



Complaints Policy

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1. Legislative framework and guidance

- Regulation 39: Complaints and representations
- Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others

2. Outcome

Children/young people and others are supported to make a complaint should they wish and supported to have their complaint addressed within the confines of this policy.

3. Statutory requirements

- The registered person must establish a procedure for considering complaints made by or on behalf of children/young people.
- In particular, the procedure must provide that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.
- The registered person must ensure a record is made of any complaint, the action taken in response, and the outcome of any investigation.
- The registered person must ensure no child/young person is subject to any reprisal for making a complaint or representation.
- The registered person must supply to HMCI, at HMCI's request, a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in response to each complaint.

4. Representations

- A representation allows a child/young person to comment on the service they receive, such as to ask for changes to be made and ask about services they would like. People can, therefore, make representations, without them being complaints. However, failure to deal effectively with a representation can lead to a complaint.
- Staff should encourage and support children/young people to have their say and make suggestions about improving the quality of care they receive and the day-to-day running of the home.
- The manager must respond to a child/young person's representation within a reasonable timescale. If the child/young person does not feel that a representation has been dealt with effectively, then the representation may qualify as a complaint.

5. What is a complaint?

The organisation defines a complaint as an expression of dissatisfaction with the services provided by the home.

6. Who may make a complaint?

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

- a child/young person
- a parent of a child/young person



- a person acting on behalf of a child/young person.
- a neighbour living in the locality
- a third-party with links to the service or member of the public
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Time limit for making a complaint

- The organisation does not need to consider complaints made more than one year after the grounds to make the representation arose. In these cases, the complainant should be advised that their complaint cannot be considered.
- The time limit can be extended at the organisation's discretion if it is still possible to consider the complaint effectively and efficiently. The organisation may also wish to consider such complaints if it would be unreasonable to expect the complainant to have made the complaint earlier. For example, where the child/young person was not able to make the complaint or did not feel confident in bringing it forward in the year time limit.
- Though not exclusive, possible grounds for accepting a complaint made after one year are:
 - genuine issues of vulnerability
 - the organisation believes that there is still benefit to the complainant in proceeding.
 - there is likely to be sufficient access to information or individuals involved at the time, to enable an effective and fair investigation to be carried out.
 - action should be taken in light of human rights-based legislation.

7. Stage 1 of complaint

Timescale: 10 working days

- The manager should resolve the matter within ten working days. This may be extended for a further ten working days with the agreement of the complainant. If the complaint is resolved within ten working days, the manager should:
 - Record a summary of the complaint and the way it was resolved in the complaints log and the daily record of any relevant child.
 - Confirm in writing to the complainant the agreed resolution.
- The maximum amount of time that Stage 1 should take is 20 working days. After this deadline, the complainant can request consideration at Stage 2 if (s)he so wishes. If the complaint relates to a child/young person in our care, the social worker should be consulted.

8. Stage 2 of complaint

Timescale: 25 working days

- Where the person receiving the complaint cannot resolve it within the timescale of Stage 1 of the complaint, it should be referred to the responsible individual for formal consideration.
- Before undertaking the formal consideration, the responsible individual should clarify the substance of it with the complainant, put it into writing and give a copy to the complainant. If the complaint relates to a child/young person in our care, the social worker should be consulted.
- The manager should attempt to resolve the complaint within 25 working days. This may be extended with the agreement of the complainant to maximum 65 days.
- The complainant should be notified of the outcome of the complaint in writing. If the complaint was justified, the complainant should be told what, if any, remedial action will be taken, and an apology offered.
- Details of the outcome must be recorded in the complaints log, which must be countersigned by the registered manager. Copies of records and correspondence relating to the complaint should be kept as follows:
 - on the child/young person's file
 - in the complaints file
- A copy of the outcome must be sent to the regulatory authority and the placing authority. If dissatisfied with the outcome of Stage 2, the complainant may request a Stage 3: Review panel to consider their complaint. The request must be made within 20 days. The complainant may also ask that their complaint be passed to the placing authority or regulatory authority.

9. Stage 3 of the complaint

Timescale: 30 days to convene and hold the review panel

- To instigate a Stage 3 review, the complainant should notify the head of service in writing. The notification will be confirmed in writing explaining the process and timescales for undertaking a Stage 3 Review. The head of service will ensure:
 - 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 head of service on the recommendations that are made.

- Necessary arrangements are made for the panel to be convened and conducted in a fair manner.
- The panel will have five days to issue its findings; 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 his/her advocate/representative are briefed in writing of the outcome.

10. External complaints

There may be the need for people external to the organisation to make a complaint regarding the home and/or the children/young people in our care. The complaint must be heard, in the first instance, by the most senior staff member on shift who takes a written record. Depending on the nature of the complaint, the resolution could range from an immediate apology to further investigation. In the latter case, the manager must be informed. The above complaints procedure must then be implemented.

Arrangements for Dealing with Complaints

Contact:

At The Hamlets Avenues, we believe in the value of learning from mistakes. One of the most effective ways of passing on this philosophy to young people is to show them that complaints are dealt with positively and promptly and according to a process which is designed to identify what has gone wrong and which ensures that information gathered from the investigation of the complaint is used to improve matters going forward. Therefore, complaints are opportunities to learn, and complainants are always treated with respect and are never treated adversely because they have made a complaint. All complaints are addressed without delay and the complainant is kept informed of the progress. Complaints relating to young people are shared with their Social Worker. Any complaints about the staff are passed to a Line Manager to be dealt with accordingly.

Upon arrival At The Hamlets Avenues, the young people are given information on their right to make a complaint. They are also provided with the Children's Guide which explains how to make a complaint including to Ofsted.



We recognise the rights of children, young people and their families, placing authorities, neighbours or regulators to make a complaint and that the complaint should be addressed without delay. They will be listened to, understood and supported and their complaint will be taken seriously. The manager dealing with the complaint will remain in communication with them ensuring that all parties are aware of any progress and outcomes.

These principles are part of the ethos and value base of Supporting Journeys and align closely to those enshrined in legislation, policy and guidance:

1. We fully support the right of any child or young person or any individual acting in their interests to make a complaint if they feel that they have been inadequately consulted.
2. The children we look after have the right to be consulted as to their wishes and views and to be to be fully involved in decision that affect their lives and day to day care.
3. The children have the right to question, challenge and express disagreement with the decisions made, and be supported to complain if they disagree with any aspect of the participatory process or decisions made, or if their choices or the opportunities open to them have been unduly restricted.
4. Looked after children's families have the right to question, challenge and express disagreement with plans or arrangements made for their children's participation and inclusion.
5. We support advocacy in children's participation and inclusion.
6. The Home welcomes the opportunity to respond to complaints when the delivery of service has been experienced as negative. All children, young people, and stakeholders have the right to make a complaint and receive a response within agreed timescales.
7. The welfare of the child is safeguarded, and their wishes and feelings are considered.
8. Upon admission, children, their families and placing authorities will be made aware of the Complaints Policy. The policy is displayed within the service and a copy is made available for each child/adult and family. Details of how to complain are included in the Children and Young Person's Guide/ Welcome Guide in a user-friendly way, to support the child to understand it.
9. All complaints will be received and addressed in a professional manner. The Home values the feedback to help to continually improve the quality of all its services and to learn from the experience.



10. All complaints against members of staff that could have safeguarding implications will be referred immediately to LADO, and an internal investigation will be initiated.

We fully support the right of any child or young person, or any individual acting in their interests to make a complaint if they feel that they have been inadequately consulted. They may complain if they feel:

- That planning for the child's participation and inclusion was not carried out in accordance with procedures, e.g. they were not given an adequate opportunity to attend or prepare for a meeting • That they or their views and wishes were not properly communicated or represented
- That they were not treated fairly or appropriately for their age and/or level of ability or maturity
- That the written record does not reflect their understanding of the discussion and/or decision(s) made
- If following planning for a child's participation and inclusion a complaint is made against a member of The Hamlets Avenues staff or volunteers either by or on behalf of the child, it will be managed in accordance with the complaints policy and procedures

The whistle-blowing policy makes it clear that staff and carers have both a responsibility and an accessible process to voice concerns to any member of senior management, or relevant regulatory body.

STAGE 1 - Procedure for Informal/Minor Complaints

- In circumstances where children make minor complaints about their lifestyle or care circumstances, staff will be able to respond to these situations informally, through discussion and negotiation, or if needed they will seek help from the home manager.
- The complaint can be made verbally or received in writing or from a Young Person's Complaint Form
- The complaint will be recorded.
- Any complaint is considered, and care is considered over the response, as this influences the likelihood of dealing with the issue effectively.
- Young people will be reminded of their right to access an advocate and will be offered the supported to contact them. If they do not have an advocate - advice should be sought in securing such service.



- The outcome of any complaint will always be recorded
- The complainant will be reassured that they will be given the outcome of their complaint in writing; alongside the opportunity to discuss this further if they so wish.
- The complainant will be made aware of their full right to appeal the decision that has been made and be reassured that there will be no recriminations should they choose to follow this course of action.
- The Manager will use the information on minor and informal complaints to analyse any trends/patterns and to inform improvements in service locally.
- The Manager will ensure that Complaint Forms are always readily available.
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Stage 2 - Procedure for Formal and Serious Complaints

Formal or serious complaints are of a serious nature, or those unable to be resolved at Stage 1.

- On receipt of the complaint, this will be documented along with any associated documents.
- Young people/adults should be reminded of their right to access an independent advocate.
- The complainant will be informed that their complaint is serious and that they will be kept updated with the next stage by letter.
- The Managing Director will assess the appropriateness of making verbal contact with the complainant.
- The Investigation Process
- The Manager will appoint an Investigating Manager, who is not directly involved or implicated in the complaint.
- The Investigating Manager will ensure that all complaints are investigated thoroughly, within the prescribed timescale of 25 working days.
- The Investigating Manager will compile an Investigation Plan and will consider the information that will be examined, including:
 - Interview with key staff members.
 - Interview with children, young people, or with the social worker.
 - Examination of key documentation.
 - Interview or information gathering from external sources; and - Examination of the environment.

Following completion of the investigation the Investigating Manager will compile a written report, which will include recommendations and an action plan.

The report will then be sent to the complainant (if appropriate) seeking confirmation of the complaint being satisfactorily resolved.



The complainant will be given the outcome of their complaint in writing, in a format suitable to their age and understanding, alongside the opportunity to discuss this further if they wish.

The complainant can appeal the decision that has been made and they will be reassured that there will be no recriminations following this.

All complaints will be responded to as efficiently and expediently as possible. If the investigation is likely to take more than the required response time of 25 working days, a follow-up letter to the complainant will be sent updating them of the circumstances.

Any complaint or investigation cannot be concluded until all agreed actions resulting from the investigation have been signed off as complete by the Investigating Manager.

The Investigating Manager is responsible for seeking confirmation from the complainant that they are satisfied with the response. Where the complainant is not happy with the response they will offer access to the Stage 3 process.

A complainant can withdraw their complaint at any time. The Investigating Manager will consider the withdrawal and determine if any further investigation is required.

Stage 3 of complaint

- Timescale: 30 days to convene and hold the review panel
- To instigate a Stage 3 review, the complainant should notify the Responsible Individual in writing. The notification will be confirmed in writing explaining the process and timescales for undertaking a Stage 3 Review. The Responsible Individual will ensure managers and relevant social workers are notified and briefed as necessary until the matter is resolved. The complainant will be clear about the process and timescales.
- 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 head of service on the recommendations that are made.
- Necessary arrangements are made for the panel to be convened and conducted in a fair manner.
- The panel will have five days to issue its findings; 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 his/her advocate/representative are briefed in writing of the outcome.

Complainants will be made aware, that if their complaint has not been dealt with to their satisfaction, they may make their complaint known to the regulatory body and/or Placing Authority of the child.

Ofsted can be contacted through email at enquiries@ofsted.gov.uk or via telephone on 0300 123



1231. Complaints can also be channelled directly through the online Ofsted Website: <https://contact.ofsted.gov.uk/online-complaints>. Complainants may contact an OFSTED Inspector directly without having made their complaint directly to the service if they feel that this is appropriate.

Children/young people may contact the "Office of the Children's Commissioner" for advice and assistance: phone 0800 528 0731 or by email: advice.team@childrenscommissioner.gsi.gov.uk.

Address: The Children's Commissioner, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

Childline, a counselling service for children and young people. Telephone: 0800 1111

NSPCC Helpline 0800 800500 Freephone 24 hours a day Counselling, information and advice for children at risk of abuse

Samaritans 08457 909090 Freephone 24 hours a day, offer advice and support if you feel unhappy

Get Connected 0800 096-0096 is a free national helpline for young people

National Youth Advocacy Service 0800 616101 for advice and representation or www.nyas.net

http://www.barnardos.org.uk/what_we_do/our_work/advocacy.htm