

Complaints and Reparations Policy

Windows
for Children



Complaints and Representations

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Application of policy

This policy applies to all members of the team and any volunteers.

Policy Statement

Windows for Children is accountable to all children, their families, parents and placing authorities for the quality of the services that Windows provides. Accordingly, it respects the right of children, and parents, as well as their families to make representations and complaints.

The formal and informal procedures set out in the policy outlined below have been put in place to help children, and others to complain should they need. All complaints must be managed in line with these procedures.

Defining representations and complaints

The Children Act 1989 defines the representations procedure as being for ‘representations (including complaints)’.

The intention of this policy is to describe a procedure for a child who is likely to want to make representations, including complaints, about the actions, decisions or apparent failings in their care; and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right.

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child, which requires a response.

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Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the Responsible Individual or Registered Manager. Enquiries or comments about the home which are not criticisms are likely to constitute representations. For example, children should be able to put forward ideas or proposals about the service they receive, or the establishment they live in, without having this framed as a complaint.

Representations should, as far as possible, be sought out and welcomed as a measure of satisfaction. Representations that are not complaints should be recorded.

The Responsible Persons should ensure that there are written responses to the issues raised, which sets out what action should be taken. The child or young person has the same right to advocacy whether the representation is a complaint or not.

When the representation is not a complaint and the Responsible Persons fails to respond to the child or young person's satisfaction, the child will then be entitled to make a complaint about this failure.

Providing advocacy and support

During the course of making a complaint, staff should support the child by actively providing information and advice.

The child is entitled to advocacy support that is independent and confidential. For statutory guidance on advocacy provision please refer to [Get It Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act, 1989](#).

The Registered Manager should ensure that a suitable person meets the child to discuss the complaints process and ensure that any questions or concerns that the complainant may have are fully addressed.

Where an advocate is being used, the Registered Manager needs to ensure that the advocate is acting with the informed consent of the young person.

It is our policy for there to be no restrictions on issues children, young people, their families and parents may complain about.

Windows for Children believes that wherever possible, complaints should be dealt with swiftly and informally. It is usually far better for all concerned if dissatisfaction can be resolved as near to the point it arose as possible.

If a child, parent or family member wishes to make a formal complaint, or if they are not satisfied with the outcome of an investigation into their complaint using our informal procedure, then they have the right to access the complaints procedure of their placing local authority. They also have the right to complain directly to Windows' for Children Regulating Body i.e. Ofsted.

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The Role of the Regulator

Windows for Children provide services to children which are regulated by Ofsted. The regulator's role is to ensure we are compliant with the Regulations and associated National Minimum Standards.

The regulator is not a complaints agency and has no statutory duties or powers for the investigation of complaints about either care services or local authority social services. It can only consider matters relating to our compliance with regulations and National Minimum Standards.

Where the regulator receives information indicating a concern, complaint or allegation about a care service, it will undertake an assessment of that information and the accumulated evidence about our services to determine the nature of its response. In certain circumstances the regulator may undertake direct enquiries using its powers of inspection. This will most commonly be where there has been a breach of regulations indicating the need for the regulator to issue recommendations and requirements, or to take other enforcement action.

Receiving a complaint

Windows for Children have systems in place to respond to complaints made verbally to a member of staff or in writing (including electronically).

If a complaint is made to a member of staff, the Registered Manager should be informed as soon as possible. It should be remembered that there may be no need to engage the complaints procedure if the matter is resolved immediately.

As soon as it becomes apparent that someone wishes to make a complaint, the complainant should be given information about the procedure. Information about how to complain is included in the Children's Guide. Every child must be given a copy of the guide upon arrival and the complaints procedure must be explained to them. More generally copies of the complaints policy should also be routinely accessible to children, their parent and other potential complainants at all times.

Any complaint that is deemed as serious and involves a staff member working at the home shall be referred to LADO for guidance and reported to Ofsted as a Notification of Significant Events

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Procedures

Formal or Informal Procedures: How to Decide?

In reaching these decisions the child, their parents or family or any other complainant's wishes must always be respected. In most cases they will want their complaints to be dealt with quickly and possibly with the advice and support of the independent advocate or their social worker, they will be content for the matter to be first dealt with using the informal procedure set out below.

If they wish to make a formal complaint however either using their placing local authority's procedure or directly to Ofsted they should be helped to do so.

All complaints involving harm to children and young people must be dealt with formally in accordance with Windows for Children's Safeguarding policy and procedures. Similarly, complaints concerning misconduct should be managed in line with our formal disciplinary procedures.

Informal procedure

If a child, parent and/or other complainant have a complaint and they are agreeable, at least in the first instance, for it to be dealt with informally, the following procedures should be used.

The most senior member of staff on duty should make a written record of the complaint. It should be shown to and signed by the child, parent or other complainant if possible. At the first available opportunity it should be shown to the Registered Manager. The manager should confirm based on the nature of the complaint to be handled informally and if so, how and by whom it is to be investigated.

If the Registered Manager is the subject of the complaint it should be referred promptly and directly to the Responsible Individual or Deputy Manager who will decide how the complaint is to be handled. The Responsible Individual or Deputy Manager will then co-ordinate the handling of the complaint in accordance with the procedures below.

The Senior Manager handling the complaint should meet with the child, and possible the parent or other complainant as quickly as possible and try to attempt to resolve the matter swiftly and fairly.

If it is not that straightforward and an investigation is going to be necessary the Senior Manager should explain how s/he intends to proceed with the investigation. If the complainant is a child, the registered manager should identify the child's support needs during the investigation process and ensure the additional support measures are put in place.

The Registered Manager or other Senior Manager should inform, in writing, the child's social worker about the complaint and how it is being handled.

If a member of staff or volunteer is the subject of the complaint, only the Registered Manager or Deputy Manager should investigate the matter. The Registered Manager or

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Deputy should meet with the member of staff/ volunteer concerned to explain how the investigation is to proceed. The support needs of the staff member or volunteer should be considered during the investigation.

The Registered Manager or Deputy should identify all those involved in the complaint, including witnesses of the incident, which gave rise to it and arrange interviews with them as soon as possible. A written record should be kept of each interview. The aim of the interviews should be to gather as much information as possible, this will help the Registered Manager or Deputy, in consultation with the Responsible Individual, to make an informed decision about whether or not to uphold the complaint and to decide what, if any action needs to be taken.

The complainant, the subject of the complaint and any others involved should be informed of the outcome both verbally and in writing by the Registered Manager or Deputy as quickly as possible and within 14 days (acknowledgment in writing within 72 hours).

A record of the investigation and the outcome should be completed, and a copy held on the child's individual case records.

If the complainant is not satisfied with the outcome s/he should be advised and helped to use the relevant placing local authority formal complaints procedure to pursue the complaint further.

Referring the Complaint to the Local Authority Complaints Manager.

Windows for Children provide services which are regulated and in line with the National Minimum Standards and Care Standards Act 2000, it has a complaints procedure in place.

Local Authorities have responsibilities in terms of fulfilling its children's social services functions, and as already mentioned the regulator has the responsibility for ensuring that Windows for Children meets the appropriate Regulations and National Minimum Standards. Local Authorities have distinct and separate complaints procedures to us. Understandably, confusion may sometimes exist about which complaints procedure is appropriate for specific sets of circumstances.

Where the local authority is responsible for the original assessment of need that led to the child's placement with us (and associated funding), then the complainant will (in most instances) have recourse to this procedure.

The complainant should be able to make a single complaint directly to us, or to the local authority and have this considered by the relevant parties as necessary. It is possible for someone to have two complaints ongoing at the same time e.g. one to Windows for Children, for example, about how it meets the regulations and/or Standards, and one to the local authority about how it has fulfilled its function in relation to the provision of services to meet the needs of the child or young person.

When local authorities receive a complaint that is about services provided under the Children's Homes Regulations, they should refer the relevant parts of the complaint to the Responsible Individual/ Registered Manager within 5 working days. The local authority should also inform the child or young person of this.

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Details of the relevant parts of the complaint should also be sent by the Local Authority's Complaints Manager to the local authority's care management team and the contract monitoring team.

Where the complaint consists of elements relating to both social services functions and the services we provide, we must co-operate with the local authority to ensure that the complainant receives one response dealing with all aspects of the complaint.

The local authority should, within 10 working days, send details of the complaint to the Responsible Individual/ Registered Manager and determine which parts of the complaint relate to local authority social services and which to services provided by us. It should also advise the complainant which parts of the complaint the local authority is considering.

If the child or other complainant considers that s/he has suffered an injustice as a result of any significant delay or failure by the authority to refer his complaint to Windows' Registered Persons, s/he is entitled to raise concerns to the local authority.

How to Support children, parents and professional who wish to make a Formal Complaint to the Local Authority

Children, parents or other complainants who wish to make a formal complaint to their local authority or direct to Ofsted should always be given the necessary assistance to do so.

The relevant placing local authority's formal procedure should be made readily available for the child, and parent or other complainant to use should they wish to do so (ensuring the availability of the procedure should be the responsibility of the Registered Manager).

Assistance to understand and use the procedure should be provided directly or coordinated by the Registered Manager or the Deputy Manager (unless in the cases where the Manager or the Deputy are the subject of the complaint in which case the assistance should be provided directly or coordinated by the Responsible Individual).

The assistance should always involve:

- Helping them to access and understand the relevant local authority formal procedures and giving them advice on how to use it and or details of how they may contact the regulating body Ofsted direct if that is their wish.
- Helping them to formulate their complaint and put it in writing
- Contacting the placing authority social worker and designated complaints officer within the placing authority as well as Ofsted, stressing that the complainant wish is for the complaint to be handled formally and contacting others in the child's care network e.g. the IRO, parents or family to inform them of the complaint and how it is being handled.
- Providing support to the child, young person, their parents or family during the process of any ensuring investigation carried out under the local authority procedure.

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- Facilitating the investigation process wherever possible including making necessary records available or ensuring staff or volunteers are available for interview as required.
- Maintain regular liaisons with the placing authority social worker to ensure that the investigation into the complaint is progressing within the time scales specified in placing authority's formal complaints procedure.

Recording and Monitoring

All formal complaints and their outcomes must be fully recorded within our electronic recording and monitoring system.

Windows for Children undertakes regular monitoring of complaints and the outcomes of investigations into complaints in order to check the satisfactory operation of our complaint's procedure, to identify patterns of complaints and to ensure appropriate investigative action and recording is taking place in connection with all complaints received.

The Registered Manager will check each home's complaints record every month with the Independent Visitor.

Where the complaint falls into **Child Protection** the regulating body Ofsted are also to be informed in writing.

Appeals

In the event of the child, parent or family member wishing to appeal against the outcome of the formal placing local authority investigation into the complaint they should be assisted to understand and pursue the appeal part of the placing authority procedure, including receiving information about the timescales for appeal. The appeal and eventual outcome should be fully recorded in our electronic recording and monitoring system and within the child's personal file.

Staff members or volunteers who are the subject of complains, who are discontent with the outcome of the investigation, have the right to take the matter up through our **Grievance Procedure** as set out in the Staff Handbook.

The approach throughout the above procedure should be to resolve the problem that gave rise to the complaint to everyone's satisfaction as thoroughly but as quickly as possible.