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Notice - Adoption Authority of Ireland Complaints procedure, 12 June 2013

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Information

This complaints procedure allows anyone receiving adoption services to make a complaint about the actions or failures of the Adoption Authority of Ireland. The complaints system also covers registered Accredited Bodies who provide various adoption related services.

What can you make a complaint about?

You may make a complaint about any action of the Authority or an Accredited Body that:

- In your view, doesn't seem to be fair or reliable **administrative practice** and
- Adversely affects you, or someone on whose behalf you are making a complaint.

What is fair or reliable administrative practice?

Administrative practice refers to the way decisions are made and how services operate. Under the complaints system, administrative practice isn't considered to be fair or reliable if it is:

- Taken without proper authority
- Taken on irrelevant grounds
- The result of negligence or carelessness
- Based on erroneous or incomplete information
- Improperly discriminatory
- Based on undesirable administrative practice, or
- In any other respect, against fair or sound administration.

Who can make a complaint?

If you are unable to make a complaint on your own behalf due to your age, illness or disability, someone else can make a complaint on your behalf. These people include:

- A close relative
- Anyone appointed by law or the courts to take care of your affairs.
- A legal representative or
- Anyone else with your consent

Which complaints are not covered?

You cannot complain about:

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

- A matter relating solely to the decision of the Authority in performing its statutory functions (e.g. an application for an adoption order or an application for an entry in the Register of Intercountry Adoptions)
- A matter relating to the recruitment, appointment or terms and conditions of an employee of the Authority recruited through the Public Appointments Service.
- A matter that could prejudice an investigation being undertaken by An Garda Síochána.
- A matter that has been brought before any other statutory complaints procedure. (This doesn't prevent a complaints officer dealing with a complaint that was made to the Ombudsman or the Ombudsman for Children).

Rules

How does the AAI complaints procedure operate?

The complaints procedure is now in place and complaints officers may be appointed by the Adoption Authority of Ireland or by an Accredited Body. The Authority has appointed complaints officers in the relevant areas throughout the Authority.

These complaints officers deal with the complaint and make a recommendation. You may then ask for a review of that recommendation and there will be an internal review. (See 'How to apply' for information on how to make a complaint).

Written complaints will be acknowledged within five working days and the complaint will be investigated within 30 working days. You will get a written response to your complaint. You will be told of your right to have an internal review and of your right to go to the Ombudsman or to the Ombudsman for Children.

Are complaints officers required to fully investigate every complaint?

No. Complaints officers may not initiate or may stop investigating a complaint for various reasons. For example, if the complaint is trivial or vexatious.

What recommendations can a complaints officer not make?

A Complaints Officer may not recommend overturning a decision of the Authority which it has made in performing its statutory functions.

How to apply

If you wish to make a complaint about the Authority you should first of all try to resolve the problem locally. That means, bringing the complaint to the attention of the person in charge of the service, for example the Manager of the appropriate Unit at the Authority or to the Principal Social Worker (if the complaint refers to an Authority Social Worker). The Authority has four administrative units, namely –

- Domestic Adoption Unit
- Information and Tracing Unit
- Intercountry Adoption Unit
- Corporate Services Unit (dealing with finance, HR etc.)

If you wish to make a complaint about an Accredited Body, you should initially contact the complaints officer for the Accredited Body.

It is advisable to make your formal complaint in writing, giving as much detail as you can. Written complaints will be acknowledged within five working days and the complaint will be investigated within 30 days. If the investigation takes longer than 30 days, the AAI will keep you up updated about progress on your complaint every 20 working days.

Following the investigation, you will receive a written response to your complaint and will be advised of your right to have an internal review of the recommendation of the complaints officer. You will also be told of your right to complain to the Ombudsman or the Ombudsman for Children.

What happens if you exhaust the complaints process?

If you have exhausted the Authority's complaints process, you may complain to the Ombudsman or the Ombudsman for Children.

Where to apply

Complaints should be made to the Unit Manager, XXX Unit, Adoption Authority of Ireland, Shelbourne House, Shelbourne Road, Dublin 4.

A complaint about a Unit Manager should be addressed to the Head of Operations at the above address.

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