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<b>Person Responsible</b>	Head of Care
<b>Approval/Review Body</b>	CEO and Senior Leadership Team
<b>Frequency of Review</b>	Policies will be reviewed at 12 months or more frequently if legal changes or good practice require

## REGULATIONS AND STANDARDS

- Regulation 7 - Views, wishes and feelings
- Regulation 12 Protection of children
- Regulation 37 - Other records
- Regulation 39 Complaints and representation
- Regulation 40 - Notification of serious event

## RELEVANT POLICIES WHICH SHOULD BE READ IN CONJUNCTION WITH THIS POLICY

- Statement of Purpose
- Children's Guide
- Safeguarding children and young people
- Whistleblowing Policy - Staff Handbook 014
- Allegations Against Staff Procedure
- Advocacy and Independent Visitors - Care Policy 203
- Grievance Policy - Staff Handbook 008

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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 and support they receive, the running of the home, or to make representations and comments about their future plans.

Children and young people should be consulted in every aspect of their care and support and their views of the home, staff and organisation are extremely important to Oracle Care. The role of staff is to listen and support young people make decisions about their lives and advocate on their behalf should they want to make a complaint

Various procedures 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, house meetings and key worker sessions.

If decisions are made that children and 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 discuss their concerns and this is recorded. Young people need to have the opportunity to express their concerns or worries and staff need to listen to these.

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 their lives 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 safeguarding children referral process, 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.

### **What is the difference between making a complaint and blowing the whistle?**

When someone blows the whistle they are raising a concern about danger or illegality that affects others (for example customers, members of the public, or their employer).

This is very different from a complaint or grievance. When someone complains or raises a grievance, they are saying that they have been personally treated poorly. This poor treatment could involve a breach of their individual employment rights or bullying and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and for this reason, is expected to prove their case.

For these reasons, it is not in anyone's interest if an individual uses this policy to pursue a personal grievance or alert the organisation to a whistle-blowing concern.

- For personal complaints or grievances, please use the grievance policy and procedure instead.
- For whistle-blowing please use the whistle-blowing policy and procedure

### 3. Who May Make a Complaint?

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

- A child or young person
- A parent of a child;
- A person acting on behalf of a child;
- A neighbour living in the locality.
- Someone that supports the child in another setting (eg: School, club)
- A health and social care professional

### 4. Informing children and young people about the complaints procedure

Children will be informed about the complaints, representation and compliments procedures in a variety of ways; including the Children's Guide given to them before or upon admission.

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.

Complaints and concerns are routinely discussed with children and young people in key-worker sessions and house meetings.

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.

### 5. Advocacy

Young people should be offered the opportunity to representation by an advocate. Please read the advocacy policy for further information

### 6. Receiving Complaints

Homes Managers must take all reasonable steps to ensure that children and young people 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 the Senior Homes Manager or Head of Care.

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.

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. A ClearCare complaints form will be opened on the recording system so all relevant information can be uploaded to the system.

## 7. Local resolution (Stage 1)

Timescale: 14 working 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 for Section 7, Formal Consideration (Stage 2).

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. Copies of the complaint and relevant documents must be uploaded to the ClearCare recording system.

## 8. Formal Consideration (Stage 2)

**Timescale: 28 working 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 advice 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 **within 5 working days of receipt of formal complaint.**

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 registered manager. Copies of all records and correspondence relating to the complaint should kept as follows:

- On any relevant child's file;
- In the complaints file (ClearCare) held by the registered manager;
- Copy of outcome must be sent to the regulatory authority;
- Copy of outcome must be sent to the placing authority.

## 9. Appeal Process (Stage 3)

**Timescale: 28 working 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: Appeal Process to consider their complaint; they may also ask that their complaint be passed to the placing authority or regulatory authority. The complainant must detail the reasons why they are appealing the outcome of the complaint

To instigate a Stage 3 Appeal 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;
- d) The designated manager (appeals officer) will consider the matter; the designated manager (appeals) will be a grade higher than the complaints officer so to provide additional scrutiny and oversight in reviewing the complaint, the process and the outcome.
- e) Necessary arrangements are made for the appeal to be convened and conducted in a fair manner;
- f) The recommendations of the appeal and 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.

## 10. Quality Assurance monitoring

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.

Oracle Care collates information about complaints made each month and these are discussed in the monthly quality meeting and reported to the board of directors.