TUSLA
An Ghníomhaireacht um Leanaí agus an Teaghlach
Child and Family Agency

Policy for Feedback and Complaints

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Foreword

In Tusla – the Child and Family Agency, we are committed to ensuring the best outcomes for children, families, individuals and communities. One of the ways we do this is by carefully listening to feedback and complaints about our services.

The information we receive from feedback and complaints can help us to identify things that are difficult to see from inside our organisation. Most importantly, we can learn from this information and make changes to improve experiences of our services.

Listening to the perspectives of people who experience Tusla services is not discretionary; it is essential. By listening, we make Tusla services more people-centred, responsive and effective.

In Tusla's work we see very good decisions for the children, young people, families and communities that are engaged with, or affected by, our services. These examples of very good practice are important to learn from and share. We welcome feedback when our work has been helpful and of vital use to service users and those around them.

There are also times when things do not happen as they should, or we get things wrong. At those times, it is important to say we got it wrong and try to remedy the situation.

Listening to, and having a dialogue with our service users, helps us to improve our services and make better decisions. To respond and learn from any issues we commit to:

- listen and be empathetic
- examine and understand the issues raised
- support our service users and our colleagues
- respond to and learn from the issues.

We aim to resolve as many complaints as possible at the front door, local level, as quickly as possible.

By working with people in this way, we support and build trusting and respectful relationships with service users and the public. This approach is core to our values of trust, respect, kindness and empowerment.

Bernard Gloster
CEO

Resolution not Blame

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1.0 Introduction

At Tusla, our job is to improve the wellbeing of and outcomes for:

- children
- young people
- families
- individuals
- communities.

We want to make sure that our services are working well for the people who use them. We need to hear about the experiences of those who:

- engage with our services
- are affected by how we provide these services.

One of the ways we do this is through feedback and complaints.

The law requires us to have a complaints procedure. It does this in Part 9 of the Child and Family Agency Act 2013. Under the legislation, and in line with HIQA National Standards, anyone who uses our services has a right to complain to us.

The law also says we must have due regard for the best interest of the child under Part 2 of this act. If a child complains or someone complains on their behalf, we must consider their views.

We also welcome feedback. We will bring any feedback received to the attention of the service concerned. We will also keep a record of it on our national incident management system (NIMS)

Any feedback or complaint is an opportunity for us to improve the quality of our services and to learn lessons from any mistakes we make. We will make sure our staff:

- are trained to handle feedback and complaints
- deal with complaints appropriately.

Tusla's policy for dealing with feedback and complaints is also sometimes referred to as the "Tell Us" policy.

We record all feedback and complaints we receive on the Tusla complaints section of the National Incident Management System (NIMS). The NIMS system provides a secure and confidential platform for holding complaint records and allows us to analyse national complaints data from across the country centrally.

Our core values

We aim to manage all feedback and complaints in keeping with our core values.

Support our service users

We will support children, young people and their families (and any other people affected by Tusla services) to express their views about our services in ways that feel safe and are transparent.

Encourage feedback

We will make it easy for children, young people and their families (and any other people affected by Tusla services) to express their views.

We will listen and respond to these views and act on them when appropriate.

Keep people up to date

After people complain or give us feedback, we will keep them up to date on how we are managing it.

Manage complaint information

We will record all complaints on the Tusla complaints section of the National Incident Management System (NIMS).

Manage complaints well

By managing complaints well, we aim to:

- increase trust in our services
- protect staff morale
- build public confidence in our services.

If anyone complains to us, it will not adversely affect the service that we give them.

2.0 Scope

This policy is intended for use by service users, those affected by the delivery of services by Tusla and by Tusla staff. Together with its associated documents (see section 3.23) and training for staff, this policy outlines how feedback and complaints are dealt with.

All Tusla staff must abide by this policy. So must all agencies that provide a service on behalf of Tusla (see section 3.19: Service Providers). You can get more information on the roles and responsibilities of Tusla staff in **Appendix One.**

This Policy replaces all previous feedback and complaints policies and procedures operated by Tusla.

We may amend this document in light of future legal or regulatory requirements. The most up-to-date version of the policy will be available on the Tusla website: https//www.tusla.ie/about/feedback-and-complaints/tell-us-publications/.

3.0 Providing feedback and making a complaint

3.1 Ways to give feedback or make a complaint

	Talk to any member of staff
	Email: tellus@tusla.ie When we receive complaints at this email, we will give them a NIMS number and send them to the relevant service manager.
	Send a letter to any Tusla location You can find a list of our locations on our website at www.tusla.ie
	Phone your local Tusla office (9am to 5pm Monday-Friday) See details on the Tusla website https://www.tusla.ie/get-in-touch/ Or call 01 7718500, and ask for a call back from a member of the Service Experience and Feedback Team.

3.2 What is feedback and who can provide it?

Anyone can provide feedback to us about their experience of our services. Feedback may include any of the following:

- comments
- suggestions
- ideas
- observations
- compliments about when we get things right.

3.3 How we deal with feedback

We will acknowledge compliments, comments and suggestions and forward them on to the relevant service. The local service can then respond as appropriate. We also record them on NIMS.

3.4 What is a complaint?

A complaint is when someone tells us they are dissatisfied about something we have done or failed to do, and they claim it was:

- unfair or unsound

  and
- has adversely affected them.

The law says an action is unfair or unsound if it is:

- taken without proper permission or authority
- taken for unnecessary reasons
- the result of negligence or carelessness
- based on incorrect or incomplete information
- discriminatory
- based on undesirable administrative practices
- in any other respect contrary to fair or sound administration.

These categories are taken from the Child and Family Agency Act 2013.

3.5 Who can complain?

Any service user or member of the public who is, or claims to have been, treated unfairly and negatively affected by our services, can make a complaint. This includes children and young people. Children may make a complaint by themselves without involving an adult.

A third party, like a family member or advocate, can make a complaint on someone's behalf if they have written authority to act on their behalf or, if this presents a difficulty, that the authority to act has been documented to the satisfaction of the relevant staff member.

If a person who is entitled to make a complaint cannot do so because of age, illness or disability, the following people can complain on their behalf:

- a close relative or carer of the person
- a person who by law, or the appointment of a court has the care of the affairs of the person
- a legal representative of the person
- any other person who has the consent of the person.

If someone who was entitled to make a complaint cannot do so because they are deceased, a close relative or carer of the person can make a complaint on their behalf.

3.6 Anonymous complaints

In general, we cannot investigate anonymous complaints against a named member of staff. However, we will pass anonymous complaints on to the relevant manager who will consider if a risk assessment is required.

3.7 Help with making a complaint

We will do all we can to support people making a complaint through all stages of the process. It is easier for us to respond fully to complaints when they are in writing. If anyone needs help complaining to us in writing, they can get help from any member of our Service Experience and Feedback team. You can contact this team:

- at tellus@tusla.ie
- by calling corporate reception on 01 7718500 and asking for a call-back.

3.8 What Complaints are not covered by this Policy?

The law says there are some complaints we cannot deal with under this policy. Those are:

a) A matter that is or has been the subject of legal proceedings before a court or tribunal

b) A matter that is or has been the subject of an appeal under section 15 of the Education (Welfare) Act 2000

c) A matter relating solely to the exercise of clinical judgement by a person acting on our behalf

(for clarity, professional social work and social care judgements are not excluded and can be subject to complaint, see Appendix 3)

d) An action taken by us solely on the advice of a person exercising clinical judgement

e) A matter relating to the recruitment or appointment of an employee

f) A matter relating to the terms or conditions of a contract of employment

g) A matter relating to the terms or conditions of a contract with a consultant or adviser under section 55 of the Child and Family Agency Act 2013

h) A matter relating to the Social Welfare Acts

i) A matter that could prejudice an investigation being undertaken by An Garda Síochána

j) A matter that has been brought before any other complaints procedure established by law.

There are also some complaints which must be dealt with under alternative pathways and/or processes; these are set out in **Appendix Two.** If Tusla determines that any part of a complaint falls into one of these categories and cannot be investigated, we will write to the person making the complaint to let them know. We will explain why this is so and help them to access the most appropriate process.

3.9 Timescale for making a complaint

A complaint must be made within 12 months of:

- the date of the action or inaction that you are complaining about, or
- the date when you become aware of the action or inaction.

A Complaint Officer may extend the time limit for making a complaint in exceptional circumstances or if they consider it to be in the public interest to do so.

3.10 What happens when a Complaint is made?

Stage 1: 'Local resolution'

When someone complains to us, the most appropriate staff will try to resolve it. Our staff will try to resolve issues **within five working days** at a local level. This is called 'Local resolution' and is what we aim for. Local resolution is where those involved in the matter of concern try to come up with a solution that resolves the complaint to everyone's satisfaction. Local resolution will involve any staff

member subject to the complaint to ensure fair procedure. Where staff concerned are not agreeable to local resolution, the matter will move to stage 2. Examples of local resolutions could include the provision of useful information, explanations for actions or an apology for an error.

Stage 2: Referral to a Complaint Officer

If it is impossible to resolve the complaint locally, it can be referred to a Complaint Officer. All complaints made at stage 2 must be in writing or documented to the satisfaction of the Complaint Officer. Stage 2 is where the complaint is referred to a Complaint Officer. Assistance with putting a complaint in writing can be sought from any staff member or a member of our Service Experience and Feedback team. When the complaint is in writing, it helps to make sure that everyone is clear about what the problem is, and it avoids confusion later on. (See 3.7 for how to access assistance.)

When a complaint is referred or made directly to a Complaint Officer, they will determine if it is appropriate for them to be the Complaint Officer and if the complaint can be dealt with under this Policy.

The Complaint Officer will then consider if a resolution to the complaint can be facilitated. If the Complaint Officer considers they can resolve the complaint they will ensure that any staff member subject to the complaint is agreeable to any planned resolution attempt, thus ensuring fair procedure. This type of resolution is categorised as 'Informal resolution' for data collection purposes. If a Complaint Officer cannot facilitate a resolution because either the complainant or staff concerned are not agreeable to the proposed informal resolution, the matter will move to investigation at stage 2. Tusla has 10 working days from the complaint being referred to this stage of the process, for the assigned Complaint Officer to communicate and explain this determination to the complainant, in writing.

Where a Complaint Officer makes the decision to investigate a complaint, they have 30 working days to complete the investigation and produce a report. The Complaint Officer should inform all parties to the complaint within 20 working days if there is to be a delay; the reason for the delay; and when they expect to have the report completed. They should update all parties to the complaint every 20 working days after that until the report is issued.

When the Complaint Officer has finished the complaint investigation, they will send their report containing their findings, decisions and recommendations to the person who complained and to relevant staff. The only decisions available to a Complaint Officer are to:

- uphold a complaint
- partially uphold a complaint
- not uphold a complaint.

The Complaint Officer is responsible for recording all actions and communications on the Tusla complaints section of NIMS. They must also circulate the complaint investigation report appropriately. See https://www.tusla.ie/uploads/content/Tusla_Privacy_Notice_Poster_March_2019.pdf for Tusla privacy notice explaining how and what data is processed by Tusla.

Stage 3: Referral to a Complaint Review Officer

Requests for review of a recommendation made in a complaint investigation report must be made within 30 working days of the complaint investigation report being issued to the complainant.

This stage may provide a resolution to the complaint, facilitated by the Complaint Review Officer, if that is possible, or a review of the complaint recommendations by the Complaint Review Officer.

Tusla commits to completing a review of a recommendation made in a complaint investigation report within **20 working days**.

3.11 Recommendations and Redress

When something has gone wrong as a result of something that we have done or not done, we will give as detailed an explanation as possible and an apology.

We are committed to putting things right. Where possible, the Complaint Officer or Complaint Review Officer will also make recommendations seeking to put the person back into the position they would have been in if we had acted properly.

The Complaint Officer will always discuss possible recommendations with the people in Tusla who would be required to implement them to make sure they are realistic and achievable.

The Complaint Officer may also make recommendations to pursue improvements to the services Tusla provide based on any learning from the complaint investigation.

The person identified in the complaint investigation report as responsible for implementing any recommendations, is responsible for informing the complainant about the progress of the implementation of the recommendations within 30 working days of the Complaint Officer's report issuing and every 20 days thereafter as relevant.

3.12 What is a Complaint Review?

If a person is unhappy with a recommendation made in a complaint investigation report, they have the right to request a review of the Complaint Officer's recommendations. A Complaint Review Officer does this review.

A formal request for a complaint review should set out which recommendation, or recommendations, the complainant would like us to review, and on what grounds they are requesting the review.

A request for a complaint review can be sent to the relevant Service Director or National Manager.

Please see the most up to date list on Tusla Website - https://www.tusla.ie/get-in-touch/service-directors/.

Tusla National contact information	
Address Service Experience & Feedback Team Tusla – Child and Family Agency Brunel Building Heuston South Quarter St John's Road West Dublin D08 X01f	**Email** tellus@tusla.ie

Tusla national headquarters sends any requests for reviews that it receives, directly to the appropriate Service Director or National Manager.

When can a Complaint Review Officer review a recommendation?

A Complaint Review Officer can review an earlier recommendation if, it is claimed, the recommendation was:

- made without proper permission or authority
- made for unnecessary reasons
- based on wrong or incomplete information
- discriminatory
- based on unfair or unsound findings
- inconsistent with the findings
- based on a decision that was unfair or unsound

The Complaint Review Officer can also review a recommendation if, it is claimed:

- there was a conflict of interest at the complaint investigation stage
- we did not follow the complaint process
- we did not follow due process.

These rules are based on the grounds for complaints set out in law and the Ombudsman's Guide to Standards of Best Practice for Public Servants, 2002.

3.13 What is the timescale for requesting a Complaint Review?

A complaint review must be requested within 30 working days of the Complaint Officer issuing the complaint investigation report to the complainant.

However, a Complaint Review Officer may extend this time limit:

- in special circumstances, or
- if they consider it to be in the public interest to do so.

If you request a review, generally we will not put the recommendations in place until the review is completed, unless the complainant requests otherwise and the Review Officer, in consultation with relevant staff, agrees.

3.14 What happens when a Complaint Review is requested?

When a Complaint Review Officer receives a request for a complaint review, they will determine if it is appropriate for them to be the Complaint Review Officer first and if they can, they will then determine if the review can be dealt with under the Policy.

The Complaint Review Officer will then consider if a resolution to the complaint can be facilitated.

If the Complaint Review Officer cannot facilitate a resolution to the issues raised, which is agreeable to both the complainant and staff parties, they will conduct a review. The Complaint Review Officer may also determine that a new complaint investigation is appropriate and request that this happens. See section entitled "Complaint review recommendations" in *Procedures for Complaint Review Officers* for more information.

Tusla has 20 working days from the request for a review to complete the review. This includes the time it takes the Review Officer to determine if there are grounds for a review and to communicate this to

the complainant, in writing. Staff members party to the complaint and the relevant Complaint Officer will also be informed.

The whole review stage should take 20 working days.

The Complaint Review Officer should inform the complainant within the 20 working days if:

- there is to be a delay
- the reason for the delay
- and when they expect to have the report completed.

They should update the complainant every 20 working days after that until the report is completed.

The Complaint Review Officer will decide if the recommendation or recommendations were appropriate.

The Complaint Review Officer may:

- uphold the original recommendation
- alter the original recommendation
- make new recommendations.

The Complaint Review Officer will provide the report to the complainant and relevant staff.

3.15 Who can request a Complaint Review?

The person who made the original complaint can request a complaint review.

If the request for a complaint review is made on behalf of another person, we must have that person's agreement before we can carry out a review. This authority to act must be documented to the satisfaction of the Complaint Review Officer.

Where a staff member is unhappy with the outcome of a complaint investigation the staff grievance procedure is available to them.

3.16 Office of the Ombudsman and Ombudsman for Children's Office

If a complainant is ever unhappy with any steps taken or recommendations made in response to a complaint, at any stage of the process, they have the right to contact the Office of the Ombudsman or the Ombudsman for Children's Office as appropriate.

Ombudsman for Children's Office	
Address Ombudsman for Children's Office Millennium House 52-56 Great Strand Street Dublin 1 D01 F5P8 Ireland	**Website** www.oco.ie **Email** ococomplaint@oco.ie **Freephone** 1800 20 20 40
Office of the Ombudsman	
Address 6 Earlsfort Terrace Dublin 2 D02 W773	**Phone** 01 639 5600 **Complaints email** complaints@ombudsman.ie **Website** https://www.ombudsman.ie

3.17 Unreasonable behaviour by people making complaints

We believe that those making a complaint have a right to be heard, understood and respected. However, we expect anyone making a complaint to always treat staff respectfully and reasonably. In a small number of cases, the behaviour of a person complaining becomes unreasonable. In those situations, we may put in place the procedure in our document: 'Guidance on dealing with unreasonable complainant behaviour'. You can view this document on our website: www.tusla.ie.

3.18 Support for those who work for us

We ask and expect all those who are working for us to help us to resolve complaints and to make sure we carry out full and fair complaint investigations when we need to.

When a complaint is made about a staff member, foster carer, volunteer or student, they have the right to:

- fair procedure and due process
- be treated with dignity and respect
- see the complaint that has been made about them and any other information which relates to them.

Before we complete the complaint investigation report, someone complained about has the right to respond to the complaint. They also have the right to:

- respond to any proposed findings or recommendations made relating to them
- be supported by an appropriate person (e.g. trade union representative)

Throughout the complaints process, we focus on resolving the issues and not on assigning blame.

We recognise that being part of a complaint investigation or complaint review can be a stressful experience and we also recognise that, if warranted, the recommendations of a complaint investigation may include referral to other agency processes e.g. line management, grievance or disciplinary processes.

Anybody who is the subject of a complaint must be informed of support networks like the Employee Assistance Programme and about people who are available to help them through the complaints process, by their line manager.

3.19 Complaints about service providers

Agencies that provide services on our behalf must either use this policy or have their own procedure for managing complaints. They must have agreed their procedure with us in their service level agreement. These complaints are managed by staff from those agencies.

All service providers must report to Tusla annually about the complaints they receive.

3.20 Privacy, confidentiality and consent

We will treat all personal information and data provided to us as confidential and store it securely. We will use and keep this information to deal with the complaint. From time to time, we use complaints information for compiling statistics, writing reports, and implementing learning. We will only do so using information that does not identify anyone.

The complaint file is separate from a service user's case file or a staff member's personnel file.

We will not share personal information about complaints with other agencies unless we have consent to do so, or we are allowed to do so under law.

When we process personal information, we will comply with all relevant data protection legislation and other relevant laws.

Once a complaint is received by Tusla, Tusla have a legal basis on which to investigate but will always seek to work collaboratively with complainants.. However, if someone is complaining on behalf of someone else, we must confirm that the person making the complaint has the authority to act on their behalf. Once this authority to act on their behalf has been established, the basis for processing the complaint then becomes Tusla's legislative obligation.

Although children and young people do not require the support of an adult to make a complaint, it is best practice and in line with Tusla's safeguarding procedure for us to explain, in advance, what activities we will undertake with young people and why. We should explain this to:

- children
- young people
- their parents
- carers/guardians

3.21 Communications

All of our services have copies of our policies and procedures for dealing with feedback and complaints. Our website has up-to-date information and resources on how we handle feedback and complaints: www.tusla.ie. We routinely remind people who use our services and those affected by our services of our complaints policy and how to use it.

3.22 Learning from feedback and complaints

Our Quality Assurance Directorate reports every year on the information we collect about feedback and complaints. An analysis of the available data will also be reported. The directorate aims to maximise the use of complaints information for service improvement and for staff learning. In that context, the Chief Executive Officer, the Director of Services and Integration or the Director of Quality Assurance may initiate a case review or a systems analysis review where they are of the view that this is required. Our Quality Assurance Directorate will review this policy every two years.

3.23 Associated documents

Documents relevant to this Policy are available on our website at:

- https://www.tusla.ie/about/feedback-and-complaints/tell-us-publications/

Associated Standards and Regulations are also available on our website at:

- https://www.tusla.ie/publications/

4.0 Appendices

- Appendix One: Roles and Responsibilities
- Appendix Two: Alternative Pathways/Procedures
- Appendix Three: Definitions and Interpretations
- Appendix Four: Summary of Complaint Process

Appendix One: Roles and Responsibilities

Chief Executive Officer
The Chief Executive Officer must make sure: • we comply with Part 9 of the Child and Family Agency Act 2013 • all feedback and complaints to the agency are managed.
Director of Services and Integration
The Chief Operations Officer and Heads of Directorates must make sure: • all feedback and complaints in their area are managed • there are enough Complaint Officers and Complaint Review Officers in their directorates to deal efficiently with feedback and complaints • all feedback and complaints are recorded to the Tusla complaints section of NIMS • recommendations for the area they manage are implemented.
Heads of National Services and Service Directors
Heads of National Services and Service Directors must make sure: • feedback and complaints in their scope of responsibility are managed • there are enough Complaint Officers and Complaint Review Officers to deal efficiently with feedback and complaints about the services they manage • recommendations relating to their service are put in place and are recorded on the Tusla complaints section of NIMS
Service Managers
Service Managers must make sure that the Policy is implemented in the service they manage. They must also make sure: • feedback and complaints information is recorded on Tusla's complaints section on NIMS • staff receive training in handling complaints and using Tusla's complaints section on NIMS system where required • to promote local resolution of complaints • people who use the service know about our feedback and complaints procedures • copies of feedback and complaints materials are available for people using our services at each location. Service Managers must be aware of the complaint findings and recommendations for their services or for staff members. They must manage the implementation of these recommendations.

Service Managers must also make sure that people complaining to Tusla are informed about how these recommendations are being put in place.

All staff

All staff must encourage people using our service to give feedback about their experiences.

Where possible, staff must work to resolve any complaint that is made directly to them.

Staff must help service users to find and use the appropriate process or team to resolve their issue.

Staff must cooperate with any:

- complaint resolution
- complaint investigation
- complaint review process.

Staff must make sure that all feedback and complaints reported to them are recorded on Tusla's complaint section on NIMS.

Complaint Officers

Complaint Officers must clarify the details of any complaint with the person making the complaint.

They must decide if they can be the Complaint Officer and if the complaint can be dealt with under that complaints policy.

Complaint Officers must also:

- help to refer any complaint to a different person or section if appropriate
- facilitate resolution or investigate a complaint
- let a staff member know if they are being complained about.

Complaint Officers must tell the person making the complaint, and any member of staff involved, about the progress of the complaint resolution or investigation. They must inform staff members of any findings and recommendations and give them time to reply.

Complaint Officers must decide, based on findings, whether or not each issue in the complaint should be:

- upheld
- not upheld
- partially upheld.

Complaint Officers must make recommendations, based on the findings, for each issue complained about. They must make sure that recommendations are:

- specific
- measurable
- achievable
- realistic
- given a timeframe.

Complaint Officers must produce a report of any complaint investigation carried out and give a copy to the complainant and relevant staff members. If someone is not on the list for the report, but is responsible for putting the recommendations in place, the Complaint Officer must make sure they also get a copy of the report.

The Complaint Officer must make sure to record everything done to resolve the investigation of the complaint on Tusla's complaints section on NIMS.

They must also tell anyone making a complaint about their right to do all of the following:

- ask for a complaint review
- contact the Ombudsman for Children's Office
- contact the Office of the Ombudsman.

Complaint Review Officers

Complaint Review Officers must decide if they can be the Complaint Review Officer and if they can review the complaint. If they cannot, they help to refer the person making the complaint to another Complaint Review Officer, pathway or process.

Complaint Review Officers must inform the Complaint Officers of the complaint review.

Complaint Review Officers find out which recommendations in the report the person making the complaint would like to have reviewed and why.

After reviewing the complaint investigation report, Complaint Review Officers decide whether or not to:

- uphold these recommendations
- alter the recommendations
- make new recommendations, or
- recommend that a new complaint investigation is done.

Complaint Review Officers inform staff members about any findings and recommendations relating to them and give them time to reply.

Complaint Review Officers write a complaint review report and circulate it to the appropriate staff members and person making the complaint. They make sure anything done to resolve the complaint, and/or the complaint review, are recorded to Tusla's complaints section on NIMS Complaint Review Officers inform the person making the complaint that they have the right to contact the Ombudsman for Children's Office or the Office of the Ombudsman or both.
Quality Assurance Directorate
The Quality Assurance Directorate must make sure complaints are managed in a way that works well and is of good quality. They must develop and put in place structures to make sure that Tusla learns from complaints.

Appendix Two: Alternative Pathways/Processes

Details of Issue	Policy, Procedure, Guidelines or Legislation to be Followed
Concerns in relation to the protection or welfare of a child (including any allegation of abuse of a child by a staff member)	Must be referred to Child Protection Services to be dealt with in accordance with 'Children First'.
Professional misconduct and fitness to practice issues (Fitness to practice means our staff members' ability to do their jobs safely and effectively); **Complaints by staff of any inappropriate behaviour of other staff at work**	Referral to the appropriate manager for onward management under any or all of the following: • Grievance & Disciplinary Procedure • Dignity at Work • Trust in Care • Health and Social Care Professionals Act • Nurses Act 1985.
Allegations of certain offences committed against children and vulnerable persons, as detailed in Schedule 1 of the Criminal Justice (Withholding of Information about Offences Against Children and Vulnerable Persons) Act 2012	Must be referred to An Garda Síochána.
Incidents (clinical or non-clinical)	Tusla Incident Management Policy and Procedure.
Protected Disclosures	Protected Disclosures Policy and Procedure
Complaints made about the HR/ Recruitment process	Refer to relevant manager/ HR to deal with the complaint in line with some or all of the following: • Dignity at Work Policy • Grievance and Disciplinary Procedures • CPSA Codes of Practice.

Complaints made by staff members against other staff members	Dignity at Work Policy Grievance and Disciplinary Procedure.

Requests for Reviews of decisions made under the Freedom of Information Act 2014	Freedom of Information Act 2014.
Complaints in relation to breaches of Data Protection Rights	Data Protection Acts 1988, 2003 & 2018. General Data Protection Regulations 2016.
Complaints about providers of Early Years Services	Referral to the Early Years Inspectorate Unsolicited Information service.
Request to appeal a decision made under another process	Refer to the relevant appeal or review mechanism for the particular process.
Information not addressed by any other pathway	Pass on to the relevant manager who will consider if any action is required.

Appendix Three: Definitions and Interpretations

In this Policy, the following terms have the following meanings:

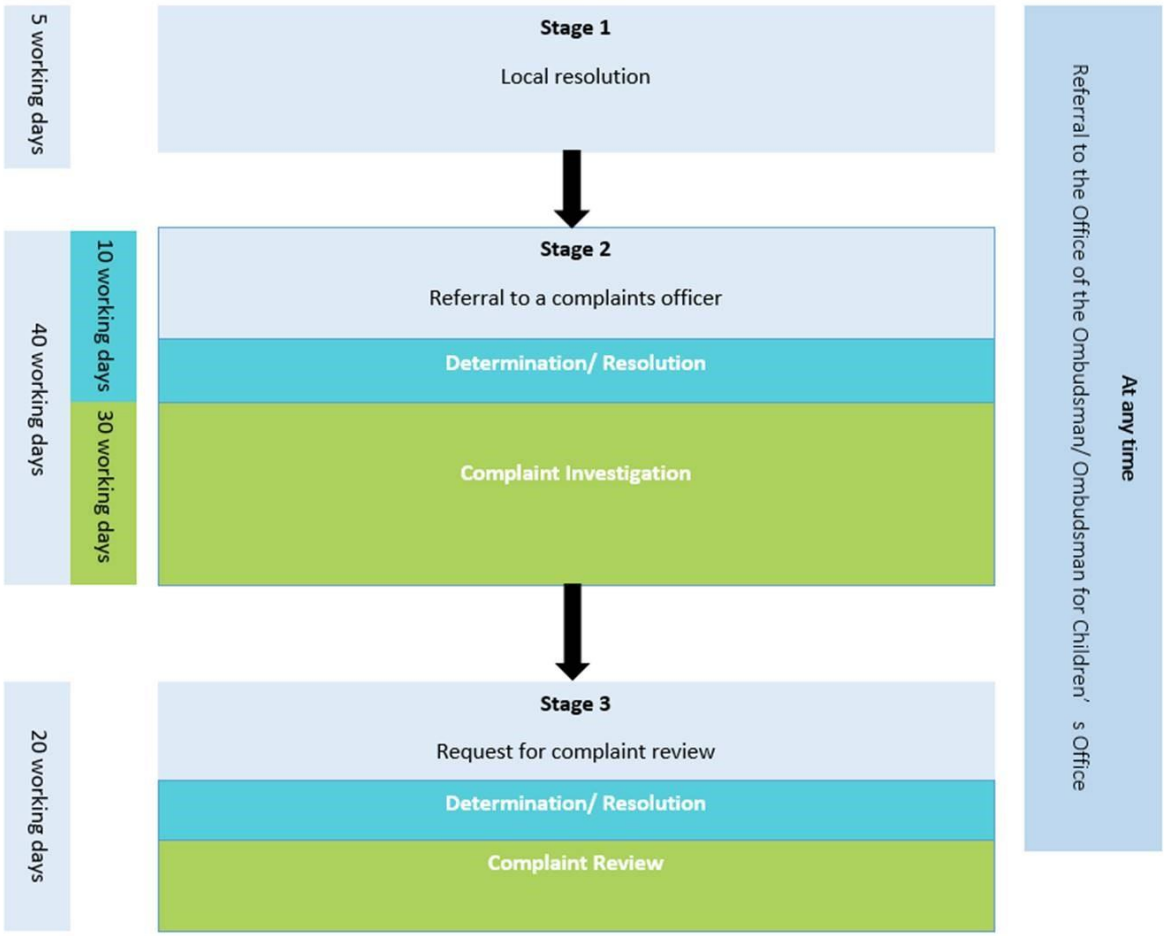
Action
Section 60 of the Child and Family Act 2013 defines 'action' as meaning anything done or failed to be done. An action can be an act or a decision.
Adverse finding
An adverse finding is a finding that: • may be viewed as unfavourable to the individual or service it relates to, or • is contrary to information offered elsewhere.
Advocate
An advocate supports or represents the views of anyone looking for information, giving feedback or making a complaint to Tusla. They do so with the consent of the person concerned.
Clinical judgement
Clinical judgement means a decision made or opinion formed in connection with the diagnosis, treatment and care of a patient. The person making a clinical decision or forming an opinion in connection with the diagnosis, care or treatment of a patient must be suitably qualified and registered with a Professional Body. See Health Act 2004 Sec. 48 (1)c
Close relative
A close relative is a person who is cohabiting with the other person or is their: • parent • guardian • son • daughter • spouse • civil partner • This is included in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Complainant
The person making the complaint to Tusla.
Complaint investigation
The process where the Complaint Officer gathers and assesses information. They do this to find out if Tusla has done, or not done something, which was: • contrary to fair and sound procedure • had an adverse effect on someone.
Complaint review
A complaint review is where the Complaint Review Officer considers the relevant recommendations arising from the complaint investigation. They decide if they have been arrived at correctly and if they address the issues complained about.
Complaint Officer (CO)
A Complaint Officer is responsible under the 'Child and Family Agency Act 2013' for investigating complaints received by Tusla.
Complaint Review Officer (CRO)
A Complaint Review Officer is responsible under the 'Child and Family Agency Act 2013' for conducting complaint reviews.
Compliment
A compliment is when a member of the public or service user praise, commends or admires an action of Tusla or a Tusla staff member.
Comment
A comment is when a service user or member of the public makes a verbal or written remark in relation to an action of Tusla or a Tusla staff member.
Authority to act in relation to a complaint on behalf of someone else
Authority to act means any freely given, specific and informed agreement which is written or documented to the satisfaction of the relevant staff member.

Decision
In a complaint investigation, the decision could be to: • uphold the complaint • partially uphold the complaint, or • not uphold the complaint. **In a complaint review**, the decision could be to: • uphold the original recommendation or recommendations • vary the original recommendation or recommendations, or • make new recommendation or recommendations. These decisions are made by the Complaint or Review Officers respectively.
Determine
To 'determine' in this Policy means to find out if the complaint or complaint review request meets the criteria for being processed under the Policy. This step fulfils the requirements of preliminary investigation as outlined in Part 9 of the Child and Family Agency Act, 2013.
Due process
Due process means that all legally based procedures must be fair.
Fair procedure
Fair procedure means no one should be judged without a fair hearing. Each party should be given the chance to respond to the evidence against them.
Findings
Findings are the information found or the conclusions reached based on that information.
Feedback
Feedback is any information provided by service users and the public that can help improve the quality of the service provided.
Recommendation
A recommendation in this policy is when we suggest an act or course of action. When the Complaint Officer or Complaint Review Officer suggests action to: • remedy the situation • prevent it from recurring, or • to improve services.

Resolution
A resolution in this policy is when we settle, or find a solution to, a problem or a contentious matter.
Right to respond/ Right of reply
Right of reply means that when a staff member has had a complaint made about them, or a potentially negative/adverse finding about them, they have the right to see and respond to it.
Service provider
A 'service provider' is someone who arranges under section 56 or 58 of the Child and Family Agency Act 2013 to provide services for or on behalf of Tusla.
Service user
A service user is someone who has received, is receiving, has sought or is seeking a service from Tusla or one of our service providers.
'We', 'us' or 'our'
Means 'The Child and Family Agency (Tusla)'.

Appendix Four: Summary of Complaint Process



TUSLA
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