

**Complaints on or behalf
of children**

1. Introduction

This chapter sets out the procedure for considering complaints made by or on behalf of children living in the Home, about their care in the Home, in accordance with Regulation 39 Children's Homes (England) Regulations 2015.

It does not apply to complaints and representations under the Children Act 1989 Representations Procedure (England) Regulations 2006 relating to the exercise by a local authority of their statutory duties in respect of services to children under Children Act 1989. Such complaints must be addressed using the local authority's Complaints procedure.

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 Safeguarding Children and Young People and Safeguarding Children and Young People and Referring Safeguarding Concerns Procedure.

The Home will take seriously and respond to any concerns from relevant others such as local residents.

2.IMPORTANT CONTACTS

Children's Commissioner for England - Dame Rachel de Souza

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

Ofsted (who regulate and inspect Children's Homes)

Tel: 0300 123 1231

E-mail: enquiries@ofsted.gov.uk

RELEVANT REGULATIONS

Regulation 39 Complaints and Representations

The Children's Views, Wishes and Feelings Standard

3. Principles

The Home makes sure that:

Action is taken to address all issues of concern, including any concerns or complaints from children;

Children know how to complain;

Where children have additional needs their preferred method of communication is to be used and or always made available for their voice to be heard or represented.

Children are enabled to make a complaint or representation and are offered suitable advice and assistance in making complaints.

Children to be offered choice in a representative such as an independent advocate where appropriate or preferred adult to support their complaint being raised.

Complaints are treated seriously and responded to clearly.

Complainants understand what has happened as a result of their complaint.

Thorough investigations are carried out as a result of all complaints.

Urgent action is taken to ensure that practice and/or services improve accordingly.

A written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.

Placing and host authorities are engaged as necessary during the complaints process.

No person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only. If the complaint is in relation to the registered person, the registered person will take no part in the consideration of the complaint. A suitably qualified and experienced person who is totally independent of the Home, will be appointed as Complaints Officer to deal with the complaint.

The registered person will, on request, supply the Chief Inspector (Ofsted) with a statement containing a summary of any complaints made during the preceding 12 months and the action taken in response to each complaint.

Every child living in the Home will 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. See Advocacy, Independent Visitors and Independent Reviewing Officers Procedure. They must also be provided with contact details for the Children's Commissioner. Important contact details are at the top of this procedure.

Staff should encourage children to share any concerns about their care or other matters as soon as they arise. Children must be able to take up issues or make a complaint with support and without any fear that this will result in any adverse consequences. Children must be aware of this procedure and be reminded of it as necessary.

4. What is a Complaint?

A complaint could be about issues such as:

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 an 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 or their social worker / Placing Authority.

5. Who May Make a Complaint?

Complaints under this procedure can be made by or on behalf of a child:

A child living in the Home (or who used to live in the Home);

A parent or carer of a child;

Another person acting on behalf of a child.

An easy read 'How I Complain' is available for young people and children who require this.

6. Informing Children/Adults about the Complaints Procedure

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. The Home's Manager 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.

7. Receiving Complaints

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. 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.

Brief details of the receipt of all complaints must be recorded in the Complaints Log held in the home.

8. Local Resolution (Stage 1)

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 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 been made and resolved in the complaints and compliments file, 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.

9. Investigation (Stage 2)

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, in writing and explained verbally and or chosen method of communication. 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 File, which must be countersigned by the Home manager. Copies of all records and correspondence relating to the complaint should be 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.

10. Review Panel (Stage 3)

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:

Senior managers and relevant social workers are notified and briefed as necessary until the matter is resolved;

The complainant is clear about the process and timescales;

The complainant has access to an Independent Advocate or representative;

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;

Necessary arrangements are made for the Panel to be convened and conducted in a fair manner;

The recommendations of the Panel are properly considered, involving senior managers as necessary, and that any decisions or actions are acted upon promptly;

The complainant and their advocate/representative are briefed verbally and in writing of the outcome.