

## **COMPLAINTS PROCEDURE / PROTOCOL**

### **REFERENCE:**

Child Care Act 1991 (Early Years Services) Regulations 2016

#### **1.0 Purpose**

To define the process for dealing with complaints against any Early Years Service as defined in the Child Care Act 1991 (Early Years Services) Regulations 2016

Complaints received relating to a child not under the remit of the early years services Regulations 2016.

Complaints received pertaining to a registered service.

#### **2.0 Scope**

**All registered early years services**

**Referral of complaints relating to services not registered.**

**N.B.** The term '**complaint**' is not intended to include matters of a child protection and welfare nature. Such matters should be considered, discussed and referred having regard to:-

- Children First: National Guidance for the Protection and Welfare of Children [DCYA 2011],
- Child Protection and Welfare Practice Handbook [HSE 2011]
- Our Duty to Care: The principles of good practice for the protection of children & young people (DOHC 2004) – see separate section

#### **3.0 Responsibility**

Early Years Inspectorate

#### **4.0 Relevant Legislation / Documents:**

Part 12 of Child and Family Agency Act 2013

Child Care Act 1991 (Early Years Services) Regulations 2016

#### **5.0 Relevant Forms**

Complaints Form (Ref CP1)

Summary of Issues for the Registered Provider (Ref CP2)

Letter to complainant acknowledging complaint will be investigated (Ref CP3)

Report to the Registered Provider regarding the complaint investigation (Ref CP4)

Letter to Complainant re outcome of investigation (Ref CP5)

Complaints Log (Ref CP6)

#### **6.0 Procedure:**

- 6.1 Where appropriate the complainant is given an opportunity to discuss their concern firstly with the provider and to revert to the Early Years Inspection Service as necessary.

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- 6.2 If the complainant does not wish to speak directly with the provider the Early Years Inspector receives and documents the complaint details on the Complaints Form (CP1)
- 6.3 If the Early Years Inspector is unavailable the Early Years Administration Staff record the details of the complaint on the Complaints Form (CP1), and informs the relevant inspection team.
- 6.4 The Early Years Inspector will make contact with the complainant if possible and discuss the details of the complaint.
- 6.5 The Early Years Inspector will **Assess the Information** from the complainant and consider the following
- Whether the complaint is within the scope of the legislation enforced by the Tusla Early Years Inspectorate.. If not, the complainant will be informed and the Inspection team will refer the matter and/or the complainant to the appropriate service.
  - If the complaint relates to a child not under the remit of the Child Care Act 1991 (Early Years Services) Regulations 2016 the complainant will be informed of this and as necessary an appropriate referral made.
  - If the complaint refers to service which is not registered , the provider will receive a visit. The Early Years Inspector will ask permission to enter the service. It will be established if the service is required to notify and the provider will be advised accordingly. If access is denied a court warrant may be sought to gain access to the premises. All reasonable steps are taken and clearly recorded on file.
- 6.6 Where the complaint details are within the remit of the Pre-School Regulations **the following actions shall be taken:**
- The complainant will be informed of the complaints process.
  - A letter, if name and address are available, is sent to the complainant acknowledging receipt of complaint and informing them that the matter is being investigated. (Ref CP3)
  - The Inspection And Registration Manager s of the Early Years Inspection Team where appropriate may be informed of the complaint and the issues may be discussed.
  - The service file is reviewed.
  - A summary of the issues shall be prepared for the provider. A copy for the provider and a copy for the service file shall be completed. (Ref CP2)
  - A visit to the service shall be arranged.
- 6.7 The Authorised Officer(s) **visits the service and carries out the following**
- a) The Authorised Officer introduces themselves and show identification and warrant to the person in charge at the service. The Authorised Officer(s)

- explains to the service provider that the purpose of the visit is to investigate a complaint.
- b) The Authorised Officer(s) explains clearly to the provider the steps involved in the complaints process:
  - c) The prepared written details of the complaint are offered to the provider. (Ref CP2)
  - d) The Authorised Officer will proceed to inspect the facility, review files and/or investigate complaint details with relevant staff in order to review issues relating to the complaint.
  - e) Based on their findings during the investigation the Authorised Officer may need to proceed and carry out a full inspection of the service in conjunction with the investigation of the complaint.
  - f) If a full inspection is required the Authorised Officer(s) will refer to procedure for full inspection. A separate report will be issued in relation to the investigation of the complaint (Ref CP4) and the Inspection Outcome Report will be issued following the full inspection.
  - g) Any verbal response from the service is noted and recorded on file. (Ref CP1).
- 6.8 The authorised officer may inform the Inspection and Registration Manager, of the outcome of their visit where appropriate.
- 6.9 Any responses from the provider to CP2 will be considered before completion of the report.
- 6.10 The Authorised Officer shall write to the provider informing him/her of the outcome of the complaint investigation, any proposed action taken (Ref CP4).
- 6.11 Forward the final letter to the complainant (Ref CP5) stating complaint has been investigated.
- 6.12 Should either party wish to seek a review of the findings and outcome of the investigation in relation to the complaint, they may do so in writing.
- 6.13 Appropriate action shall be taken in line with Inspection SOP.

#### **7.0 Review and Follow Up**

The Early Years Inspectorate may carry out a full inspection of the service / follow up visit to ensure that the actions required outlined by the Early Years Inspectorate are enacted.

#### **8.0 Reporting and Record Keeping / Filing**

All relevant memos and notes to be attached to the complaints form. (Ref CP1)  
The Complaints form and all relevant correspondence to be filed in the service file.  
Follow up visit specific to the complaint filed with complaint.  
All information is logged on to the complaints log.

**Definition of Terms;**

**Upheld** – there is evidence to support the complaint received

**Not upheld** – there is insufficient evidence to support the complaint received

**Partially upheld** – identifies areas of the complaint that were upheld and those that were not upheld

**9.0** Comments / complaints in regard to a service offered by the TUSLA

If any person [*a early years service provider or employee*] has a comment or complaint to make in regard to the service offered by any member of the Early Years Inspection Team, they can:-

- Talk to any member of Tusla staff, or complaints officer.
- Email ***tellus@tusla.ie*** with your comment, compliment or complaint.
- Send a letter or fax to any Tusla location. Ring
- Call 01 7718500 (9am to 5pm Monday - Friday)
- Text 086 0142775
  
- Use the Tusla website comments and compliments facility at [www.tusla.ie](http://www.tusla.ie/about/feedback-and-complaints/making-a-comment-compliment-or-complaint#Options) or <http://www.tusla.ie/about/feedback-and-complaints/making-a-comment-compliment-or-complaint#Options>
  
- See [www.tusla.ie](http://www.tusla.ie) for further information.

**How will a complaint be dealt with?**

- Depending on the nature and seriousness of the complaint:
  - a staff member/service manager will attempt to resolve the complaint locally; or
  - a complaints officer will look into the issues raised in the complaint.

Comments and Complaints will be followed up having regard to “Tell us”  
– Tusla Complaints Policy and Procedures Manual.

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**CP1(b)**

<b>6.1 EARLY YEARS SERVICES INSPECTION COMPLAINT RECORD</b>		
<b>COMPLAINT DETAILS</b>		
Complaint Reference No.:		
Received By:		
Date Received:	Time Received:	
Position		
Received by:	Phone <input type="checkbox"/> Fax <input type="checkbox"/> Written Correspondence <input type="checkbox"/> Verbal <input type="checkbox"/> Email <input type="checkbox"/>	
Is the service:	Notified <input type="checkbox"/> Not-Notified <input type="checkbox"/>	
<b>COMPLAINANT DETAILS</b>		
<p><b>The complainant may be informed that the complaint will be investigated. The complainant should be advised that the Early Years Inspection Team will endeavour to keep the complainants details confidential. However the Early Years inspection Team cannot guarantee confidentiality as such details may be released by operation of Law.</b></p>		
Is the complainant remaining anonymous?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the complainant requesting anonymity?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name of Complainant:		
Address of Complainant:		
Telephone No:		
Relationship of Complainant with Early years service e.g.: Parent/Staff Member		
<b>Complaint Relates To</b>		
Early Years Service Name:		
Address:		
Type of Service:		
Full details of Complaint:		

If this SOP is not fully followed, the reason for doing so should be clearly recorded and brought to the attention of the Inspection and Registration Manager of the service without delay. It should be recorded on the file.

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Was the complaint referred to another agency? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Details:	
Was the "Standard Report Form for reporting child protection and/or welfare concerns completed and forwarded to Tusla Social Work Department. Yes <input type="checkbox"/> No <input type="checkbox"/>	
Details:	

COMPLAINT ACTION	
Date of Investigation:	
Inspection <input type="checkbox"/> Advice <input type="checkbox"/> Referral <input type="checkbox"/> Other <input type="checkbox"/>	
Was a response received from the provider Yes <input type="checkbox"/> No <input type="checkbox"/>	
Complaint Outcome	Upheld <input type="checkbox"/> Comment
	Not Upheld <input type="checkbox"/> Comment
	Partially Upheld <input type="checkbox"/> Comment
	Other <input type="checkbox"/> Comment
SIGNED	
Inspection Authorised officer	1. 2.
Close out date::	

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**CP2(b)**

**SUMMARY OF COMPLAINT DETAILS FOR THE REGISTERED PROVIDER**

**Date** \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

**Summary of Complaint given to -** \_\_\_\_\_

**Complaint re:** (Name of Service)

**The following issues were identified in the complaint made to the Early Years Inspectorate on the (insert date).**

**Cite Regulation:**  
(e.g Regulation 9 Management and Recruitment)

Issues Recorded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Regulation:**

Issues recorded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Written representation may be made in response to the above within 10 working days to (name and address).

Yours sincerely,

\_\_\_\_\_  
Early Years Inspectorate

\_\_\_\_\_  
Early Years Inspectorate

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**CP3(b)**

**Date**

**Name and Address**

**Re: Child Care Act 1991 (Early Years Services) Regulations 2016**

**Dear.....**

I write with reference to your telephone call/letter/e-mail received on ..... regarding the complaint you made on .....

**(Include one of the following)**

(I wish to advise you that the matter will be investigated and we will revert to you following the completion of the investigation into the concerns raised by you.)

(I wish to advise you that the complaint did not fall within the remit of Child Care Act 1991 (Early Years Services) Regulations 2016. However I have referred the matter to (name the agency, person contact details). You may wish to contact (name) directly to discuss the matter further.

Yours sincerely,

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**CP4(b)**

**Report Re Complaint**

**Date**

**Name & Address**

**Re: Child Care Act 1991 (Early Years Services) Regulations 2016**

**Dear**

I write with reference to the inspection by (names of Early Years Inspection Team) as authorised officers of the Tusla, Child And Family Agency of (name of premises) on the (date). The purpose of the inspection was to investigate a complaint received on the *date*

**Complaint Details (Example)**

<p style="text-align: center;"><b>Regulation 9 Management and Recruitment</b></p> <p>The complaint issues [in summary]</p>
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**Response from (name of the provider) noted.**

**E.g. Regulation 9 Management and Recruitment**

**Actions Required**

**E.g. Regulation 9 Management and Recruitment**

**Outcome: (Upheld, Not Upheld, Partially Upheld and Other)**

This report represents the outcome of the investigation of the above complaint and completes the investigation of the complaint.

Should you wish to seek a review of the above findings and investigation outcome in relation to this complaint, you may do so in writing to (name, address and contact details of the designated Officer.) within 10 working days.

Yours sincerely,

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**CP5(b)**

**Date**

**Name & Address**

**Re: Child Care Act 1991 (Early Years Services) Regulations 2016**

Dear

I write with reference to your phone call/letter/e mail received on ..... regarding a complaint you made.....

I wish to inform you that the matter has been investigated by the Early Years Inspection team. Following assessment / investigation a number of areas have been highlighted under the above Regulations which require to be addressed.

A number of areas are required to be addressed:

- 
- 

Or

Should you wish to seek a review of the above in relation to this complaint, you may do so in writing to (name, address and contact details of the designated Officer.) within 10 working days.

(I wish to inform you that the matter has been investigated by the Early Years Inspection Team and no evidence relating to the complaint was found during the investigation.)

Please do not hesitate to contact me if you require any further clarification.

Yours sincerely,

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CP6(b)

EARLY YEARS SERVICES COMPLAINTS LOG							
Complaint No.	Date Complaint Received	Source: Parent/ Employee/ Other	Premises Name and Address	Nature of Complaint	Action (Inspection, Advice, Referral, Other)	Outcome Upheld Not Upheld Partially Upheld	Close out Date

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