your needs. We value your feedback – including complaints. Please let us know what we do well and where we can improve our services. This form may be used to make a complaint or provide feedback on services, but you are not obliged to use this form. You may choose to speak to a member of our team or write to our service managers.

Complaint Reference Number			
This is a			
Compliment Complai	nt 🗆	Comment.	
I am a			
Individual Staff Mem	ber \square	Family member $\ \Box$	
representative/advocate \Box	Member of pu	blic 🗆	
Statutory/Voluntary agency sta	aff 🗆 Oth	er 🗆	
Details of Person making compl	aint/complimer	nt.	
Name			
Address			
Contact Details phone and ema	il.		
Date of experience leading to the	ne complaint/Co	omnliment / /	

1	1
- 1	4

If yes please enter name, location, and date
Please outline a brief description of your complaint / feedback
If you are describing a complaint, please include how you think we could help you resolve the complaint effectively.
Completed By: Date:

Appendix 2 Complaints Management Report

To be completed for ALL complaints: Verbal, Written, Formal, Informal and Anonymous

Title of the Complaint: What is the complaint in the person's own words?
Who did you receive the Complaint from?
Date of Receipt of the Complaint:
Name and Role of the Person conducting the Investigation:
Name and Address of the Complainant: The person making the complaint
Names and Roles of all of the People Involved in the Investigation: Who have been interviewed?
Date the Investigation Commenced:
bale the investigation commenced.
Complaint: Describe the complaint you are Investigating
Background Information:
Investigation: Details of the meetings, documents reviewed, reports etc.
Findings and Conclusions:

Corrective Actions: Preventative Actions: Continuous Improvement Plan: Decision:	
Continuous Improvement Plan:	
Decision:	
Decision:	
Communication of the Report: Who have you sent the report to?	
1. Line Manager for agreement and approval. \square	
2. General Manager	
3 Notes:	
Appendices: Should contain all of the supporting documentation gathered du	ring the investigation
Signature:	Date:
Recommendations:	

Appendix 3 Complaints Acknowledgement Letter

Insert Date
Insert Complaints Reference No
Insert name and complainant's address

Dear (Insert Complainants title and name)

Thank you for your (letter/email/complaint form) dated (insert date) which was received on (insert date), regarding your concerns arising from (insert details). I will be exploring the concerns raised in line with Cumas's Customercare Policy and Procedure and hope to have a response to you by (insert date for 30 working dates from date of acknowledgement).

1. (list and number issues identified within complaint)

Thank you again for taking the time to bring your concerns to our attention. We welcome all feedback as this provides us with a valuable insight into our service provision and can inform service improvement. Please note that you will be kept informed of any delays that may arise in dealing with your complaint. If you require further clarification on anything then please don't hesitate to contact me on the number below.

Yours sincerely

(Insert Name)

Title and Contact Details

Appendix 3 Complaints Conclusion Letter

(Insert complaints officer's address)

Insert Date
Insert Complaints Reference No
Insert name and complainant's address

Dear (Insert Complainants title and name)

I wish to inform you that I have completed my investigation into your complaint dated (insert date), which I received on the (insert date).

Summary of the complaint

in this section give a brief summary of the complaint (Who made the complaint? What is the complaint about?, Where did the alleged incident happen?, When did it happen?

The Investigation Process

In this section outline the investigation process, whether it involved meetings and/or a review of all relevant records

Findings and Recommendations

In this section outline the findings of the investigation and why the complaint is upheld or not upheld. Where a conclusion can't be reached, the complainant that the matter can neither be proven or disproven therefore it is not possible to reach a conclusion.

Redress if applicable

I would like to sincerely apologise for (insert reason). I can assure you that this is not the level of service we would wish to provide. I want to assure you that the investigation and recommendations outlined above has resulted in important learning for Cumas and consequently will lead to service improvement

If you are dissatisfied with the outcome you are entitled to seek an appeal by setting out in writing the grounds for your dissatisfaction within 10 working days to *******

(Insert Name)
Title and Contact Details