



Clowns Without Borders Ireland Comments and Complaints Policy

1. Rationale and Policy Considerations

The Complaints Policy in relation to an early years service means a policy setting out the procedures for both making and dealing with complaints about any aspect of the service.

A clear and effective Complaints Policy is an important part of providing a quality early years care and education service. Even where every effort is made to meet quality standards, those who use a service may not always feel satisfied with the type, level or quality of the service that is provided.

Although complaints can be difficult to receive and respond to, acting on a complaint appropriately, efficiently and promptly can help upgrade service quality and is important for the reputation of the service and to help ensure positive relationships.

The goals of this policy are to ensure that:

- Anyone who comes into contact with the service will be assured that if they ever have a comment to make or need to make a complaint it will be welcomed and responded to appropriately.
- Parents or guardians are informed about the Complaints Policy and Procedures at *registration/enrolment*.
- All staff members/volunteers are aware that if they receive a complaint there is a clear and specific procedure in place to deal with it in a confidential manner.
- Complaints are taken seriously, resolved efficiently and effectively, and recorded appropriately.

Legislation and regulatory requirements

Having a clear, written policy and procedure on complaints is a requirement of the [Child Care Act 1991 \(Early Years Services\) Regulations 2016](#) under Part VIII Regulation 32, which also sets out what is to be included in a Complaints Policy.

Children's needs

Children need their parents/guardians to be able to easily, safely and effectively raise concerns with or about the service provided, on behalf of their children, to ensure that the quality of care and education they receive is always safe and of good quality.



Adults'/Parents'/Families' needs

Parents/guardians need to:

- Feel comfortable about approaching the service staff to comment on:
 - the way services are provided; and
 - the way the curriculum works or does not work for themselves/their child.
- Feel able, and supported, to make a complaint about any aspect of service provision without fear of a negative impact on them or their child's experience in the setting.
- Know that they will be kept informed about the progress of any investigation into their complaint and about the outcome of the investigation.

Staff/Volunteer needs

Staff/Volunteer members need to know:

- That the service policy is to welcome and accept any comments or complaints.
- What the procedure is if any parent or other individual raises a concern with them and/or makes a complaint about any aspect of the service.
- Who is responsible for managing complaints within the service,
- Who must carry out investigations.
- Who is responsible for recording information about the complaint and the details that should be recorded.
- That they absolutely must ensure that no complaint results in any negative impact on any child in the setting.

Board of Trustees' needs

Board of Trustees' needs:

- To acknowledge the possibility of complaints and be very clear on how they will receive, manage, investigate and record any complaints in advance of any being made.
- To ensure that the policy and procedures relating to comments and complaints is clear, comprehensive and meets the requirements of all relevant legislation and regulations, in particular the Child Care Act 1991 (Early Years Services) Regulations 2016 and Data Protection legislation.
- To know that all members of the staff team will be clear on their roles and responsibilities in relation to receiving comments or complaints from parents/guardians or others, about any aspect of the service provided.



- To ensure that parents/guardians and other stakeholders can be given clear policy information on registration as well as in the event of a complaint being made.
- To be clear on the roles of Tusla, the HSE, the Health and Safety Authority and An Garda Síochána in relation to investigating certain complaints.

National Quality Frameworks

- [Tusla: Quality and Regulatory Framework](#)
- [Síolta: The National Quality Framework for Early Childhood Education](#)

2. Definitions/Glossary

CWB	Clowns Without Borders Ireland

3. Policy Statement

CWB is committed to providing a quality service to both adults, 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.

CWB 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 *CWB* is maintained at a high level. The quality of the service provided to any adult, 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 policy and procedures are displayed on our website.

When a complaint is received the Board of Trustees 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 5 working days and a response within 28 days.

Where a complaint concerns a member of staff or volunteer, 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 and our Volunteer Policy.

If a complaint is made against a Senior Volunteer or Project Manager, a representative of the Board of Trustees (usually the chairperson) will conduct an investigation and ensure appropriate management and recording of the complaint.

In the event of errors being made, *CWB* will endeavour to correct them as quickly as possible and to give an explanation and, where appropriate, issue an apology, initiate disciplinary action and/or update relevant policies.

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, GDPR 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.



4. Procedures & Practices

How a complaint is received

CWB is committed to open and regular communication with adult service users/parents/guardians. We welcome all comments on our services, whether they are positive or negative.

Complaints will be accepted irrespective of the nature of the complaint or who the person making the complaint is.

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/volunteer member or by letter and/or email,
- 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 *Senior Volunteer/Project 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.

VEXATIOUS COMPLAINTS POLICY 1 What is a vexatious complaint?

1.1 The University understands that if a student makes a complaint, then it is a concern to them, whatever others might think. The University is committed to dealing with all complaints transparently or fairly and in line with its published procedures. However, the University reserves the right to consider a complaint vexatious for the reasons set out below.

1.2 The University considers a complaint to be vexatious as set out below, this list is not exhaustive;

1. 1.2.1 Complaints which are obsessive, persistent, harassing, prolific, repetitious;
2. 1.2.2 Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;



3. 1.2.3 Insistence upon pursuing meritorious complaints in an unreasonable manner;
4. 1.2.4 Complaints which are designed to cause disruption or annoyance;

1.3 Deciding whether a complaint is vexatious is a balancing exercise. The relevant University Department or Faculty making this decision will take into account all the circumstances of the case. The relevant University Department or Faculty will consider both the contents of the complaint and the student's behaviour in relation to the complaint before reaching a decision.

1.4 A student who has been found to have submitted a vexatious complaint may be referred under the University's Student Code of Conduct and Disciplinary Procedure. Students whose programme of study leads to professional registration may be referred to under the Fitness to Practise Procedures.

1.5 Students whose behaviour is a cause for concern and where the University considers that there may be an underlying problem may be referred under the Fitness to Study Procedure.

2 What happens if a complaint is found to be vexatious?

2.1 If a decision is taken by a University Department or Faculty that a student's complaint is vexatious, the relevant University Department or Faculty will write to the student explaining that they are no longer

prepared to engage with the student in relation to the vexatious complaint. The student will be given a full written explanation for the decision.

2.2 If a student wishes to challenge the decision then they should submit a written appeal to the Complaints and Appeals Office. The appeal will be considered by the Deputy Vice Chancellor nominee.

2.3 The Deputy Vice Chancellor or nominee will review the information on the file, including any representations the student has made, and will decide whether the appeal is to be upheld or rejected. If the appeal is upheld the Deputy Vice Chancellor will instruct that the student's complaint is reviewed by a different University Department or Faculty and in line with the University's published procedures.

2.4 The decision of the Deputy Vice Chancellor or nominee is final and a Completion of Procedures letter will be issued to the student.

2.5 If a student remains dissatisfied with the University's final decision then they may submit a complaint to the Office of the Independent Adjudicator for Higher Education



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 any member of the board who will try to resolve the problem.

The details of the complaint and the response will be recorded by the board member.

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 Board of Trustees using the form attached to this policy [*see sample form attached*]. All necessary support will be provided. Relevant names, dates and any other important information on the nature of the complaint should be included.

The Board of Trustees will appoint a Board of Trustees Designated Official and will acknowledge receipt of the complaint in writing as soon as possible – usually within 5 working days – and fully investigate the matter within 28 working days. If there is any delay, those who made the complaint will be advised of this and offered an explanation. The Board of Trustees Designated Official will be responsible for sending them a full and formal written response to their complaint.

The *Board of Trustees Designated Official*, with the assistance of appropriate staff/volunteer 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 *Board of Trustees Designated Official* (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/Volunteer members must participate and support the investigation of any complaint, where requested. Any staff/volunteer 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 *Board of Trustees Designated Official* 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 *CWB* to the person who made the complaint and copied to all relevant members of staff/volunteers 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 Board of Trustees's Designated Official may arrange a time to meet the person who made the complaint and any other relevant individuals, such as members of staff/volunteers, to discuss the complaint and the service's response to it. The Board of Trustees representative 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 manager 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 Board of Trustees who will ensure that there is a complete review of the complaint. This review will be undertaken by a person not previously involved.

The *Board of Trustees* will communicate a detailed response, including any actions to be taken, to *both the Designated Official and* the person who made the complaint, within 28 working days¹.

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 must 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. *[This period may vary depending on other legal requirements.]*

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 adult, adults, 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

¹ 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 who need to be involved.



- 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 members of staff/volunteers authorised by the Board of Trustees 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 manager/registered provider, 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 at:
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.

5. Communication Plan [For staff, volunteers & families]

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

This policy will be reviewed with staff/volunteers as needed. 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/volunteers members and parents/guardians in the Policy Folder located on our website.

Parents/guardians may receive a copy of the policy at any time upon request.

This policy will be reviewed annually with the updated policy uploaded to our website.

6. Related Policies, Procedures and Forms

- Volunteer Policy
- Data Protection Policy
- Child Protection and Welfare Policy
- Comments and Complaints Form (*see sample form attached*)

7. References/Supporting Documents/Related Legislation [List of any relevant Legislation and Practice Guides referred to in drafting the Policy]

- [Tusla: Quality and Regulatory Framework](#)
- [Child Care Act 1991\(Early Years Services\) Regulations 2016](#)
- [Data Protection Act 2018](#)
- [Freedom of Information Act 2014](#)



- [Síolta: The National Quality Framework for Early Childhood Education](#)
- Supporting Quality: Guidelines for Professional Practice in Early Childhood Services (3rd edition) by Geraldine French. Barnardos' Training and Resource Service, 2008

8. VEXATIOUS COMPLAINTS POLICY

What is a vexatious complaint?

CWB Ireland understands that if someone makes a complaint, then it is a concern to them, whatever others might think. CWB Ireland is committed to dealing with all complaints transparently or fairly. However, CWB Ireland reserves the right to consider a complaint vexatious for the reasons set out below:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious;
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- Insistence upon pursuing meritorious complaints in an unreasonable manner;
- Complaints which are designed to cause disruption or annoyance;

Deciding whether a complaint is vexatious is a balancing exercise. The board of CWB Ireland, making this decision, will take into account all the circumstances of the case.

What happens if a complaint is found to be vexatious?

If a decision is taken by the CWB board that someone's complaint is vexatious, the CWB secretary will write to the person explaining that they are no longer prepared to engage with the individual in relation to the vexatious complaint. The individual will be given a full written explanation for the decision.

9. Who Must Observe This Policy

This policy must be observed by all Board members and all staff and volunteer members.

10. Contact Information *[Who to contact for more information]*

If you need more information about this policy, contact the administrator

Name	CWB Administrator
email	info@cw bireland.com



11. Policy Created

Date this policy was created	13-04-2020
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12. Review Date

Date this policy will be reviewed	13-04-2022
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Appendix A

Complaints Form

Please complete all sections of this form using block letters.

Name of person making complaint:

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: *CWB Ireland Admin- info@cwbiireland.com*

Read by Board of Trustees

Signature: **Date:**