



Guidance for Policy on Complaints in Pre-School and School Age Services

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1.0 Purpose

The purpose of this guidance document is to provide early years (pre-school and school age) services with the regulatory requirements in the specific policy on Complaints, as set out by the [Child Care Act \(1991\) Early Years Services Regulations \(2016\)](#) and the [Child Care Act \(1991\) Registration of School Age Services \(2018\)](#). This document sets out the core requirements that should be addressed in this policy, as well as prompts and considerations that will support registered providers to ensure that their policy and procedures are fully developed and are reflected in the practices in their service.

The information in this document should be applied to the specific policy on Complaints and the accompanying procedures of the service. This document should be read in conjunction with Tusla's [Practical Guide to Developing Policies, Procedures and Statements in Early Years Services](#), the [Quality and Regulatory Framework](#) and the [National Quality Guidelines for School Age Child Care Services](#).

Note: *This policy is required for both pre-school and school age services. This document will provide the reader with policy considerations for their service type, the children, young people and staff members within it. Unless specified, the policy considerations within this document apply to both pre-school and school age services.*

This document is for reference only. It should not be assumed that the guidance provided is comprehensive or that it provides a definitive answer in every situation.

Further resources are available in [Appendix 1](#).

Regulatory Requirements of this Policy

Pre-school Services

Child Care Act (1991) Early Years Services Regulations (2016), (Regulation 32)

32 (1) A registered provider shall ensure that the complaints policy of the service specifies— (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service, (b) the manner in which such a complaint shall be dealt with, and (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with. (2) A registered provider shall ensure that— (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and (b) the complaint is duly dealt with in accordance with the provider's complaints policy. (3) A record in writing referred to in paragraph (2)(a) shall— (a) include the nature of the complaint and the manner in which the complaint was dealt with, and (b) be open to inspection on the premises by an authorised person. (4) A registered provider shall ensure that a record in writing referred to in paragraph (2)(a) is retained for a period of 2 years from the date on which the complaint has been dealt with.²⁴ (5) The requirement in paragraph (4) is without prejudice to any requirement to retain the record in writing referred to in paragraph (2)(a) under any other enactment or rule of law.

School age service

Child Care Act (1991) Registration of School Age Services Regulations (2018), (Regulation 13)

13. (1) A registered provider of a school age service other than a childminding service shall ensure that the complaints policy of the service specifies (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service, (b) the manner in which such a complaint shall be dealt with, and (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.

2.0 Core policy requirements

A Policy Statement is recommended for this policy alongside the core requirements as set out further in this document. The policy statement makes clear that the service encourages and welcomes feedback from anyone who has a direct involvement in the service, including parents and children. The statement confirms that the service aims to take complaints seriously and resolve them as efficiently and effectively as possible. The statement confirms that the service takes an open-minded and rights-based approach to complaints and recognises complaints as providing an opportunity for learning and service improvement. The statement confirms that children are supported to express views and give feedback in a developmentally appropriate way, and that staff take children's views seriously.

Requirement 1

The complaints policy specifies the procedures to be followed when a person makes a complaint in relation to the service.

Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) The steps to be followed by the person wishing to make a complaint to the service and includes the stages for both informal complaints and formal complaints procedures.
- (b) The name of the person responsible for managing complaints in the service. Where the complaint is related to the named person and/or registered provider, the policy identifies who will take responsibility for managing the complaint in this eventuality.
- (c) How children are supported to give feedback in relation to the service, and that age-appropriate communication tools are in place to enable children to be fully aware of their rights to give feedback and make complaints.
- (d) How the policy will be communicated with parents/ guardians, staff, children, and any other persons involved in the service, and communication procedures are set out.
- (e) That if a complainant is dissatisfied with the service's response or feels for any reason that they cannot bring the concern directly to the manager/registered provider, they can contact Tusla's Early Years Inspectorate. Contact details for this purpose are included in the policy.
- (f) How the service ensures all staff, adults and students have received relevant information relating to the complaints policy and where necessary, appropriate training.
- (g) How a complaint not within the scope of the service will be dealt with, for example (a) how child safeguarding concerns are passed on to the designated liaison person in the service, and how they are then managed in line with the service's safeguarding statements and established child safeguarding procedures and practices (b) how complaints of a criminal nature are referred to An Garda Síochána.
- (h) That all information relating to a complaint will be treated as confidential and shared only on a need-to-know basis and in line with the service's responsibilities under the [GDPR](#).

Requirement 2

The complaints policy specifies how complaints are responded to, managed, investigated, progressed, recorded, including appeal processes, and closed.

Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) The way(s) in which the service responds to a complaint (e.g., in writing, by phone or in person).
- (b) How the service manages and records the details of the complaint, including:
 - the nature of the complaint,
 - any persons named in or impacted by the complaint,
 - all actions taken in response to the complaint including when and by whom,
 - the timeframe of the response to the complaint,
 - and the outcome of the complaint at closing
- (c) That complaints are impartially managed and that parents/guardians/children will not be adversely affected by sharing feedback and/or concerns with the service.

Requirement 3

The complaints policy outlines how the complainant will be kept informed throughout the process.

Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) How a complaint received by the service is acknowledged (e.g., in writing or electronic) and the expected timeframe for a response to a complaint.
- (b) How the person responsible for managing complaints communicates with the complainant, with parents/ guardians (as appropriate) and with others involved in or impacted by the complaint, including timeframes.

School age
services

For School Age Care Services, the policy states that processes are transparent and are communicated to parent/guardians and other relevant people connected to the service.

Requirement 4

The complaints policy specifies the process for storage of complaint records and the timeframe for retention of records.

Prompts and considerations (not an exhaustive list)

The policy specifies:

- (a) That all records of complaints will be kept in full compliance with the [Early Years Services Regulations \(2016\)](#), (as appropriate), [Data Protection Act 2018](#), [The General Data Protection Regulations \(2018\)](#).
- (b) The measures to be taken by the service, to ensure all records relating to a complaint are stored and retained, including the time frame for their retention and measures for destroying records.
- (c) That the Complaints Records File will be available to those authorised to inspect it, including an Authorised Officer from Tusla's Early Years Inspectorate.

3.0 Best practice in developing and implementing a Complaints Policy

In addition to the regulatory requirements for this policy as set out in this document, service providers can enhance the quality of practice in the implementation of the complaints policy in the service. In this section, best practice in this policy area is outlined and further information is signposted where available.

- Implementation of this policy should reflect Siolta standards, in particular Standard 9 [Health and Welfare](#).
- Service providers should approach and resolve complaints using a considered process that prioritises the rights and best interests of the child, or children concerned.
- Service providers should make every effort to ensure that complaints made by and on behalf of children are handled with their input.
- Age-appropriate processes should be in place to support children in relation to a complaint, and to seek their views on the issues raised in the complaint where appropriate.
- Service providers should ensure that processes are transparent and are communicated to parent/guardians and other relevant people connected to the service. Persons wishing to make complaints should understand the options open to them in making a complaint as well as being kept informed about the complaints process itself. *For school age care services, this is a regulatory requirement as set out on p.6.*

- Service providers should make sure that complaints are managed within a reasonable timeframe and that the complainant is aware of the timeframe at all stages of managing the complaint. Safety and welfare concerns should always be dealt with urgently.
- Complainants are entitled to fair procedures, including appeal processes in the resolution of complaints they make and complaints that are made on behalf of children.
- Processes for managing complaints should be subject to ongoing monitoring and review to uphold the service's commitment to providing safe and high-quality services for young children and their families.

4.0 Appendix

4.1 Supporting Information

- Aistear Siolta - [Practice Guide](#)
- Data Protection - <https://www.dataprotection.ie/>
- DCDE - [A Parent's Guide to Addressing Concerns in an Early Years Service](#)
- The Ombudsman for Children's Office - <https://www.oco.ie/>
- Tusla - [Concerns about an early years service](#)
- Tusla/Dept of Education - [Joint Information leaflet for parents](#)

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