



Commissioner for Older People  
for Northern Ireland

## COPNI Complaints Procedures

Reviewed by:	David Murray
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Making a complaint is not always easy. It is important that clients and stakeholders feel able to voice their concerns and COPNI staff will give their time and support to ensure a fair hearing.

When a complaint is received it is important to clarify if it is:

- A concern where the complainant wishes to speak to someone more senior in the organisation (this may be resolved verbally);
- A formal complaint, which should usually, but not necessarily, be in writing (COPNI will need to respond to and resolve this in writing or via equivalent communication appropriate to the complainant).

All complaints must be acknowledged and recorded on the COPNI complaints register and documented in the form attached (see Appendix 1). In the case of a formal complaint the procedure outlined below must be followed.

All complaints will be dealt with through an efficient and effective process as detailed below. All investigations will be conducted fairly, thoroughly, openly, honestly, objectively and as promptly as possible.

The following protocols outline the action to be taken by staff in responding to complaints concerning COPNI. There are two stages within the COPNI Complaints Procedures:

- Stage 1: Local resolution (dealing with verbal and written complaints)
- Stage 2: Appeal of outcome.

## **STAGE 1: LOCAL RESOLUTION**

### **Level 1: Verbal complaints to staff**

COPNI staff interact with clients and stakeholders. It is the responsibility of all staff to deal with clients and all other stakeholders in a thorough, respectful and helpful manner. Where a client or organisation communicates dissatisfaction at the

performance of the COPNI, we will aim to resolve locally in the first instance.

Guidelines for staff for dealing with verbal complaints:

- Seek to understand the nature of the complaint, any issues that are not immediately obvious and try to resolve the complaint sensitively and immediately if possible.
- Inform the complainant of their options.
- Discuss the complaint and action to be taken or proposed with the relevant line manager.
- If you are unable to resolve the complaint on the spot or if the issues are serious enough to warrant further investigation, involve your line manager immediately and move to Level 2 of local resolution. If the issues cannot be resolved verbally or locally, the matter should be escalated to the Chief Executive for further action (initiating the Level 2 process), outlined below.

## **Level 2: Formal or unresolved verbal complaints**

A written complaint received by front-line staff or an unresolved verbal complaint must be notified to the Chief Executive, or to the Commissioner where the complaint is about the Chief Executive. Where the complaint is against the Commissioner, the complaint should be notified to the Chief Executive in the first instance. Where the complaint is against both the Chief Executive and the Commissioner, the complaint should be notified to the Chair of the ARAC in the first instance. COPNI's Head of Corporate Services should be informed on all occasions to enable the complaint to be logged on the COPNI complaints register, with the only exception being on occasions where the Head of Corporate Services is the subject of the complaint. The complaint will then be dealt with through the formal complaint procedure.

Criteria for referral to Level 2: Formal complaints procedure:

- Where the complainant requests that their unresolved issue / feedback is treated as a complaint or if complaint is in writing.

- Where the level of distress of the complainant is such that local resolution is unlikely to be successful.
- Where serious matters are alleged e.g. where alleged staff failure may result in disciplinary action.

**Within 5 working days** of receipt of the complaint, the Chief Executive, Commissioner or Chair of the ARAC (whichever is relevant) should communicate with the complainant to acknowledge the complaint and inform them that a detailed response will be issued following an investigation within a further 10 working days.

**Within a further 10 working days of acknowledgement:** The Chief Executive, Commissioner or Chair of the ARAC (whichever is relevant) will appoint an Investigation Officer within the organisation (or external where appropriate) to conduct a full investigation, documenting the details, communicating as appropriate with the relevant members of staff and taking any actions immediately relevant to resolve the issue. He/she will draft a written response to the complainant.

Where an investigation proves to be of a complex nature and takes longer than the documented response period to furnish a response to the complainant, COPNI will update the complainant on progress of their complaint every 10 days.

The Head of Corporate Services will update the complaints register.

If after full investigation and response the complainant is dissatisfied with the outcome, the matter will be referred to Stage 2 of the Complaints Procedure: Appeal of the Complaint.

## **STAGE 2: APPEAL OF THE COMPLAINT**

An Appeal refers to the action taken by COPNI when a complaint remains unresolved to the satisfaction of the complainant. The aim of the Appeal is to provide the complainant with an opportunity to appeal the local decision and have the case reviewed by at a higher level.

A complainant can request an appeal to the outcome of their complaint normally in writing or verbally.

**Within 5 working days** of receipt of a request for an appeal of the Chief Executive's decision, the Commissioner should communicate with the complainant to acknowledge the request and to inform the complainant that a detailed response will be issued in due course, usually within a further 10 working days. The Chief Executive will prepare a case file for review by the Commissioner. This review may require further meetings with the complainant and any others who can assist with providing full and relevant information. It is the responsibility of the Commissioner to keep the complainant informed of the progress of their review. On completion of their review, the Commissioner will write to the complainant to inform them of the outcome of their appeal.

Where the initial investigation involved the Chief Executive, the Commissioner will appoint a further independent arbiter to review the initial original decision. The Commissioner will let you know within 5 working days that she has received the appeal of the complaint and will provide a formal response within 10 working days of this acknowledgement. Where the investigation is expected to exceed this period, the Commissioner will write to you confirming when the review is expected to be completed.

Where the initial investigation involved the Commissioner, COPNI will appoint a further independent arbiter to review the initial decision. The Chair of the ARAC will let you know within 5 working days that she has received the appeal of the complaint and will provide a formal response within 10 working days of this acknowledgement. Where the investigation is expected to exceed this period, the Chair of the ARAC will write to you confirming when the review is expected to be completed.

The final determination letter issued by COPNI must include the following advice: that if following all these actions a satisfactory resolution has still not been obtained, the complainant may refer the matter to the Northern Ireland Public Service

Ombudsman for their consideration and response. Details of how to do this are noted in section 6 below.

In all cases, all information relating to the complaint investigation and/or appeal must be forwarded to the Head of Corporate Services (who also acts as COPNI's Data Protection Officer) to be held confidentially, to allow for the recording for monitoring purposes and to ensure that any lessons learned are incorporated into future practice. The complaints register will be updated with full details of the outcome.

## **6. Complaints referred to Northern Ireland Public Services Ombudsman**

Where a complaint is referred to the Northern Ireland Public Services Ombudsman (NIPSO), COPNI will cooperate fully with the Ombudsman's office and any queries and requests it may make. In the event that the Northern Ireland Public Services Ombudsman initiates a formal investigation into a complaint against COPNI, COPNI will advise its sponsor department, the Department for Communities, of the investigation and keep the department updated accordingly with regard to its progress. Contact details for the Northern Ireland Public Services Ombudsman are:

Northern Ireland Public Services Ombudsman  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN

Telephone: 0800 34 34 24

Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

## **7. Vexatious complaints**

Despite COPNI's best efforts, some complaints cannot be resolved to both parties satisfaction. It is important to recognise when a complaint has become unhelpful to

the complainant. The Commissioner will make a final determination when a complaint has reached the point of becoming vexatious and will write a closing letter to the complainant.

## **8. Anonymous complaints**

Anonymous complaints should always be recorded and referred to the appropriate responsible individual in the organisation, based on the subject of the complaint. The fact that the complaint is from an anonymous source should not in itself justify a decision not to pursue the matter. Nor should it rule out referral to other procedures as relevant. The recording of such a complaint will be treated in the same manner as any other complaint by a body or individual.

## **9. Complaint or Whistleblowing?**

There is often confusion over the differentiation between a complaint and a whistleblowing report. A simple way to establish whether a concern is 'whistleblowing' or a 'complaint' is to consider the nature of the concern:

- I. Does the concern refer to 'others', e.g., the organisation, other staff, clients, the wider public? If so, it would be viewed as whistleblowing.
- II. Does the concern refer to the individual ('self'), e.g., a personal grievance. If so, it would be viewed as a complaint.

Generally, a whistleblower has no self interest in the issue being raised. However, the distinction may not always be clear cut.

If you have any questions or require any assistance with this procedure, please do not hesitate to contact COPNI's Head of Corporate Services.

## **10. Exceptions to the Normal Procedure**

If the complaint is about the Chief Executive (CEO) of COPNI it must be investigated by an independent panel established to deal with complaints against the CEO. The Commissioner is responsible for appointing an independent panel and receiving the panel's subsequent report for consideration. If the complaint is about the Commissioner, COPNI will take advice from the Department for Communities on the appointment of an appropriate Investigating Officer.

## **11. Criminal Offences**

If any investigation gives rise to concern that a COPNI staff member has been engaged in any criminal activities the Commissioner and/or or Chief Executive may refer the matter to the police.

## **12. Disciplinary Action**

This internal policy covers complaints and not disciplinary matters. If an investigation of a complaint raises concerns about an employee then the relevant manager may choose to begin a disciplinary process in line with HR procedures and processes. Any evidence gathered during the complaints investigation may be used in such a process.

## **13. Recording**

A central register of complaints will be maintained to log and record all complaints. It will be maintained centrally at COPNI by the Head of Corporate Services. The use of information regarding complaints (for example, for monitoring purposes or in the interest of improving service delivery) will only ever use anonymised or redacted records. This is in keeping with the imperative to maintain confidentiality with regard to complaints (see point 14 below).



## **14. Confidentiality**

It is essential to maintain confidentiality at all times during a complaints investigation. The Data Protection Act 2018 classifies complaint documentation as personal data. Complainants can request copies of their complaint file in the same way as they can request access to other records. All documentation of any kind relating to a complaint should be retained for five years after the last entry in the record. These should be treated as confidential documents and kept separate from other records in the Data Protection team in Microsoft Teams, with restricted access.



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**APPENDIX 1: COPNI Complaint Record Form**

**COPNI Complaint Record Form**

Date Complaint received:	
Complaint regarding:	

**Staff Details**

Name	
Job Title	
Location	

**Complainants Details**

Name:	
Address:	
Contact number:	
Preferred method of contact:	

**Nature of complaint**

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## Actions Taken



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## APPENDIX 2: COPNI Complaint Checklist

### COPNI Complaint Checklist

Please tick the appropriate box 'yes' or 'no' and provide comment where requested.

#### STAGE 1: Local Resolution

##### LEVEL 1 and 2 (Unresolved Complaint)

Was the complaint written or unresolved verbal and resolved through local resolution level 2?	
Was the Chief Executive informed at this time?	
Was the complaint acknowledged in writing within 5 working days of receipt?	
Who carried out the investigation? Name:	
Did the complainant confirm they were satisfied?	
Was a written response sent to the complainant within 10 working days of the date of acknowledgement? (Please attach copy)	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Head of Corporate Services review

Has the complaints handling procedure been operated correctly?	
If not, what part(s) of the policy was not followed?	
Have all recommendations been notified to appropriate managers for action?	
Have the details of the complaint been recorded for monitoring purposes?	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## STAGE 2: Panel Appeal

Was the complaint resolved through Appeal?	
Who reviewed the complaint?	
Name: _____ Date: _____	
Was the appeal acknowledged in writing within 5 working days of receipt?	
Was a written response sent to the complainant within 10 working days of acknowledgement? (Please attach copy)	
If the complainant remained dissatisfied, were they informed that they had exhausted internal procedures and to whom they should now refer the matter?	
Has all the information relating to this complaint been forwarded with this report to the Head of Corporate Services?	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Head of Corporate Services review

Has the complaints handling procedure been operated correctly?	
If not, what part(s) of the policy was not followed?	
Have all recommendations been notified to appropriate managers for action?	
Have the details of the complaint been recorded for monitoring purposes?	

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Head of Corporate Services