



**A guide on how to give Feedback and make Complaints to
Tusla - Child and Family Agency**

Introduction

Tusla - Child and Family Agency was established on 1st January 2014 and is now the dedicated State agency responsible for improving wellbeing and outcomes for children. 'Tell Us' is the Tusla's feedback and complaints policy.

Tusla is committed to engaging with children, families and communities regarding the design, delivery and quality of services. Tusla therefore welcomes all comments, compliments and complaints from service users, carers, visitors and the community about the services Tusla provides.

Tusla views any comment, compliment or complaint as an opportunity to improve the quality of Tusla services and to learn lessons from any mistakes made.

Tusla wants to hear from you when things are not right, and also when things work well.

The full version is available at www.tusla.ie.

How to make a Comment or pay a Compliment

You can make comments or pay compliments in a number of ways:

- Verbally, in person or by phone, to a Tusla staff member or Tusla office;
- By filling out the form attached to this leaflet or online at www.tusla.ie/about/feedback-and-complaints;
- By emailing tellus@tusla.ie;
- In writing.

Tusla will acknowledge your comment or compliment if you include your name and address or email address.

What happens to your Comment or Compliment?

Any comments or compliments about a particular service will be sent to the staff working there and a copy will be kept nationally to help us identify any improvements that are needed in that service.

Compliments which mention an individual member of staff will be sent to that staff member.

Tusla will produce an annual report that will include information on the comments, compliments and complaints that Tusla receives and will make mention of service improvements that have resulted from the feedback received.

How to make a Complaint

You can make a complaint in a number of ways:

- Verbally, in person or by phone, to a Tusla staff member or Tusla office;
- By filling out the form attached to this leaflet or online at www.tusla.ie/about/feedback-and-complaints;
- By emailing tellus@tusla.ie;
- In writing.

You can make a complaint to any staff member, service manager or complaints officer in Tusla.

If you are making a complaint about a particular staff member and you are giving that staff member's name, you must complain in writing. You should give details such as dates and locations so that the complaints officer or service manager can check the facts of the complaint. If you have difficulty with writing, a Tusla staff member will assist you to make your complaint.

Is there a Time Limit for making a Complaint?

Yes, you must make a complaint within 12 months of the date of the incident or action concerned, or within 12 months of becoming aware of the incident or action.

A complaints officer may extend the time limit for making a complaint in special circumstances. These could include where you are or had been unwell or bereaved, or where new information becomes available to you over time.

What can You make a Complaint about?

You can make a complaint about any action or lack of action by Tusla (or a service provided on behalf of Tusla) that you consider being unfair and that negatively affects you or has negatively affected you in the past.

This could mean an action that you believe was:

- Taken without proper permission or authority;
- Taken for unnecessary reasons;
- The result of carelessness or negligence;
- Based on wrong or incomplete information;
- Discriminatory;
- Based on bad administrative practice.

Who can make a Complaint?

The following people can make a complaint:

- People who have received or are receiving Tusla services;
- People who have sought or are seeking Tusla services;
- Close relatives or carers of the above people, or others who have the consent of the person concerned to act on his/her behalf or have the legal authority to do so;
- Parents or carers of children who are being/have been provided with services by Tusla or a service provided on behalf of Tusla;
- Close relatives or carers of a deceased person who was in receipt of Tusla services.

In addition Tusla will accept complaints from people, other than those above, who claim to be or to have been adversely affected by action(s) or lack of action by the Agency.

Can a Child make a Complaint?

Yes, children may make a complaint about the service they have received or are receiving from Tusla or provided on behalf of Tusla. Children's complaints will always be taken seriously and be answered appropriately.

Can You make an Anonymous Complaint?

You can choose whether to make an anonymous complaint or to give your name and contact details. We encourage you to give your details if you make a complaint so that Tusla can fully examine it and let you know the outcome.

In general, Tusla cannot investigate anonymous complaints against a named staff member. However, all anonymous complaints will be passed on to the relevant service manager, who will decide if s/he needs to take any action.

If you make a complaint by phone or in person, the staff member taking the details of the complaint will encourage you to give your name and telephone number. You will be advised that unless you give a name and contact details, it may not be possible to examine the complaint properly.

What about Privacy and Confidentiality?

Tusla will treat all personal information and data you provide as confidential and store it securely. This information will be used and retained by Tusla for the purpose of dealing with your complaint.

Tusla will not share your personal information with others (not dealing with your complaint) unless you give permission for Tusla to do so or unless Tusla has a requirement under law to disclose the information (for example, if your complaint contains information that gives rise to a child protection concern this information will be shared with the local duty social work service for appropriate follow up).

From time to time, Tusla uses complaints information for compiling reports and figures. In these instances Tusla will only use non-personal information that does not or could not lead to the identification of the person(s) to whom the information relates.

Tusla records its complaints on the National Incident Management System (NIMS) complaints database.

If You complain, will Tusla automatically examine your Personal Records?

If Tusla needs to access your confidential personal records or personal information as part of the investigation of a complaint, Tusla must have your consent to do this.

You can give your consent for Tusla to access your information in three ways:

- Tick the consent section of the Tusla complaint form if making your complaint using this form. This gives Tusla permission to access your personal records to investigate your complaint.
- If you make your complaint by means other than the Tusla complaint form, Tusla will write to you to advise you of the relevant contact details in the event that you wish to inform Tusla that you do **not** want your personal records to be accessed.
- If you make a verbal complaint to a Tusla staff member or complaints officer, you will be asked to give consent for your relevant personal records to be accessed for the purpose of responding to your complaint. Tusla will ensure that the details of your complaint and your personal records (if you consent) are only viewed by relevant personnel and only for the purposes of properly investigating the complaint.

If you are complaining on behalf of someone else, Tusla will make any necessary enquiries to be satisfied that you are acting with proper authority.

What does Tusla do in Response to Receiving a Complaint?

Tusla takes every complaint seriously. In the first instance, a Tusla staff member who has knowledge of or had involvement with the matter or action complained of may respond to you and try to resolve the issue for you.

Acknowledging Complaints

In the case of a complaint that is received verbally (by phone, at a meeting etc.) by Tusla, a verbal response will be given as soon as possible.

In the case of a written complaint, a complaints officer will normally acknowledge the complaint in writing within ten working days of receiving it.

Alternatively, where appropriate a designated Tusla complaints officer will be assigned responsibility for examining your complaint and responding to you directly. The process for managing complaints is outlined in the next sections.

Local Resolution

Once Tusla receives a complaint, Tusla will respond to it promptly and, wherever possible, will endeavour to resolve the complaint locally and quickly. An immediate response to all complaints may not be possible, as some will require formal and careful consideration.

Informal Resolution

The complaints officer will be informed of all verbal complaints that could not be resolved fully or at the first point of contact and will receive a copy of all written complaints. Depending on the nature of the complaint, the complaints officer, with the consent of the people involved, may consider if a proposed informal resolution might be appropriate. As part of the proposed informal resolution the complaints officer may arrange a meeting between the parties concerned or use mediation services.

If informal resolution or mediation is not appropriate or is unsuccessful, the complaints officer will start a formal investigation of the complaint.

Investigation of the Complaint

The complaints officer will investigate a complaint within 30 working days of a written acknowledgement of the complaint being sent to you. The complaints officer may call on other staff, witnesses and experts and so on to cooperate and assist with the complaint investigation.

If investigation of the complaint will not be complete within the 30 working days advised, the complaints officer will tell you this before this timeframe passes. The complaints officer will also indicate the extended time it will take to complete the investigation and must then update you every 20 working days until the matter is resolved.

Tusla endeavours to complete investigations into complaints within six months of receiving the complaint. If Tusla cannot meet this deadline, the complaints officer must inform you that the investigation is taking longer than six months. The complaints officer must also tell you why the complaint investigation is delayed and outline the plan of action for bringing the complaint investigation to a conclusion.

After an Investigation

The complaints officer will write a report of their investigation and give a copy of the report to you, the relevant service manager(s) and staff member(s) who are subject to the complaint.

What if You are not satisfied with the Recommendations made by the Complaints Officer?

If you are not satisfied with the recommendations made by the complaints officer, you have a right to request a review. Tusla will provide you with information on how to make such a request.

Tusla Internal Review

If you are not satisfied with the recommendations made by the complaints officer, you have a right to request a review. You must request a review of the complaint investigation response within 30 working days of the investigation report being sent to you by the complaints officer.

A review officer will be appointed to investigate your request for a review.

The review officer will try to conduct and conclude the review process within 20 working days. If this is not possible, you will be informed of the additional time needed to complete the review.

If you are not satisfied with the outcome of the internal review or Tusla's response to your request for review, you have the right to refer the matter to the Office of the Ombudsman or the Office of the Ombudsman for Children.

Implementing the Complaints Officer's or Review Officer's Recommendations

Within 30 working days of receiving the report from the complaints officer, the relevant manager of the service concerned must confirm to you a course of action to implement the complaints officer's recommendations. This confirmation will outline who will be responsible for implementing the recommendations and the time it will take.

If the manager believes that the recommendations would require material changes to the plan for their service, they may amend or reject the recommendations or take other measures to resolve the issue. The manager must give reasons for his/her decision.

If you request a review of the complaint investigation response, Tusla will suspend the implementation of the complaints officer's recommendations pending the review outcome and will tell you about this suspension.

What if You need Help making a Complaint?

Tusla will do all it can to support people who wish to make a complaint about a Tusla service or a Tusla staff member.

This support will include:

- Giving you any help needed to complete forms or make your complaint;
- Providing you with information about advocacy services;
- Liaising with any person appointed by you to act on your behalf;*
- Providing you with regular and prompt feedback and updates about the progress of your complaint;
- Informing you about mediation.

Is it acceptable to have another Person act on your Behalf (an Advocate)?

You can approve another person or an advocacy service to act on your behalf. An advocate can help you to make a complaint. The advocate helps by supporting you to put forward your views, claim your entitlements and, where necessary, can represent you and negotiate on your behalf.

*Anyone who is an advocate must uphold the principles of advocacy i.e. empowerment of the person where possible; respect for the person and their wishes; acting in the person's best interest; acting independently; maintaining confidentiality; acting with diligence and competence.

Are there any Complaints that cannot be handled under Tusla's Complaint Policy?

There are some types of complaints that Tusla is excluded from dealing with under the Tusla 'Tell Us' complaint policy.

If your complaint does not fall under the Tusla 'Tell Us' complaint policy, Tusla will advise you if there is another process available to deal with your complaint issues and, if so, refer you to the appropriate service or authority.

The following matters are excluded from examination under Tusla's 'Tell Us' complaint policy:

- 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 (a decision about diagnosis or treatment) by a person acting on behalf of Tusla (Assessments made by social workers and social care staff are not excluded. Complaints made about these assessments are accepted under the 'Tell Us' complaint policy);
- An action taken by Tusla (or on behalf of Tusla by a service provider) solely on the advice of a person exercising clinical judgment;
- A matter relating to the recruitment or appointment of an employee by Tusla (or by a service provider acting on behalf of Tusla);
- A matter relating to a contract of employment that Tusla (or a service provider acting on behalf of Tusla) proposes to enter into;
- A matter relating to the 'Social Welfare Act';
- A matter that could be the subject of an appeal under section 60 of the 'Civil Registration Act 2004';
- A matter that could prejudice an investigation by An Garda Síochána;
- A matter that has been brought before any other complaints procedure established by law ;
- Matters that give rise to child protection or welfare concerns (these concerns must be referred to the area duty social work team – see <http://www.tusla.ie/children-first/how-do-i-report-abuse>).

Tusla will write to you informing you of any decision not to investigate a complaint you may make, outlining the reasons for that decision and advising you of your right of review.

What about Complaints in relation to Organisations or Bodies providing Services on Behalf of Tusla?

Voluntary organisations or bodies providing services on behalf of Tusla are referred to as service providers. If you have a complaint about a service being provided by a service provider, it is advised that you contact the service provider directly. Service providers must have policies and procedures for managing complaints that are in line with Tusla's complaint policy and procedures.

If you are not happy with the response to your complaint by the service provider, you have a right to request a review. The request for review will be examined by a review officer appointed by Tusla.

Please write to Tusla (or email tellus@tusla.ie) to request a review of the service provider's response to a complaint made to the provider about a service being provided on behalf of Tusla.

If you are not happy with the outcome of a review carried out by Tusla, you have the right to request an independent review of the complaint by the Office of the Ombudsman or the Office of the Ombudsman for Children.



You say, we listen

Feedback Form

You can complete this form and return it to your local Tusla office or you can post it to: Tellus –Quality Assurance Directorate, Tusla – Child and Family Agency, 4th Floor, Brunel Building, Heuston South Quarter, Dublin 8.

How would you describe your feedback to us? (please tick a box)	
Compliment <input type="checkbox"/>	Comment <input type="checkbox"/>
Complaint <input type="checkbox"/>	Other <input type="checkbox"/>
If you are making a complaint, do you consent to Tusla accessing your personal record information for the purpose of dealing with your complaint?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
What is the name of the service you want to tell us about?	
What is the address of the service you want to tell us about?	
Tell us what it is you want Tusla to know about your experience of the service concerned or the experience of the person on whose behalf you are acting (include relevant details of dates and locations and the names of any of the people who were involved).	
What are your contact details?	
Name:	Phone:
Address:	
Email address:	
If you are acting on behalf of another person in completing this form, please provide contact details for the person on whose behalf you are acting:	
Name:	Phone:
Address:	
Email address:	