

33. Complaints - Home

REGULATIONS AND STANDARDS

STANDARD 1 – The child’s wishes and feelings and the views of those significant to them

STANDARD 21- Managing effectively and efficiently and monitoring the home

Regulation 11 - Promotion of welfare

Regulation 15 - Contact and access to communications

Regulation 34 - Review of quality of care

Regulation 33 - visits by the registered provider

Regulation 37 - Notice of absence

Regulation 38 - Notice of changes

RELEVANT CHAPTERS

This Chapter should be read in conjunction with the following:

[Child Protection Referrals Procedure](#)

[Confidential Reporting Procedure](#)

[Allegations Against Staff Procedure](#)

Representations

Children and young people 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. As a general rule, staff should engage Children and Young People in the day to day running and routine of the home, and in activities that are being planned.

If decisions are made e.g. about an activity, that Children express concerns about or disagree with, staff should do all they can to ensure that a reasonable explanation is given, and that Children/Young People have the opportunity to opt out or be engaged in a different activity - if it is possible for them to do so.

This includes decisions about routine activities, such as meal preparation or bedtimes; Children should have the opportunity to discuss how decisions are made about these and other routines on a regular basis, and to make suggestions for change.

At all times, staff should avoid matters or concerns being escalated or becoming complaints, but should children continue to be dissatisfied, they should be given the opportunity to make an Informal or Formal complaint - as set out below.

What is a Complaint?

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

A complaint should 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.

A complaint may be about:

- The lack of service
- Being refused a service, including an assessment
- The quality of a service
- The attitudes or behaviour of staff
- Decisions made by staff
- Delays in dealing with problems or in providing a service

The complainant should be advised that complaints can always be directed to the **Regulatory Authority** or the **Placing Authority**.

Complaints or allegations of mistreatment or **Significant Harm** by staff must be dealt with by way of the **Child Protection Referral Procedures**, not as Complaints.

See **Child Protection Referrals Procedure**, which contains procedures on referring suspicions or allegations of Significant Harm.

Who May Make a Complaint?

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

- A Child
- A parent of a child
- A person acting on behalf of a child, including staff
- A neighbour living in the locality

Informing Children about the Complaints Procedure

Children will be informed about the Complaints Procedures in a variety of ways; including the Children's Guide given to them before or upon admission. This must be 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.

They will also be given information and contacts details of Advocates they may contact, who may make complaints or advocate of their behalf or assist them in doing so.

The Children's Guide will provide advice to children about how to use the procedures to their best advantage; and on the process of investigating complaints made by them.

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

If they request it or it appears appropriate, they should be given information on additional advocacy or support networks which may help them use the procedures effectively; this should include providing contact details.

Receiving Complaints

Homes Manager's must take all reasonable steps to ensure that children feel comfortable with the making of comments or complaints and free from reprisals if they choose to do so.

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.

If they wish to do so, complainants may direct their complaints to others outside the home, such as the Independent Advisor. They may also direct their complaints to the **Regulatory Authority** or the **Placing Authority**.

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.

Complainants should be given any reasonable assistance they require or request, including being introduced to people or groups independent of the organisation that may assist them, such as Advocacy Groups. The complainant must be advised that if they choose to complain directly to the Placing Authority, the Placing Authority must provide information and assistance.

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 at the location they pertain to.

Local Resolution (Stage 1)

Timescale: Any complaint is addressed seriously and without delay and a complaint will be fully responded to within a maximum of 28 days

If possible, the person receiving the complaint should resolve the matter as soon as reasonably practical and in any event within 28 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 28 days, the person resolving it should do the following:

- Note the fact that a complaint was 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 and in the Daily Record of any relevant child. The Line Manager must confirm in writing to the complainant the agreed resolution.
- If the Line Manager was not involved in resolving the matter, notify the Line Manager as soon as practicable.

The manager should then consult the complainant to ensure they are satisfied, brief their Line Manager if necessary and sign off the Complaints Log.

7. Formal Consideration (Stage 2)

Timescale: 28 Days

Where the person receiving the complaint cannot resolve it within 28 days, or a further 14 days if agreed by the complainant, it should be referred, for Formal Consideration, to the Designated Manager.

Before undertaking the Formal Consideration, the Designated Manager 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 should be consulted.

The Designated Manager should attempt to resolve it as quickly as possible but within 28 days of the request for the Formal Consideration. This may be extended with the agreement 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. The complainant will be notified that they have 28 days to register a written appeal against the decision.

After an appeal, a complaints panel will be set up, at which the complainant would have the opportunity to present their complaint. At a hearing the complainant will have the right to have a representative with them. A young person may wish to have someone represent them at a hearing.

Following the presentation of a complaint, and associated evidence, the complaints panel has to respond within 48 hours and arrive at a decision or recommendation.

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 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 **Regulatory Authority**
- Copy of outcome must be sent to the Placing Authority

Stage 3 Review Panel

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 Panel, the complainant should notify the Designated Manager 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 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 on the recommendations that are made.
- e. necessary arrangements are made for the Panel to be convened and conducted in a fair manner;