Complaints Policy

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# Policy

Leyton Green complaints policy ensures that children and others are supported to make a complaint should they wish and are supported to have their complaint addressed. Any complaint will be addressed without delay and the complainant is kept informed of progress. Children should know how and feel able to complain if they are unhappy with any aspect of living in the home.

# Statutory requirements

* The registered person must establish a procedure for considering complaints made by or on behalf of children.
* 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.
* The registered person must record any complaint, the action taken in response, and any investigation outcome.
* The registered person must ensure no child is subject to any reprisal for making a complaint or representation.
* The registered person must supply to HMCI (Ofsted), at HMCI’s request, a statement containing a summary of any complaints made during the preceding twelve months and the action taken in response to each complaint.

# Representations

* A representation allows a child 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.
* Staff should encourage and support children to have their say and make suggestions about improving the quality of care they receive and the home’s day-to-day running.
* The manager must respond to a child’s representation within a reasonable timescale. If the child does not feel that a representation has been dealt with effectively, the representation may qualify as a complaint.

# What is a complaint?

Leyton Green defines a complaint as an expression of dissatisfaction with the services provided by the home. It can relate to being unhappy with any aspect of living in the home.

# 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
* a third-party with links to the service or member of the public

# Informing children about the complaint’s procedure

* The manager will tell children about the home’s complaints procedures in various ways, including the children’s guide given to them before or upon admission. The guide must be in a format that the child can understand and must include the name, address and telephone number of the regulatory authority. It should also signpost children to details of people they can complain to including their manager, independent reviewing officer (IRO), social worker, Children’s Commissioner, NSPCC and Ofsted.
* At Leyton Green we have a notice of the in-house complaints process that children can access without making a request. It is on the notice board located in the kitchen. It has been made easy to understand for children. It contains all relevant contact details.
* The manager should address the complaint as soon as it is received, ensuring there is a record of the complaint. The process is undertaken to resolve the complaint and any letters given to the children or others due to their complaint.
* Although the following gives the extended times under which we can manage a complaint. It is in everyone’s best interest that a complaint is considered by the manager as soon as it comes to light. If the complaint is from a child, we act on it as quickly and efficiently as possible. Managers should still follow the process, and recording steps below, however, consider that children will want to see a response to their complaint quickly and to avoid further issues arising it is in everyone’s best interest that we address the matter promptly.

# The time limit for making a complaint

* The organisation does not need to consider complaints made more than one year after the grounds to make the representation arose. In these cases, we must advise the complainant that we cannot consider their complaint.
* The time limit can be extended at the organisation’s discretion if it is still possible to effectively and efficiently consider the complaint. The organisation may also wish to consider such complaints if it would be unreasonable to expect the complainant to have made the complaint earlier. For example, the child could not make the complaint or feel confident in bringing it forward in the years’ time limit.
* Though not exclusive, possible grounds for accepting a complaint made after one year are:
  + genuine issues of vulnerability
  + the organisation believes that there is still benefit to the complainant in proceeding
  + there is likely to be sufficient access to information or individuals involved at the time, to enable an effective and fair investigation to be carried out
  + action should be taken in the light of human rights-based legislation

# Stages of complaint

## Stage 1

Timescale: 10 working days

* If comments made by service user/parents,etc about Leyton Green indicate dissatisfaction with the service, the staff member, or senior staff member receiving the complaint should, if they have the delegated responsibility to do so, try and resolve them quickly. In **all** cases when a complaint is received the registered manager or Responsible Individual must be informed. The expectation is that the majority of complaints should be considered and responded to a Stage 1.
* When a complaint is received, the Registered Manager will;
  + Acknowledge the complaint within 2 working days, notify the complainant that they have received their complaint and explain the timescales within which a response will be sent. They Manager should establish whether the complainant has, or required, an Advocate.
  + Notify the Responsible Individual
* The manager should resolve the matter within ten working days. This period may be extended for an additional ten working days with the agreement of the complainant. If the complaint is resolved within ten working days, the manager should:
  + Record a summary of the complaint and how it was resolved in the complaints log and the daily record of any relevant child.
  + Confirm in writing to the complainant the agreed resolution.
  + Send a copy of the complaint to the Responsible Individual
* The maximum amount of time that stage 1 should take is 20 working days. After this deadline, the complainant can request consideration at Stage 2 if they so wish. If the complaint relates to a child in our care, the manager should consult the child’s social worker.
* If the complaint is resolved at Stage 1, a summary of the complaint and resolution should be noted in the relevant Daily Log. A summary of the complaint and the manner in which it was resolved should be recorded in the complaint log and in the child’s daily record. If the complaint resolved sensitive personal information, such details should not be held in the Complaint Log, which is a public record.
* The manager must keep a record of complaints dealt with at Stage 1 and their outcomes. This record should then be forwarded to the Registered Individual, who is the “Complaints Manager” for Leyton Green.
* If the matter cannot be resolved to the complainant’s satisfaction within 20 working days, the complainant must be advised that they have the right to proceed to Stage 2 and given assistance to do so as necessary.
* The complainant may, however agree to extend the deadline for the Stage 1 process.

## Stage 2

Timescale: 25 working days

* The complaint will be investigated by someone in management not previously involved in the complaint (the responsible individual or director, if they have not been involved) and an independent person not employed by the company.
* They should attempt to resolve the complaint within 25 working days. If the complaint is not is not investigated by the director, the findings and recommendation should be outlined and sent to the director.
* The 25 day period may be extended with the agreement of the complainant to maximum 65 days.
* The complainant should be notified of the outcome of the complaint 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 the registered manager must countersign. We should keep copies of records and correspondence as follows:
  + on the child’s file
  + in the complaints file
* The manager must send a copy of the outcome to the regulatory authority and the placing authority. If dissatisfied with the outcome of stage 2, the complainant may request a stage 3 review panel to consider their complaint. The request must be made within 20 days. The complainant may also ask that their complaint be passed to the placing authority or regulatory authority.

## Stage 3

Timescale: 30 days to convene and hold the review panel

* To instigate a stage 3 review, the complainant should notify the RI in writing (details are located on the home’s SOP and on the complaints contact list). The notification will be confirmed in writing explaining the process and timescales for undertaking a stage 3 review. The RI will ensure:
  + Senior management (the director) and relevant social workers are notified and briefed as necessary until the matter is resolved.
  + The complainant is clear about the process and timescales.
  + The complainant has access to an independent advocate or representative.
  + 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 head of service on the recommendations that are made.
  + Necessary arrangements are made for the panel to be convened and conducted fairly.
* The panel will have five days to issue its findings; The recommendations of the panel are appropriately considered, involving management as necessary, and that any decisions or actions are acted upon promptly. The complainant and their advocate/representative are briefed in writing of the outcome.

# Recording and finalising children’s complaints

* Complaints from children and their 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. A copy must be available in a communal area where a child does not have to request this and be easy to understand. Any reprisals against a child who has made a complaint are forbidden. A staff member can make a complaint on behalf of a child, provided the child gives consent.
* Each instance of the complaint must be reported to and overseen by the manager. Upon receipt of the complaint, the manager will complete the appropriate sections in the complaints log for proper action. If the complaint relates to the manager, child should be encouraged to contact the responsible individual.
* 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 ten working days. They must be kept informed of the 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.
* If the manager is unable to resolve the complaint within the timescales of the process or is indeed the subject of any complaint, the child or a family member has the right to refer the complaint to the regulatory authority, details of which are as follows:

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| --- |
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* Once the complaint has been resolved, the manager will complete the relevant sections in the log, signed off by the Responsible Individual.
* The manager is responsible for maintaining records relating to a complaint, using an appropriate complaints book as the basis for monitoring the progress made in resolving the complaint.
* Records will include written complaints received, and copies of statements from relevant parties during the investigation.
* Completed complaints will be reviewed regularly for any adverse trends in service quality as part of the monitoring of the home.
* A section is included in the complaints log allowing the child to comment on the outcome. This opportunity must be offered on every occasion and the child’s comments recorded.
* We send a letter acknowledging the complaint and throughout the process.
* Before reviewing the complaints procedure, the children’s views are sought and recorded that they agree to the changes and are happy with them.

# External complaints

There may be a need for external people to complain regarding the home or the children in our care. The complaint must be heard, in the first instance, by the most senior staff member on shift who takes a written record. Depending on the complaint’s nature, the resolution could range from an immediate apology to further investigation. In the latter case, the manager must be informed, and the above complaints procedure must be implemented.

# References

* [Regulation 39: Complaints and representations, The Children’s Homes (England) Regulations 2015](about:blank)
* [Getting the Best from Complaints – Social Care Complaints and Representations for Children,](about:blank) [Young People and Others](about:blank)