



## **Representations, Complaints and Compliments**

### REGULATIONS AND STANDARDS

Guidance on Chapter 5 of the Regulations – Policies, Records, Complaints and Notifications

Regulation 5 - Engaging with the Wider System to Ensure Each Child's Needs are Met  
The Children's Views, Wishes and Feelings Standard

### RELEVANT CHAPTERS

This chapter should be read in conjunction with the following:

Referring Safeguarding Concerns Procedure

Confidential Reporting Procedure

Allegations Against Staff Procedure

### IMPORTANT CONTACTS

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## **1. 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.

Various procedures in this Manual set out how children and young people will be engaged in decision making e.g. in the creation or review of their Care and Placement 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 or young people 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 and young people should have the opportunity 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 and young people continue to be dissatisfied, they should be given the opportunity to make an Informal or Formal Complaint - as set out below.

## **2. What is a Complaint?**

Complaints or allegations of mistreatment or Significant Harm by staff must be dealt with by way of the Referring Safeguarding Concerns Procedure, not as Complaints.

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.

## **3. 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;
- A neighbour living in the locality.

## **4. 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.

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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.

Homes Managers must take all reasonable steps to ensure that children feel comfortable with the making of comments or complaints, they are enabled to make a complaint or representation and are free from reprisals if they choose to do so.

Complainants 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.

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 complainant must be advised that if they choose to complain directly to the Placing Authority, the Placing Authority must provide information and assistance.

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 complaint's procedure. This complaints procedure is available to all persons working in the Home.

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.

## **5. 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 or Designated Manager (Complaints). 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.

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.

## **6. Local Resolution (Stage 1)**

Timescale: 14 Days from the receipt of a Stage 1 Complaint.

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 the timescales at the start of this section unless agreed in writing by the Complainant.

This assumes that the person receiving the complaint has the delegated authority to resolve the matter satisfactorily and the Complainant agrees that it can be dealt with at this stage. If not, or if the matter isn't resolved satisfactorily, it must be passed to the Designated Manager (Complaints) for consideration at Stage 2 - see below.

If it is possible to resolve a complaint the required timescale (see start of this section), 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 from the receipt of a Stage 2 Complaint.

NOTE: Any serious complaints must be notified to Placing Authorities and the Regulatory Authority, who may wish to advise or be consulted about the formal process.

Matters that must be considered at this stage are:

- Stage 1 Complaints that are not resolved satisfactorily;
- Where the manager of the home does not have the appropriate level of authority to resolve the Complaint;
- Where the Complainant has requested a Stage 2 Investigation.

Stage 2 Complaints must be referred to the Designated Manager (Complaints).

Before undertaking the Formal Consideration, the Designated Manager (Complaints) 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 (Complaints) should attempt to resolve it as quickly as possible but within the timescales stated at the start of this section unless agreed in writing by the Complainant. If the timescales are extended, 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 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.

## **8. Review Panel (Stage 3)**

Timescale: 28 Days from the receipt of a Stage 3 Review Panel.

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 (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:

- 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;

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- 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 (Complaints) on the recommendations that are made;
- e. Necessary arrangements are made for the Panel to be convened and conducted in a fair manner;
- f. The recommendations of the Panel are properly considered, involving senior managers as necessary, and that any decisions or actions are acted upon promptly;
- g. The complainant and his/her advocate/representative are briefed verbally and in writing of the outcome.

## **9. Compliments**

We welcome comments, both positive and critical about the service we provide, and actively seek information and feedback under our review and quality of care procedures. Routinely, we seek information through consultative questionnaires from all professional bodies, Children and their parents/carers who have knowledge about the service. The purpose of seeking this information is to give us the opportunity to learn, adapt and provide a better service.