

Complaints and Representations Policy

Windows
for Children



Complaints and Representations Policy

Contents

Overview	2
Requirements	2
Representations	2
What is a Complaint?	3
Who May Make a Complaint?	3
Receiving Complaints	3
Informal Stage (stage 1)	4
Formal Stage (stage 2)	4
Review Stage (stage 3)	5
Recording and Finalising Children's Complaints	6
External Complaints	6
Revision History	7

Overview

Children should be supported to make a complaint should they so wish. If all other means of solving a potential complaint have been exhausted the following procedure **must** be followed on receiving a complaint.

Requirements

1. The registered person must establish a procedure for considering complaints made by or on behalf of children.
2. 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.
3. The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation.
4. The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.
5. 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.

Representations

A representation allows Child or Young Persons 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.

Complaints and Representations Policy

Children should be positively encouraged and supported to have their say and make suggestions about improving the care they receive, the running of the home, or to make representations and comments about their future plans.

Window's managers must respond to a Child's representation within reasonable timescales. If the child or young person does not feel that a representation has been dealt with effectively then a representation may qualify as a complaint.

What is a Complaint?

A complaint is an expression of dissatisfaction. A complaint will normally be made where all other reasonable methods of resolving the dissatisfaction have been tried and failed or where the complainant believes they would fail.

Who May Make a Complaint?

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

1. A Child;
2. A parent of a child;
3. A person acting on behalf of a child;
4. A neighbour living in the locality
- 5 Local authority and/or their representatives

Informing Children about the Complaints Procedure

Children will be informed about the Complaints Procedures in a variety of ways; including the Window's Children's Guide given to them before or upon admission. This is written in a format that the child can understand.

This must include the name, address and telephone number of the Regulatory Authority in the area where the home is based. Other relevant organisation and persons details should also be included.

Receiving Complaints

When children indicate they wish to make a complaint, the person receiving it should do what they reasonably can to ensure that all other resolutions available have been tried, rather than resorting to the making of a complaint.

Where a person insists that they wish to make a complaint, staff or managers in the home concerned should still deal with the matter, if appropriate. If a complaint is made about the manager of the home or another person in Line management, it should be passed to a manager outside of the Line Management Structure. No person who is the subject of a complaint will take any part in its consideration, other than at the local resolution stage (Stage 1), if appropriate. If they wish to do so, complainants may direct their complaints to others outside the home, such as the Independent Advisor, Ofsted or the Service Director.

Complaints and Representations Policy

Complaints should preferably be put into writing, in a letter or using a Complaints Form; but other methods may be used, including the use of audio tapes or verbally.

If assistance is provided to complainants in recording or writing their complaints, the record/letter should indicate the name, status and contact details of the person providing the assistance.

Brief details of the receipt of all complaints must be recorded in the Complaints Log. Held in the main office.

Informal Stage (stage 1)

Timescale: 14/28 Days

If possible, the person receiving the complaint, or their supervisor/line manager should resolve the matter as soon as reasonably practical and in any event within 14 days. This may be extended for a further 14 days with the agreement of the complainant.

This assumes that the person receiving the complaint has the delegated authority to resolve the matter satisfactorily. If not, that the person can immediately pass the matter to a supervisor or Line Manager with an appropriate level of authority to resolve the matter satisfactorily. If it is possible to resolve a complaint within 14 days, the person resolving it should do the following:

1. Record a summary of the complaint and the manner in which it was resolved in the Complaints Log and in the Daily Record of any relevant child;
2. The Line Manager must confirm in writing to the complainant the agreed resolution.

Timescale: 35 Days (From the initial Complaint)

Formal Stage (stage 2)

Where the person receiving the complaint cannot resolve it within 14 days, or a further 14 days if agreed by the complainant, it should be referred to the Registered Manager, the Deputy or Responsible Individual, for Formal Consideration.

Before undertaking the Formal Consideration, Director of Care, Deputy or proprietor 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 in the home, the social worker must be consulted.

The Manager should attempt to resolve it as quickly as possible but within 35 days of the request for the Formal Consideration. This may be extended with the agreement

Complaints and Representations Policy

of the complainant. If the complaint has not been resolved within 28 days the Regulatory Authority must be informed of the reason for the delay.

The complainant should be notified of the outcome of the complaint, preferably verbally, but **always** 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 all records and correspondence relating to the complaint should be kept as follows:

1. On any relevant child's file;
2. In the Complaints File held by the Registered Manager;
3. Copy of outcome must be sent to the Regulatory Authority;
4. Copy of outcome must be sent to the Placing Authority.

Review Stage (stage 3)

Timescale: 28 Days

If dissatisfied with the outcome of a Stage 2 Formal Investigation, complainants 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.

To instigate a Stage 3 Review, the complainant should notify the Director of Care, the Deputy or Proprietor either verbally or 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 that:

1. Senior managers, coordinators and relevant social workers are notified and briefed as necessary, until the matter is resolved;
2. The complainant is clear about the process and timescales;
3. The complainant has access to an independent advocate or representative;
4. 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 Director of Care on the recommendations that are made;
5. Necessary arrangements are made for the Panel to be convened and conducted in a fair manner;
6. The recommendations of the Panel are properly considered, involving senior managers as necessary, and that any decisions or actions are acted upon promptly;
7. The complainant and his/her advocate/representative are briefed verbally and in writing of the outcome.

Complaints and Representations Policy

Recording and Finalising Children's Complaints

1. Complaints from children/family members may be received both verbally and in writing. A child-friendly explanation of how to make a complaint is set out in the children's guide to Windows. Any reprisals against a child who has made a complaint are strictly forbidden and will result in disciplinary action. A member of staff can make a complaint on behalf of a child, provided the child gives consent.
2. Each instance of complaint must be reported to the Proprietor. Upon receipt of the complaint, the Proprietor will complete the appropriate sections in the Complaints Book for appropriate action.
3. Every effort will be made to resolve the complaint informally through negotiation and mediation. If this is unsuccessful, the matter must be pursued formally. A full response to the child/family member must be given within 28 days. They must be kept informed of progress being made during this time. Any person who is the subject of a formal complaint must not take part in any response to/consideration of that complaint.
4. If the Proprietor is unable to satisfactorily resolve the complaint within 28 days, or is indeed the subject of any complaint, then the child/family member has the right to refer the complaint to OFSTED, details of which are as follows: Lead Inspector, OFSTED, Royal Exchange Buildings St Anne's Square, Manchester M2 7LA, Tel: 08456 404040
5. Once the complaint has been resolved, the Proprietor will complete the relevant sections in the Complaints Book, which will then be signed-off by the Proprietor.
6. The Responsible Individual is responsible for maintaining all records relating to a complaint, using the Sue Complaints Register as the basis for monitoring the progress made in resolving the complaint.
7. Records will include all written complaints received, and copies of all statements from relevant parties during the investigation.
8. Completed complaints will be reviewed on a regular basis for any adverse trends in service quality as part of the monitoring of the home.
9. A section must be included in the complaints form allowing for the Child to make comment on the outcome of the complaint. This must be offered on each and every occasion and the child's comments recorded.
10. There must be a section for the child to sign that they are happy with the outcome of the complaint
11. Prior to any review of the complaints procedure the Children's Views must be sought and recorded that they agree to the change and are happy with them.

External Complaints

Occasionally, there may be the need for neighbours, local shopkeepers, the police etc. to make a complaint regarding matters concerning the home and/or the children in residence.

The complaint must be heard, in the first instance, by the most senior staff member available (if a member of the management team is not available). A written record

Complaints and Representations Policy

must be taken by staff and signed by both the complainant and the staff member, in order to have a formal record of the complaint.

Depending on the nature of the complaint, resolution could range from an immediate apology to further investigation.

If the complaint is of a serious nature, then the Responsible Individual and Registered Manager **MUST** be informed immediately. The Complaints Procedure must then be implemented.

Revision History

Date of next review: January 2020

Date of release: January 2019