

## **Complaints Policy**

### **REGULATIONS AND STANDARDS**

[Guidance on Chapter 5 of the Regulations – Policies, Records, Complaints and Notifications](#)

[Regulation 5 - Engaging with the Wider System to Ensure Each Child's Needs are Met](#)

[The Children's Views, Wishes and Feelings Standard](#)

### **RELATED CHAPTERS**

This chapter should be read in conjunction with the following:

[Allegations Against Staff Procedure](#)

**Please note** - This procedure does not apply to concerns in relation to a child who is in need of protection, these must be dealt with under the [Referring Safeguarding Concerns Procedure](#).

### **IMPORTANT CONTACTS**

#### **England**

##### **Children's Commissioner for England**

[Help at Hand](#) – free confidential support and advice for Children in Care, living away from home or working with Children's Services.

**Tel:** 0800 528 0731 (free phone number)

**E-mail:** [help.team@childrenscommissioner.gov.uk](mailto:help.team@childrenscommissioner.gov.uk)

##### **Ofsted (who regulate and inspect Children's Homes)**

**Tel:** 0300 123 1231

**E-mail:** [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

#### **Wales**

[Click here for contact details for CSSIW \(Care and Social Services Inspectorate Wales\)](#)

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## 1. Introduction

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All children living in the home should be encouraged to provide feedback about the day to day running of the home and the support and services that they receive. Various procedures in this Manual explain how children and young people are encouraged to participate in decision making and planning within the home and are given the opportunity to share their wishes and feelings e.g. when developing and reviewing their Care and Placement Plans. As a general rule, staff should involve children and young people in the day to day running and routine of the home, and in planning activities. This includes decisions about routine activities, meal preparation and bedtimes.

Key workers should encourage children living in the home to discuss any concerns with them as part of their regular key worker sessions. This is an important way of helping ensure children are regularly consulted and should help to identify issues before they escalate and prevent the need for complaints.

It is important however that children living in the home feel able to take up issues or make a complaint without any fear that this will result in any adverse consequences for them.

Every child living in home should be given access to the home's complaints procedure, and be helped to understand how to make a complaint and how it will be dealt with. The Children's Guide should contain easy to understand information on how to make a complaint. Children should know how to access an independent advocate who can help them to raise any concerns they may have, including supporting them to make a complaint.

## 2. What is a Complaint?

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A complaint is an expression of dissatisfaction, however made, about the standard of service, the actions, or lack of action by the home towards a child or children.

As a general rule, all efforts should be made to resolve any complaints or concerns at the earliest opportunity.

A complaint could be about:

- An unwelcome or disputed decision;
- The quality or appropriateness of a service;

- A delay in decision making or the provision of services;
- The attitude or behaviour of staff;
- Delays in dealing with problems or resolving concerns.  
(This list is indicative only, and should not be used as a means of restricting matters which can be complained about)

The child / young person (or adult who is complaining on their behalf) should be advised that complaints can also be directed to the Regulatory Authority (Ofsted) the Children's Commissioner Help at Hand Service or their social worker / Placing Authority.

### 3. Who May Make a Complaint?

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The following people have a right to use the complaints procedure:

- A child living in the home (or who used to live in the home);
- A parent or carer of a child; and
- Another person acting on behalf of a child.

### 4. Informing Children about the Complaints Procedure

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Children will be informed about the Complaints Procedures in a variety of ways, appropriate to their age and level of understanding. This will include in the Children's Guide which is given to them before or upon admission to the home. Such information must include an explanation of the role of an Advocate and provide contact details for Independent Advocates who can help children make complaints or make a complaint on their behalf. Homes Managers must take all reasonable steps to ensure that children feel comfortable with the making of complaints, that they are supported to make complaints and are free from reprisals if they choose to do so. Children should be given any reasonable assistance they require or request, including being advised that they may ask someone else to make the complaint on their behalf. If the child's complaint is about their social worker, Independent Reviewing Officer, contact decisions or relates to matters contained in their Care or Placements Plans, these should be directed to their social worker and considered using the Children's Social Care Complaints Policy in the placing authority.

The child's parents and the Placing Authority must be given a copy of the home's complaints procedure.

### 5. Receiving Complaints

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Complaints can be made in writing (including text or e-mail) or in person. Normally complaints should be made within 1 year from the grounds to make the complaint arose do. However, the time

limit can be extended at the manager's discretion if it is still possible to consider the complaint effectively and / or there was a legitimate reason why the complaint was not raised earlier.

When children indicate they wish to make a complaint, the person receiving it should do what they reasonably can to resolve the issue / concern at the lowest possible level.

If it is not possible to resolve the issue at a lower level, a formal complaint should be made. No person who is the subject of a complaint should take any part in its consideration, other than at the local resolution stage (Stage 1), if appropriate.

If they wish to do so, the child can complain to the Regulatory Authority (Ofsted) or the Placing Authority.

If the child is supported to make a complaint, the details of the person providing the support should be recorded.

All complaints must be recorded under the relevant section on Clear care.

## 6. Local Resolution (Stage 1)

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**Timescale: 10 working Days from the receipt of a Stage 1 Complaint (with the possibility of 10 further days for complex complaints or if an Advocate is required).**

If comments made indicate dissatisfaction with the home or our staff, the front-line service provider or the line manager receiving the complaint should, if they have the delegated responsibility to do so, try to resolve the matter quickly. Wherever appropriate, children should be asked to agree to a 'local' resolution.

In all cases where complaints are received, the home's manager must be informed.

Where a complaint is received it will be formally acknowledged within 2 working days, and the child will be given information on the timescale within which they will receive a response. If the complaint is made by a child or young person, the person receiving the complaint should check whether they have, or need, access to an Independent Advocate.

If it is possible to resolve the complaint the required timescale (see start of this section), the person resolving it should do the following:

- Note the fact that a complaint has made and resolved in the home's Daily Log, record a summary of the complaint and the manner in which it was resolved in the Complaints Log (taking care to remove sensitive or personal information). A summary should also be placed on the child's record and the home's manager (if not already involved) should be told of the outcome.

If the matter cannot be resolved to the child's satisfaction within 20 working days, they must be advised that they have a right to proceed to Stage Two and given assistance to do so as necessary.

## 7. Investigation (Stage 2)

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**Timescale: 25 working Days from the receipt of a Stage 2 Complaint.**

**NOTE:** Any complaints made by children or young people must be notified to the child's social worker, who should share this with the child's Independent Reviewing Officer. Matters that must be considered at this stage are:

- Stage 1 Complaints that are not resolved satisfactorily;
- Where the child or person making a complaint on their behalf has requested a Stage 2 Investigation.

Stage 2 Complaints must be referred to the Designated Manager (Complaints) who will appoint an independent Investigating Officer (this must be a person who does not have line management responsibility for anyone involved in the complaint).

Before the Investigation begins the Designated Manager (Complaints) should clarify the substance of the complaint. The Designated Manager (Complaints) should attempt to resolve the matter as quickly as possible but within the timescales stated at the start of this section unless agreed in writing by the child. The child should be notified of the outcome of the Investigation, preferably verbally, but always in writing. If the complaint is withheld, the child should be asked what they would like to happen and an apology offered. Details of any remedial action undertaken should be confirmed.

Details of the outcome must be recorded in the Complaints Log, which must be countersigned by the Home Manager. Copies of all records and correspondence relating to the complaint should kept as follows:

- On any relevant child's file;
- In the Complaints File held by the Home Manager;
- Copy of outcome must be sent to the Placing Authority.

## 8. Review Panel (Stage 3)

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**A request for a Review Panel must be made within 20 days of the end of the Investigation Stage. The Panel must meet within 30 days of a request.**

If dissatisfied with the outcome of a Stage 2 Investigation, the child or person who made the complaint on their behalf may request a Stage 3: Review Panel to consider their complaint; they may also ask that their complaint be passed to the Placing Authority or Regulatory Authority (Ofsted).

To instigate a Stage 3 Review Panel, the child or person making the complaint on their behalf should notify the Designated Manager (Complaints) either verbally or in writing; the notification will be confirmed in writing explaining the process and timescales for undertaking a Stage 3 Review Panel.

The Designated Manager (Complaints) will ensure that:

- a. Senior managers and relevant social workers are notified and briefed as necessary until the matter is resolved;
- b. The complainant is clear about the process and timescales;
- c. The complainant has access to an Independent Advocate or representative;
- d. A Review Panel is established to consider the matter; the Review Panel will consist of 3 people that are independent of the matter being considered, one of the Panel members will be asked to Chair the Panel and report to the Designated Manager (Complaints) on the recommendations that are made;
- e. Necessary arrangements are made for the Panel to be convened and conducted in a fair manner;
- f. The recommendations of the Panel are properly considered, involving senior managers as necessary, and that any decisions or actions are acted upon promptly;
- g. The complainant and their advocate/representative are briefed verbally and in writing of the outcome.