

Parent/Guardian's Guide to Addressing Concerns in Early Learning and Care or School Age Childcare Services

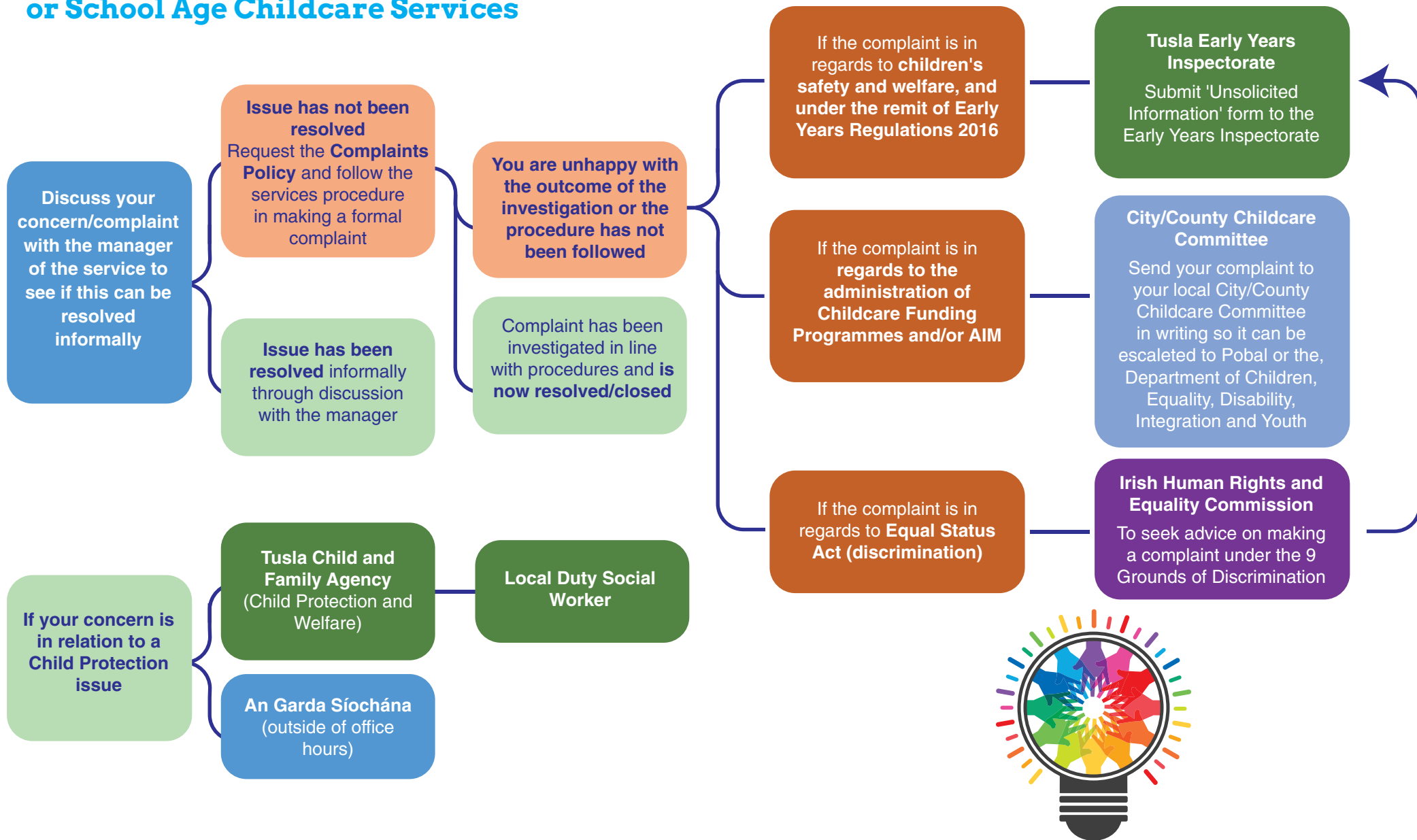
Updated October 2020



An Roinn Leanaí, Comhionannais,
Míchumais, Lánpháirtíochta agus Oige
Department of Children, Equality,
Disability, Integration and Youth



Parent/Guardian's Guide to Addressing Concerns in Early Learning and Care or School Age Childcare Services



FAQ's to Resolving Issues in an Early Years Service

What can I do if I have an issue or concern about my child's Early Learning and Care or School Age Childcare service?

Request a time that is suitable for both you and the manager to meet and discuss the concern together. This is typically the first step of a services' **Complaints Policy**. You may wish to request a copy of the policy that your issue/concern is related to in advance of the meeting. All Tusla registered services are required to hold a set of policies and procedures to outline how they operate their service to meet regulatory requirements, ensure good governance and promote best practice. Prepare yourself for the meeting by making notes on the points you wish to address. During this allocated time to talk, the issue may be resolved.

What if the concern has not been resolved or dealt with sufficiently?

Under the Child Care Act 1991 (Early Years Services) Regulations 2016, and/or Child Care Act 1991 (Early Years' Services) (Registration of School Age Services) Regulations 2018, all Tusla registered services are required to hold a Complaints Policy which is implemented when an issue arises or has not been resolved informally. Request a copy of the **Complaints Policy** for clarity on the procedure to make a formal complaint. A formal complaint must be put in writing to the owner/manager and, as indicated in their policy, must then be acknowledged, investigated and responded to within the given timeframe. If the complaint is about a member of staff, this person will be informed. Following an investigation, the service should inform you of the outcome in writing. The service may also suggest a meeting to discuss the outcome.

What if I do not feel satisfied with how my formal complaint was managed or resolved?

If the Complaints Policy has either been incorrectly implemented or the outcome is not satisfactory, you may seek to go further with your complaint. Depending on the structure of the service, there may be an owner you can refer the complaint to or in regards to a Community not-for-profit service, you may forward it to the Board of Management for their review. If this is not an option, or you feel that the issue cannot be resolved within the service, you can bring issues to the attention of the relevant agency as illustrated in the graph on pages 2 and 3.

What if I am concerned about the operation of an Early Years service?

Tusla registered services are expected at all times to operate in accordance with the Childcare Act 1991 (Early Years) Regulations 2016 and/or the Child Care Act 1991 (Early Years Services) (Registration Of School Age Services) Regulations 2018. These regulations set out the level of service which must be provided within any registered early years' service. The **Tusla Early Years Inspectorate** manage all unsolicited information received from the public in regards to the operation of services. **Unsolicited information** is defined as any piece of information that relates to the operation of an early years' service that has been brought to the attention of the inspectorate but has not been sought or requested. 'Unsolicited Information' includes concerns, complaints and comments which provide a valuable source of information to Tusla by which standards can be monitored and reviewed.

Information can come from a number of sources including; parents, guardians or relatives of a child attending the service, staff of the service, visiting professionals or the general public. The Early Years Inspectorate will screen and assess all unsolicited information received but it **must fall within the remit of the Child Care Act 1991 (Early Years Services) Regulations 2016 and/or the Child Care Act 1991 (Early Years Services) (Registration Of School Age Services) Regulations 2018** in order for specific actions to be taken. If the information that you provide does not meet this requirement you will be so advised and redirected appropriately.

What will the Early Years Inspectorate do with my information?

The Early Years Inspectorate will review all information, about early years' services and assess this information against the childcare regulations with a view to forming an opinion, if the children in a service, are receiving services in accordance with the expectation of the regulations. They then use this information to determine the focus and timing of Tusla inspections. You will receive an acknowledgment indicating if your concern has been accepted by the Early Years Inspectorate. They may also contact you to clarify information you have provided.

If the Inspectorate considers that a risk to the health and welfare of children in an Early Learning and Care service is present, the Inspectorate will take appropriate actions with the service provider to ensure that the risk is addressed. The Inspectorate will take the appropriate steps as necessary depending on the information provided. The service will be inspected

according to the risk Tusla have determined may be present, based on the information received.

In some cases, the Early Learning and Care service may be asked to investigate your concerns. The Inspectorate will have oversight of how the service manages this process. Information will be treated as received in confidence, however Tusla may not in all incidences be able to guarantee anonymity.

If you wish to contact Tusla for more information or regarding a concern you have about an Early Years or School Age Childcare service, see contact details in the Directory of Services at the end of this guide.

What if my concern is in regards to child protection?

The Tusla Child and Family Agency (Child Protection and Welfare team) is responsible for processing and responding to information they have received in regards to child protection. If you have concerns that a child is being harmed then you need to know how to recognise abuse and how to report a concern. You should always inform Tusla if you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected.

You can report your concern in person, by telephone or in writing to a local social work duty service in the area where the child lives. You can find more information and contact details for the Tusla social work teams on the Tusla website (see Directory of Services).

What if my complaint is in regards to the Department of Children, Equality, Disability, Integration and Youth Childcare Funding Programmes

A parent may refer to “**Rules for Childcare Funding Programmes**” documents for further clarity on the various funding programmes, which can be found on the on the Department of Children, Equality, Disability, Integration and Youth website: www.gov.ie/dcediy

For the National Childcare Schemes (NCS), where a review process by the scheme administrator has taken place at the request of a parent or service provider and the person is not satisfied with the outcome of the review process, that person may make an appeal to specially appointed Appeals

Officers. An appeal may only relate to a matter(s) which was the subject of a review decision made by the scheme administrator. To request an appeal, visit the NCS website to download and complete the form and upload to the Parents Portal: <https://www.ncs.gov.ie/en/information-resources/>

If the issue has not been resolved within the service and you wish to lodge a complaint, you can forward your complaint in writing to your local City/County Childcare Committee where the complaint will then be escalated to Pobal and/or the Department of Children, Equality, Disability, Integration and Youth. Contact details for all Childcare Committees can be found at the end of this document.

What if my complaint is in regards to difficulty in accessing an Early Learning and Care or School Age Childcare service?

Firstly, you should request to see the service’s **Enrolment/Admissions Policy**. This policy outlines the procedures on who can avail of the service and how to secure a place in the service. If there are certain factors that determine the service’s admissions procedures, for example only specific age groups can be accommodated or that places are offered on a ‘first come first served’ basis, then this must be clearly stated in the policy.

You might also request to view the **Inclusion Policy** which is required to be in place by the Tusla Early Years Regulations 2016. If there is conflict between the policies and the practice observed, refer to the services' Complaints Policy or to the relevant agencies as illustrated on pages 2 and 3.

What if a service refuses to apply on my child’s behalf for AIM Support?

The Access and Inclusion Model (AIM) offers service providers an opportunity to seek supports for a child in order for them to participate meaningfully in their ECCE experience. A service provider can only apply for AIM supports with the written permission of the parent/guardian. See www.aim.gov.ie for more details.

If the service provider has activated their ECCE contract, they have agreed to abide by the terms and conditions of the ECCE grant agreement including the administration procedure for AIM (Grant Agreement 4.7). By refusing to support the parent’s wishes to apply for AIM support, the service is in breach of their contract with the Department of Children, Equality, Disability, Integration and Youth. In this case contact your local City/County Childcare Committee for more guidance.

What if I feel that my child has been discriminated against under the 9 Grounds?

The **Equal Status Acts 2000 to 2015** (the Acts), prohibit certain kinds of discrimination (direct and indirect) on nine specific grounds in the provision of goods and services. The nine grounds are as follows: Gender, Civil Status, Family Status, Sexual Orientation, Religion, Age, Race, Membership of the Traveller Community and Disability. Section 7 of the Equal Status Acts relates specifically to educational establishments, which includes Early Learning and Care services and School Age Childcare services. A parent/guardian can make a complaint on behalf of their child, where the child is a minor to the **Human Rights and Equality Commission**.

It is unlawful for an educational establishment to discriminate in relation to; admissions, access to any course, facility or benefit they provide, any other term or condition of participation or the expulsion of a student. There are exemptions to these obligations that must be considered. The Acts state that service providers are under obligation to provide reasonable accommodation to people with a disability. Reasonable accommodations are practical changes which service providers have to make so that people with disabilities can get access and participate in all kinds of services on an equal basis to others. *

In this regard, the organisation should take account of the following:

- The financial and other costs entailed
- The size and resources of the organisation
- The possibility of obtaining grants from the state

Accessing supports from the AIM model is an option for **all ECCE services for all ECCE eligible children**. When a service provider refuses admission of a child to the service or has requested a child be removed from the service they **must be in a position to demonstrate that they carried out an assessment in terms of whether reasonable accommodation could be provided before refusing admission**.

To make a complaint under the nine grounds, refer to the illustration on page 3. For further information and guidance in relation to the Equal Status Acts refer to the Human Rights and Equality Commission.

** There are limits to this obligation, and it is not required where it would give rise to a cost, other than a nominal cost, to the provider of the service in question.*

DISCLAIMER

The topics covered in this leaflet were chosen by compiling frequently asked questions from parents/guardians in relation to complaints or issues within Early Learning and School Age Childcare services. The information offered is for general guidance and would not supersede legal advice, if sought. The steps or grounds on which to seek legal advice is not included in this leaflet, as this would vary on a case by case basis. There may be topics that are not covered within this leaflet for which you will need to seek further advice from relevant agencies or organisations.

If you have any further questions about the information provided in this leaflet, please do not hesitate to contact your local City/County Childcare Committee.

Directory of Services

Tusla

1. Early Years Inspectorate

Website: www.tusla.ie/services/preschool-services

Email: early.yearsui@tusla.ie

Phone: 061 461700

Post:

Unsolicited Information Office

Early Years Inspectorate

2nd Floor

Estuary House,

Henry St.

Limerick

2. Child Protection and Welfare

Website: www.tusla.ie/services/child-protection-welfare

Social Worker Contacts:

www.tusla.ie/services/child-protection-welfare/contact-a-social-worker

Department of Children, Equality, Disability, Integration and Youth

Website: www.gov.ie/dcediy

Email: contact@dca.gov.ie

Phone: 01 6473000

The Access and Inclusion Model

Website: www.aim.gov.ie

Email: enquiries@betterstart.ie

Phone: 01 5117222

Pobal

Website: www.pobal.ie/programmes

Email: enquiries@pobal.ie

Phone: 01 511 7000

Irish Human Rights and Equality Commission

Website: www.ihrec.ie

Email: info@ihrec.ie

Phone: 01 8589601

Ombudsman for Children's Office

Website: www.oco.ie

Email: oco@oco.ie

Phone: 01 865 6800

Make a Complaint

Fill out our complaints form

Freephone: 1800 20 20 40

Office: ococomplaint@oco.ie

Children's Rights Alliance

Website: www.childrensrights.ie

Email: info@childrensrights.ie

The Children's Rights Alliance Helpline is for children, young people and their families or people who are working with them to access legal information.

The Helpline is open Monday 10am -2pm, Wednesday 2pm -7pm and Friday 10am - 12 noon.

Email: help@childrensrights.ie

Phone: 01 9020494

An Garda Síochána

Website: www.garda.ie

Visit the Garda website for contact details of your local Garda station

Citizens Information

Website: www.citizensinformation.ie

Citizens Information Phone Service: 0761 07 4000

(Monday to Friday, 9am to 8pm)

City / County Childcare Committee Contact Details

Carlow	059 9140244
Cavan	049 4365856
Clare	065 6864862
Cork City	021 4310500
Cork County	022 23880
Donegal	074 9123442
Dublin City	01 8733696
Dun Laoghaire Rathdown	01 2896600
Fingal	01 4851727
Galway	091 752039
Kerry	066 7181582
Kildare	045 861307
Kilkenny	056 7752865
Laois	057 8661029
Leitrim	071 9640870
Limerick	061 600918
Longford	043 3342505
Louth	042 9336364
Mayo	094 9064396
Meath	046 9073010
Monaghan	047 72896
Offaly	057 9135878
Roscommon	094 9622540
Sligo	071 9148860
South Dublin	01 4570122
Tipperary	062 64200
Waterford	051 295045
Westmeath	044 9335454
Wexford	053 9237156
Wicklow	0404 64455



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Childcare
Committees
Ireland 

 pobal
government supporting communities