

Óglaigh Náisiúnta na hÉireann (ONE)



Organisation of National Ex- Service Personnel

Policy and Procedures for Members of ONE

On

Disputes and Complaints



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1. About ONE

Óglaigh Náisiúnta na hÉireann (Organisation of National Ex-Service Personnel-ONE) is a registered charity, a veterans' organisation, a company limited by guarantee and an approved housing body for veterans of the Irish Defence Forces. ONE was established on 10 March 1951 and its primary objective is to support the needs of Irish veterans by the provision of accommodation to homeless veterans in its Veterans' Homes and the provision of other advice and support to veterans through its nationwide network of Branches and Veterans' Support Centres.

2. This Policy and Procedures

This policy and procedures describe how ONE deals with disputes and complaints from its members. Please note that policy and procedures for complaints from residents are dealt with in the House Rules and complaints involving staff are dealt with in accordance with the Employee Handbook. The Board of Directors of ONE are responsible for approving Policy and Procedures.

3. Definition of a complaint

A complaint is an expression of dissatisfaction by one or more members of ONE about an action or lack of action, or about the standard of service provided by or on behalf of ONE.

4. Purpose

It is the policy of ONE that all complaints must be responded to in an appropriate, proportionate and timely manner. The purpose of this policy is to clearly explain the steps in the management of complaints received by ONE.

5. Who can make a complaint?

Any member of ONE affected by an action or lack of action, or about the standard of service provided by or on behalf of ONE.

6. How complaints can be made

Complaints should be made in writing using **Annex A** hereto and sent to:

Complaints Officer

Óglaigh Náisiúnta na hÉireann

Brú na bhFiann

Dublin 7

Email: complaints@oneconnect.ie

7. Who will deal with complaints?

The CEO is the designated complaints officer. He / She will be assisted by the committees referred to in Stages 2 and 3 below.

8. Acknowledgements

Upon a complaint being received by or assigned to the Complaints Officer, ONE will within five working days, reply to the complainant, in writing, that the complaint has been so received or assigned and outline the steps that he or she proposes to take in investigating the complaint and the time limits for the completion of the investigation.

9. Support – Third Party

Complainant/s and Complainee/s may use the support of an ordinary member of ONE as a Third Party to:

- Help clarify if a complaint is warranted.
- Advise on options and procedures.
- Facilitate an informal settlement.
- Accompany them but not speak on their behalf during Stages 2 and 3 if applicable.

The following shall not act as a Third Party

- President of ONE.
- Members of the Board of Directors.
- Officers of the Area Councils.
- ONE Staff Members.

10. The Complaints Management Process

A three stage process is outlined below and a Complaints Process Flowchart is attached at **Annex B** hereto.

Informal Resolution (Stage 1)

These are straightforward complaints which may be suitable for prompt management and to the member's satisfaction at the point of contact. Unresolved complaints at Stage 1 may need to be referred to the Complaints Officer. More serious or complex matters may need to be addressed immediately under Formal Investigation at Stage 2.

Formal Investigation (Stage 2)

The Complaints Officer must consider whether it would be practicable, having regard to the nature and the circumstance of the complaint, to seek the consent of the complainant and any other person/s to whom the complaint relates to finding an informal resolution through mediation. Further details on the mediation process are in **Annex C** hereto.

Where informal resolution was not successful or was deemed inappropriate, the Complaints Officer will initiate a formal investigation of the complaint and send it to the relevant Area Council which is responsible for carrying out the formal investigation, within their area, of the complaint at Stage 2. The relevant Area Council may draw on appropriate expertise, skills etc. as required.

The Area Council when sitting shall appoint and convene a Disputes and Complaints Committee consisting of three members trained to investigate disputes and complaints, none of whom shall be from the branch/branches involved, and they shall represent at least two different branches. A Chairperson shall be elected by the three members appointed and the Chairperson of the Committee shall ensure that an eligible substitute member is available if required on the date in question. The Committee shall be appointed and convened by the Cathaoirleach (Chairperson) of the Area Council when the Council is not sitting.

All members of ONE are required to co-operate with the Disputes and Complaints Committees within fourteen days of being requested to do so.

The Area Council Disputes and Complaints Committee shall be Ordinary Members of ONE, shall not be members of an Area Council or the Board, and shall operate independently of the Area Council and the Board. The Committee shall have the power to investigate, make findings, and where appropriate recommend redress. See paragraph 16. All findings and recommendations of the Committee must be signed by all members of the Committee and submitted to the Complaints Officer. The Complaints Officer will provide a copy of the report to the complainant, the member/s subject of the complaint, and the Chairperson of the Area Council.

Where the investigation at Stage 2 fails to resolve the complaint, any party to the complaint may seek a review of their complaint from the Review at Stage 3.

Review (Stage 3)

These are complaints where any party to the complaint is dissatisfied with the outcome of the complaint investigation at Stage 2 requests a review. A request for a review must be made within 30 days of the investigation report being sent.

The Complaints Officer will forward the complaint together with the findings and recommendations from Stage 2 to the ONE Disputes and Complaints Review Committee.

The ONE Disputes and Complaints Review Committee will be a standing committee, appointed by the Board of ONE and trained in this area, comprising the following

- Nomination from John Lucey (National) Branch - Chairperson
- Nomination from Leinster Area Council.
- Nomination from Southern Area Council.
- Nomination from Connaught / Ulster Area Council.

The nominee of the Area Council in which the dispute / complaint occurred will not participate and the remaining three members will advise the Complaints Officer of the outcome of the review.

The Complaints Officer will give a copy of the review to the complainant, the member/s subject of the complaint and the Chairperson of the Area Council.

11. Timeframes

A complaint must be made within 6 months of the date of the action giving rise to the complaint or within 6 months of the complainant becoming aware of the action giving rise to the complaint.

Table 1. Timeframes

Person making a complaint	Timeframe
To make a complaint	Within six months
If you do not wish confidential information to be accessed	Notify Complaints Officer within 7 days of receiving acknowledgement letter/email
Withdraw the complaint	At any stage
Request a review of a complaint	Within 30 days

Refer complaint to a public body	At any stage
All ONE Branch / Area Council Officers	
Resolve complaint at point of contact	As soon as possible
ONE Complaints Officer	
Notify complainant of decision to extend/not extend 6 months' timeframe	7 days
Inform complainant if complaint does not meet the criteria for investigation	7 days
Send acknowledgment letter/email	7 days from receipt of complaint
Seeking further information	14 days
Update complainant and relevant staff	Every 21 days after initial 30 days
Investigate and conclude	30 days from issue of the acknowledgement letter/email
Conclude at latest	3 months
ONE Disputes and Complaints Review Committee	
Notify the person requesting the review of decision to extend/not extend 30 days' timeframe	7 days
Make contact with the parties to the complainant & explain process	7 days
Acknowledgement letter/email	7 days from receipt of review
Inform person requesting the review if their request does not meet criteria for review	7 days
Seeking further information	14 days
Update parties to the complainant and relevant staff	Every 21 days after initial 21 days due date
Investigate and conclude (Report)	21 days from issue of the acknowledgement letter/email

12. Matters excluded

Under this complaints policy, an individual is not entitled to make a complaint about any of the following matters:

- i. a matter that is or has been the subject of legal proceedings.
- ii. a matter relating to member of staff or a resident. See House Rules and Employee Handbook.
- iii. a matter that could prejudice an investigation being undertaken by An Garda Síochána; or other statutory body.

- iv. a matter that has been brought before any other complaints' procedure established under an enactment.

13. Refusal to investigate or further investigate a complaint

Anonymous complaints or complaints based on hearsay will not be investigated.

ONE may decide not to investigate or further investigate an action to which a complaint relates if, after carrying out a preliminary investigation into the action or after proceeding to investigate such action, ONE is of the opinion that:

- a) the complaint is deemed to be aggravating or trivial;

or

- b) the complaint is vexatious or not made in good faith;

or

- c) is satisfied that the complaint has been resolved.

14. Unreasonable complainant behaviour

ONE will take all reasonable measures to try to resolve a complaint through the Disputes and Complaints' Policy and Procedures. Where a complainant's behaviour could be considered abusive, unreasonable or vexatious, ONE may consider the complaint vexatious under Paragraph 15 of this policy).

15. Vexatious Complaints

Complainants (and/or anyone acting with or on their behalf) may be deemed by ONE to be vexatious where previous or current contact with them shows that they meet one of the following criteria:

Where a complainant:

- Persists in pursuing a complaint after the complaints procedure set out in this policy has been fully and properly implemented and exhausted;
- Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed;
- Is repeatedly unwilling to accept documented evidence given as being factual or deny receipt of adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Refuses to identify the precise issues which they wish to have investigated, despite reasonable efforts of ONE to help them specify their concerns, and/or where the concerns identified are not within the remit of ONE to investigate;
- Focuses on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point;

- Has harassed or been personally abusive or verbally aggressive towards ONE staff or members dealing with the complaint;
- Is known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved; and/or
- Displays unreasonable demands or expectations and fail to accept that these may be unreasonable.

16. Redress

ONE will offer forms of redress or responses that are appropriate and reasonable where it has been established that a measurable loss, detriment or disadvantage was suffered or sustained by the claimant.

Under this policy, redress may include:

- An apology;
- An explanation;
- A refund;
- An admission of fault;
- Change of decision; and/or
- The correction of misleading or incorrect records.

17. Recording

It is the policy of ONE to keep a record of any complaints received. The Board of Directors of ONE are notified at each board meeting of any complaints received by the organisation.

18. Data Protection

All information received by ONE will be processed in line with the organisation's data protection policies and procedures and in accordance with the organisation's legal requirements.

19. Policy Review

In accordance with the Code of Practice for Good Governance of Community, Voluntary and Charitable Organisations, this policy will be reviewed at least every three years. This policy will also be reviewed in light of legislative or regulatory changes and by its stated review date.

20. References

The preparation of this policy has been informed by the HSE Complaints Management Procedure for Voluntary Organisations January 2021 Version 9.

Annex A

ONE Members Disputes & Complaints Policy & Procedures Complaint Form

Instructions

- A member of ONE making a complaint should complete this form and post it to
Complaints Officer
Óglaigh Náisiúnta na hÉireann
Brú na bhFiann
Dublin 7
or e-mail complaints@oneconnect.ie.
- When a complaint is received, we will send you confirmation, with a reference number, within 7 days. If you don't get this, contact us.

The information we need

To admit a complaint for investigation, we must have:

- Your signature.
- Your contact details.
- Who you want to complain about.
- Date(s), time(s) and location(s) of the incident or incidents.
- A description of the alleged behaviour that has made you complain.

Will my complaint be looked into?

Your complaint will be "admissible" if:

- You were directly affected by, or directly witnessed the behaviour complained of .
- The alleged behaviour is considered misbehaviour.
- The complaint is made within 6 months of the incident (or good reason for the delay in making a complaint is given).
- You are a member of ONE.
- The complaint is not "frivolous" or "vexatious". Frivolous means that we consider the alleged misbehaviour to be too trivial to call for any action. Vexatious means that we consider the complaint to be made without sufficient grounds, or using the complaints process in an inappropriate manner.

Your contact details

Name:

Membership Number
& Branch:

Male Female

Contact address:

Mobile number:

Other contact number
(for example, home or work):

E-mail address:

Use of information

We notify the Board of Directors about all complaints received. If your complaint is investigated, the member/s complained of may be given any of the information from your complaint form in the course of the investigation. Subject to Data Protection rules, there is also a possibility that information gathered by ONE may be given to third parties for use in other investigations.

If your complaint is outside the time limit

The legal time limit to make a complaint is up to six months after the incident you want to complain about took place. ONE must have good reason to deal with a complaint made after that time limit. If the incident happened more than a year ago, please provide good reason for the delay in making your complaint:

Who you want to complain about

The member/s of ONE you wish to complain about:

What you want to complain about

Date of incident:

Time of incident:

Location of incident:

What happened? Exactly what did the member/s say or do (or not do) that has made you complain?

If your complaint relates to more than one member, please be clear about the behaviour complained of in relation to each one.

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A large rectangular area with a light red border, containing numerous horizontal dotted lines for writing.

What led up to the incident?

Do you believe there was a **reason** the member behaved that way?

Please list any **witnesses**, with their full names and contact details:

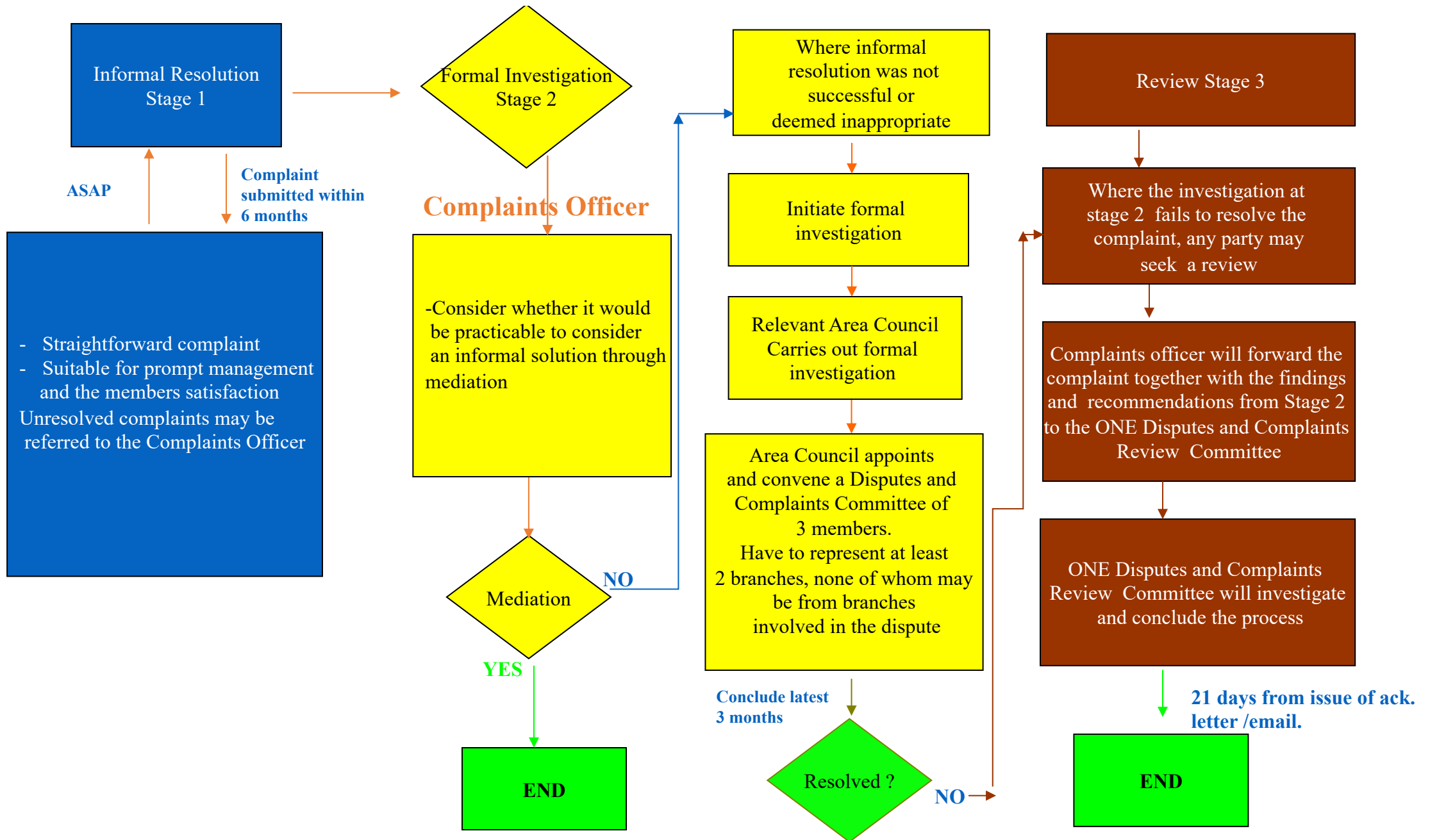
Please list any other **evidence**:



Complaint date:

Complaint Time:

Signature:



Annex C
ONE Members Disputes and Complaints
Policy and Procedures
Mediation

Mediation Act 2017

The Mediation Act came into effect in Ireland on the 1st of January 2018. The Act aims to legislate for and encourage the use of mediation as an alternative method of dispute resolution. While mediation has been used in Ireland for some time the introduction of the Act now provides a statutory framework for the process.

Mediation is a way to mend relationships when there is a disagreement in an organisation. Mediation is held by a neutral person (a 'mediator'). The mediator is impartial. This means they do not take sides. They're there to help everyone involved find a solution they can all agree to.

It's not about judging who was right or wrong in the past, but looks at how to agree on working together in the future.

What is mediation?

Mediation is a way of managing conflict that uses an impartial person to help team members to resolve their disagreements. The intention is to ease organisation tensions before they escalate into something more damaging. It differs from disciplinary and grievance procedures by offering a more informal and flexible approach.

Using mediation can reduce formal discrimination complaints. Although severe conflicts are likely rare within teams, and many people will work through any disagreements in a mature way themselves, mediation can be a useful skill for managers to develop. It can allow them to deal confidently and effectively with more deep-seated conflict, as soon as it arises within their teams.

When to Use Mediation

You can use mediation at any point during a conflict, as long as all of those involved agree to do so, and they put any ongoing formal procedures on hold.

Generally, mediation is best used when a disagreement first arises, as the longer a dispute goes on, the greater the chances that people's relationships will break down, or that they raise formal grievances. However, the process can help you to rebuild relationships after formal dispute procedures, too.

Mediation can be used in disagreements between members of the same team, or between co-workers at different levels of seniority. It can be particularly useful when communication between people has broken down.

However, it is not always the most suitable course of action. Incidents of bullying and harassment, for example, can have dire consequences for those responsible, such as official warnings, dismissal, or even criminal proceedings, and the alleged victim can feel too vulnerable to participate fully. In these situations, you'll likely need to follow a more formal procedure, and you should get advice from your HR department.

The Benefits of an Informal Approach

Formal disputes are time-consuming and expensive, and can ruin team relationships. They may lead to high levels of stress for everyone involved, as well as lower morale and an increase in absenteeism and staff turnover. Research has shown that most people prefer mediation to bringing a formal grievance, and there is evidence to suggest that people who use it tend to be more satisfied with the outcome.

Another significant benefit of using mediation is that it enables managers to respond more quickly to conflict. Its confidential nature encourages people to be open and honest, allowing them to really get to the heart of the issue. This can improve their chances of maintaining productive relationships and of nipping any problems in the bud, once and for all.

A voluntary and confidential process

If you do not want to take part in mediation, you do not have to.

Mediation is voluntary and confidential. The mediator will agree with everyone involved what information can be shared outside the mediation and how. If you do not reach an agreement, anything that's been said during the mediation must be kept confidential and cannot be used in future procedures.

Mediation is used to resolve disagreements around organisational relationships rather than other disputes.

Principles

The principles of mediation consist of:

- **Confidentiality:** The Mediator will not disclose any information about the parties, the content of or the outcome of the mediation to anyone not involved in the mediation, unless they have the express consent of all the parties to do so.
- **Impartiality and neutrality:** The Mediator will act in an impartial manner, treat all parties fairly and remain neutral as to the content and outcome of the process.
- **Self-Determination:** It is for the parties to determine the outcome of the mediation.

- **Voluntary Participation:** Mediation is voluntary. Any party to the Mediation may withdraw from the mediation at any time. A mediator may also withdraw from a mediation but must provide general reasons for doing so.
- **Respect:** The parties will treat each other and the process with respect.

Benefits

The mediation process offers a number of benefits, including:

- The parties are in control of the decisions as opposed to a solution being imposed;
- A positive approach is promoted to resolving disputes or difficulties and this is of particular importance where working relationships need to be maintained;
- Mediation is confidential, thereby avoiding reputational damage;
- It is relatively quick; and
- It is without prejudice - where an agreement is not reached or a party withdraws from the process, other dispute resolution processes can subsequently be pursued.

Where another dispute resolution process has been entered into during which the Board then formed the view that mediation represents a more appropriate prospect for resolution, mediation may be availed of. To facilitate this, the initial dispute resolution process must be suspended to allow for the mediation to take place.

Procedures relating to mediation

In advance of a mediation, the parties and the mediator must, as provided for in section 7 of the Mediation Act, enter into an agreement to mediate setting out details of:

- a. the manner in which the mediation is to be conducted;
- b. the place and time at which the mediation is to be conducted;
- c. the fact that the mediation is to be conducted in a confidential manner;
- d. the right of each of the parties to seek legal advice;
- e. the manner in which the mediation may be terminated;
- f. such other terms (if any) as may be agreed between the parties and the mediator.

The effectiveness of a mediation process may be dependent on the capacity of the parties present to reach agreement.

A Step-by-Step Guide to Mediation

Mediators act as a go-between and an enabler in a conversation between the people involved in the conflict. They help them to come to a mutually satisfactory agreement, and to avoid getting derailed or stuck in an argument.

It's important that they reserve their own judgment and guide people toward their own resolution, rather than suggesting or ruling on the outcome himself. However, they must ensure a fair solution, guarding against the effects of any imbalance of power between the participants.

Six steps to help you to mediate successfully:

1. Establish the Ground Rules

First, meet with each participant separately, to outline what they can expect from you and from the process. Make sure that they are both willing to participate – mediation won't work if you try to impose it!

Agree some ground rules for the next stage of the process. These might include asking each person to come prepared with some solutions or ideas, listening with an open mind, and avoiding interruptions. It's important that you build trust with both participants, and make them feel safe enough to talk openly and truthfully with you and with one another.

2. Have a Full and Frank Discussion with Each Person, Individually

Find a quiet room in a neutral location where you won't be disturbed, away from the rest of the team.

Meeting with the participants individually will allow them to share their side of the story with you openly and honestly. Use active listening skills and open questions to get to the root of the problem. Reflect upon and paraphrase what your team members tell you, to show that you understand their points of view.

Use your emotional intelligence to identify the underlying cause of the conflict, and pay attention to each participant's body language to help you to get a better sense of their state of mind.

Be prepared to encounter a range of strong feelings, from fear and distress to anger, and even a wish for revenge. But avoid shutting these feelings down – this might be the first time that your team members have fully expressed the impact of the conflict, and it will likely give you valuable clues to its cause.

Then ask each person what they hope to gain from the mediation. Remind them that it's not about winning, but about finding a practical resolution that suits everyone who's involved.

3. Explore the Issues Together

Once both sides have had time to reflect, arrange a joint meeting. Open the session on a positive note, by thanking them for being open to resolving the conflict. Remind them of the ground rules, summarize the situation, and then set out the main areas of agreement and disagreement.

Explore every issue in turn, and encourage the participants to express how they feel to one another. Make sure that they have equal time to talk, and that they can express themselves fully and without interruption. If they become defensive or aggressive, look for ways to bring

the conversation back to the main problem at hand. Encourage them to empathize with one another, and to improve their understanding of one another's point of view by asking questions themselves.

4. Negotiate and Compromise

Once both sides have given their views, shift their attention from the past to the future.

Go over the points that were raised in your meetings, and try to identify areas where they have at least some shared opinions. Resolve these issues first, as a “quick win” will help to build positive momentum, and bolster both sides' confidence that a workable solution can be found.

Ask participants to brainstorm solutions and encourage win-win negotiation to make sure that they reach a solution that they're happy with. If a suggestion is unreasonable, ask the initiator what he would consider to be reasonable, and whether he thinks that the other party would agree.

5. Create a Written Agreement

Take notes during all of the meetings that you mediate and, once the participants have reached a solution, write that up as a formal agreement. Make sure that the agreement is easy to understand and that actions are SMART (Specific, Measurable, Achievable, Relevant, and Time-bound).

Help to avoid any confusion or further disagreement by checking that your language is neutral, free from jargon, and clear for all. Read the agreement back to both parties to make sure that they fully understand what will be expected from them, and to clarify any points that they do not understand or that are too general or vague.

You might even consider getting each person to sign the agreement. This can add weight and finality to the outcome, and help to increase their accountability. But mediation is designed to be a relatively informal process, and you could undermine this by pushing too hard.

6. Get Some Closure

It's time to bring the mediation to a close. Give the participants copies of the agreed statement, and clearly explain what will be expected from them once they're back in the workplace.

Take some time to prepare, together, how to overcome obstacles to implementing the agreement, and to explore options for dealing with them. Summarise the next steps, offer your continued support as a mediator, and thank both parties for their help and cooperation.