

COMPLAINT MANAGEMENT POLICY

Over the Rainbow Early Learning Centre Ltd is committed to providing a quality service to children and their parents/guardians and we regularly evaluate our services in order to ensure this and to monitor the standard of our performance.

While this is always our aim, we accept that sometimes things do not always go to plan. In such circumstances, we want to know, so that we can put things right and learn from our mistakes.

We welcome all comments on our services, positive or negative. Complaints will be accepted and investigated irrespective of the nature of the complaint or who the person making the complaint is.

Principle

This policy is underwritten by the Child Care Act 1991 (Early Years Services) Regulations 2016, the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016, the Data Protection Act 2018, Freedom of Information Act 2014 and the Tusla Quality and Regulatory Framework.

Statement of Intent

Over the Rainbow Early Learning Centre Ltd gives a commitment to resolve complaints as quickly as possible. All complaints will be dealt with seriously, sensitively and appropriately to ensure that the standard of service provided by **Over the Rainbow Early Learning Centre Ltd** is maintained at a high level. The quality of the service provided to any child and family will never be adversely affected because a complaint has been made.

The complaints procedure is kept as simple as possible. Anyone making a complaint will be supported through the process as needed and given a copy of the 'Complaints Policy and Procedures'. The complaints procedures are displayed on the parents notice board.

When a complaint is received the manager will be informed immediately. Every effort will be made to address the issue informally before moving to a formal procedure.

If necessary, the complaint will be fully and appropriately investigated. A written acknowledgment of receipt of the complaint will usually be sent within 2 working days and a response within 5 days.

Where a complaint concerns a member of staff, we will address the situation with due regard to our obligations as an employer and the rights of the employees, the terms governing their conditions of employment and the procedures outlined in the staff handbook.

If a complaint is made against the Manager/Owner, Clare County Childcare Committee will be contacted to act as a non-bias representative to conduct an investigation and ensure appropriate management and recording of the complaint.

In the event of errors being made, **Over the Rainbow Early Learning Centre Ltd** will endeavour to correct them as quickly as possible and to give an explanation and, where appropriate, an apology.

All complaints made – both formal and informal – will be recorded in detail. Records will be stored in the Complaints Records File and will be retained for at least two years following resolution of the complaint as required by regulation.

All information relating to any complaint will be treated as confidential and shared only on a need to know basis. In the case of a Child Protection concern the Child Protection Policy will apply. All records of complaints will be kept in full compliance with the [Child Care Act 1991 \(Early Years Services\) Regulations 2016](#), Data Protection Act 2018 and Freedom of Information Act 2014. The Complaints Records File will be available to those authorised to inspect it, including the Tusla Early Years Inspector.

The evaluation of the outcome of the complaint will form part of the considerations for future policy and practice and risk management procedures.

All parents/guardians are to be informed of the policy and procedures regarding Comments and Complaints on enrolment. Staff members will check with parents/guardians that they have read and understood the policy and provide any assistance needed.

A summary of this policy will be included in the Parent/Guardian Handbook. This policy will also be reviewed with staff at induction and annual staff training. When a complaint is received, the person making the complaint will be given a copy of this Policy and Procedures.

A copy of all policies will be available during all hours of operation to staff members and parents/guardians. Parents/guardians may receive a copy of the policy at any time upon request. Parents/guardians and the staff team will receive written notification of any updates.

What is a Complaint?

A complaint can be defined as an expression of dissatisfaction, made by a child, parent, member of the public or partner agency such as Tusla. Complaints may be made in writing, by phone, in a face-to-face meeting or by a third party acting on behalf of the parent or member of the public.

How to make a complaint

A complaint can come to the attention of the service in a number of different ways:

- Contact, by phone or in person, with a staff member or by letter, email, and/or text.
- The complaint may be made by the person directly affected or by a person acting on their behalf.

To whom a complaint can be made

If a person has a complaint about some aspect of the service's activity, or about the conduct of an individual member of staff, it will often be possible to resolve the problem by simply speaking to the individual concerned and/or to the owner/manager.

Some complaints may fall more into the category of disagreements or differences of opinion, and may be resolved through discussion and compromise on the part of both the person making the complaint and the staff member concerned.

How a complaint will be managed**Stage One: Informal Process**

In the first instance, those who wish to make a complaint are encouraged to speak directly to the relevant member of staff. If they do not want to do this, they can speak with one of the managers who will try to resolve the problem.

The details of the complaint and the response will be recorded by the person taking the complaint.

If one of the owner/managers has a direct or indirect involvement in the matter being complained of, the complaint will be passed to the other manager or, if necessary, another person who has had no involvement in the matter, such as Clare County Childcare Committee.

If a satisfactory resolution cannot be found, then Stage Two of the procedure will formally come into operation.

Stage Two: Formal Process

If informal discussions of a complaint or problem have not produced a satisfactory resolution to the situation, those making the complaint should be encouraged to put their complaint in writing to the owner/managers using the form attached to this policy. All necessary support will be provided. Relevant names, dates and any other important information on the nature of the complaint should be included.

The attached form can be handed to a member of staff directly or sent by:

E-mail: overtherainbowELC.BN@gmail.com

Post: 1 Radharc na Bhoirne, Barefield, Ennis, Co. Clare V95 YA6K., marked for the attention of The Managers.

Either Ann-Marie Healy or Jennifer Byrne will acknowledge receipt of the complaint in writing as soon as possible – usually within 2 working days – and fully investigate the matter within 5 working days. If there is any delay, those who made the complaint will be advised of this and offered an explanation. The owner/managers will be responsible for sending them a full and formal written response to their

complaint.

The owner/managers, with the assistance of appropriate staff members, will carry out a full investigation. This may involve:

- Interviews with all relevant individuals
- Minute taking of all meetings
- Individuals being informed that they may have an appropriate individual present with them during the investigation.

Where no grounds for the complaint are found, the person making the complaint will be notified and information detailing the next stage will be provided.

Where the owner/managers (or other appropriate person) investigating, finds grounds for the complaint, they will ensure that all of the required details are available from the person making the complaint (using the Complaints Form, see Appendix A).

Staff members must participate and support the investigation of any complaint, where requested. Any staff member involved in the complaint will be supported throughout the process.

Any complaints not within the scope of the service to investigate, will be referred appropriately. For example:

- If the owner/managers has good reason to believe that the situation has Child Protection implications, they must inform the designated Child Protection Officer and ensure that the local Tusla Duty Social Worker is contacted, according to the procedure set out in the Child Protection Policy.
- If any person involved in the complaint has good reason to believe that a criminal offence has been committed, they should contact An Garda Síochána.

Where a complaint relates to Health and Safety it may be appropriate to notify the Health and Safety Authority.

Communication of the Response/Outcome

The formal response to the complaint will be sent from either Ann-Marie Healy or Jennifer Byrne to the person who made the complaint and copied to all relevant members of staff if appropriate. The response will include recommendations for dealing with the complaint and any necessary amendments to the service's policies and/or procedures and/or risk management procedures, arising from the investigation.

The owner/managers may arrange a time to meet the person who made the complaint and any other relevant individuals, such as members of staff, to discuss the complaint and the service's response to it. The owner/managers will judge if it is

best for all parties to meet together or if separate meetings are more appropriate.

The person making the complaint will be notified of the progress of an investigation on an ongoing and regular basis by the managers in writing, by email or letter.

The person making the complaint will be immediately informed of the outcome of the complaint once it has been completed.

Stage 3: Review

If, at the conclusion of the above process, those who made a complaint are dissatisfied with the response they have received, the original complaint along with the service's response will be passed to the Clare County Childcare Committee who will ensure that there is a complete review of the complaint. This review will be undertaken by a person not previously involved.

This person will communicate a detailed response, including any actions to be taken, to both the Managers and the person who made the complaint, within 5 working days **(Please note: This timeframe may be different depending on the severity of the complaint, the urgency of the complaint, its complexity, and the availability of all those people involved.)**

Compliments

- Please feel free to express any compliments you feel may be deserved towards staff for outstanding care and attention in their roles as childcare workers.
- Should you wish to bring this to the attention of the managers please feel free to do so and management would actively encourage you also.
- Compliments are great morale boosters for all staff and can contribute to stimulating a quality working environment which is also beneficial to the children in the service. This can be done verbally, or through a letter or card and is very much appreciated by the management and staff.
- Parents/Guardians may also express their thoughts/views by writing directly to the managers.

Guidance for staff when dealing with an angry or upset parent

- Listening is the key to dealing with any upset parent. After actively listening and taking notes, it's important to let parents know that you thank them for bringing the situation to your attention and that you will investigate it.
- Parents should be told what the procedure is for investigating complaints and that the service takes complaints and parent satisfaction seriously.
- When an upset parent approaches they should be invited into a quiet area, away from eyes and ears that don't need to see or hear the exchange. Children should not be in earshot of any angry exchange.
- If the parent is willing to explain the problem, try to be as open and understanding as possible. If they refuse to calm down, or if they swear or

become aggressive, calmly explain that they should put the complaint in writing and ask them to leave.

- Any aggressive behaviour will be recorded in the Accident and incident book.

Preventing Problems

When a childcare service is one that cultivates respect for differences, fosters and promotes dialogue between home and preschool and creates an overall sense of warmth, kindness, and high expectations for learning and behaviour, problems can be kept to a minimum.

At our Service we aim to:

- Keep parents informed on a regular basis about their child's progress and social emotional growth. Inform them of any behavioural concerns.
- Never use sarcasm with children or parents.

Recording of Complaints and Confidentiality

Records of complaints must be kept in the Complaints Records File, separate from children's files. All information relating to complaints is to be shared only on a need-to-know basis.

Where a complaint involves a child protection concern the Child Protection Policy will apply.

Where a complaint involves an allegation of a breach of a person's rights (child or adult) and/or a criminal action or behaviour the appropriate authorities will be informed.

The record of the complaint must be kept for at least two years from the date on which the complaint has been dealt with.

The record is to include:

- The name of the complainant
- The nature and details of the complaint
- The date and time the complaint was received
- The manner in which the complaint was received
- The name of the person who received the complaint
- The level of risk to the child or children arising from the subject of the complaint
- The manner in which the complaint was dealt with, including:
 - Any local resolution implemented
 - Any specific meetings held with the person making the complaint and minutes of any such meetings
 - Timelines for investigation of the complaint and notification of the outcome to the person making the complaint
- Details of the investigation carried out

- The outcome of the investigation
- Details of any corrective or preventive actions to resolve the complaint
- Information given to the person making the complaint about the progress and the outcome of the complaint
- of the investigation and whether the action taken to resolve the complaint was accepted
- Details of any plan implemented for the child's care as a result of the complaint as agreed with the child's parents/guardians
- Details of any review to the risk management process in light of the complaint.
- Details of any changes to practice or policy.

All records of complaints must be kept in full compliance with the [Child Care Act 1991\(Early Years Services\) Regulations 2016](#), [Data Protection Act 2018](#) and [Freedom of Information Act 2014](#).

Only the owner/managers can access the Complaints Records File.

Role of Tusla

If a person making a complaint is dissatisfied with the service's response or feels for any reason that they cannot bring the concern directly to the managers, they can contact Tusla's Early Years Inspectorate.

Tusla's Early Years Inspectorate does not investigate individual concerns or complaints. All information received is assessed to determine if any concerns relating to the health and welfare of children exists within the remit of the 2016 Regulations. The information determines the focus and timing of Tusla's inspections.

Where Tusla Early Years Inspectorate considers that there is a potential risk to the health, safety and welfare of children in an Early Years Service, Tusla Early Years Inspectorate will take appropriate actions with the service provider to ensure that the risk is addressed.

To contact Tusla regarding a concern about this or any early years service you can contact in the following ways:

- Email: early.yearsui@tusla.ie
- Call: 061 461700
- Or download a complaints form from www.tusla.ie/services/preschool-services/concerned-about-the-operation-of-a-eyes/

Send it to:

Tusla Early Years Inspectorate,
Unsolicited Information Office,

2nd Floor, Estuary House,
Henry Street, Limerick.

The Tusla form can also be posted on request.

Receiving a complaint from Tusla

- Complaints from Tusla will be received by email to the settings email address overtherainbowELC.BN@gmail.com which is regularly checked by the managers.
- Management will immediately engage with Tusla once a complaint has been received through their unsolicited information process.
- Any and all complaints will be investigated by management.
- Management will respond to any and all complaints received from Tusla promptly and politely in accordance with this policy.

Related Policies, Procedures and Forms

- Staff Training Policy
- Confidentiality/Information Sharing Policy
- Records and Record Keeping Policy
- Grievance and Discipline Policy and Procedures
- Child Protection Policy and Procedures
- Partnership with Parents Policy
- Comments and Complaints Form

This policy was adopted by **Over the Rainbow Early Learning Centre Ltd** on:

Date: _____

Manager

co-Manager

Review Date: _____

Appendix A

Complaints Form

Please complete all sections of this form using block letters.

Name of person making complaint:

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Address:

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Phone number:

Date & time complaint was first made:

Date & time of incident:

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Name of person to whom complaint was first made:

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Name of Registered Provider:

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Details of Complaint:

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Please continue on an additional sheet if required

Signature: **Date:**

Please return to: *Ann-Marie Healy or Jennifer Byrne, Manager*, Over the Rainbow Early Learning Centre Ltd, 1 Radharc na Bhoirne, Barefield, Ennis, Co. Clare, V95 YA6K

Read by Manager

Signature: **Date:**