

## Representations, Compliments and Complaints Policy

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### Contents

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1. Definitions	Page 1
2. Representations	Page 2
3. Who May Make a Complaint?	Page 2
4. Informing Children about the Complaints Procedure	Page 3
5. Receiving Complaints	Page 3
6. Local Resolution (Stage 1)	Page 4
7. Formal Consideration (Stage 2)	Page 5
8. Review Panel (Stage 3)	Page 7
9. Compliments	Page 8
10. Monitoring	Page 8

### 1. Definitions

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**A complaint** is a written or oral expression of dissatisfaction, in relation to the standard of service, the actions, or lack of action by the school or home towards an individual or a group. A complaint may arise because of an unwelcome or disputed decision, concern about the quality or appropriateness of services, delay in decision-making, or about the delivery or non-delivery of services for any young people, children and staff. Service provision includes the administration, financial and personnel functions of Bright Futures Care, which have been provided, commissioned or purchased by the Placing Authority. 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 complainant** is a person from whom a representation or complaint is received, whether they are acting on their own behalf or on behalf of another person. The complainant should be advised that complaints can always be directed to the Regulatory Authority or the Placing Authority.

**A review panel** should consist of three people, at least one of whom is independent who does not work (or has not worked in the last 3 years) for Bright Futures Care. They are responsible to review, at the request of the complainant, a complaint previously considered by the Bright Futures Care.

## **2. Representations**

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Representations are matters other than complaints, which give rise to concern or comment from children, young people or staff.

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 school/ home, or to make representations and comments about their future plans.

Various Bright Futures Care policies and 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 Internal Placement Plans. (Also see **Consultation and Participation for Children and Young People Policy**.)

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.

## **3. Who May Make a Complaint?**

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

- A child or young person;
- A parent of a child or young person;
- A person acting on behalf of a child or young person;
- Social Workers and Placing Authorities;
- Employees of Bright Futures Care;
- A neighbour living in the locality/members of the public.

Where a complaint is made on behalf of a child or young person, the complaint may be investigated, and consideration must be given to seeking the views of the child/young person regarding any complaint made on their behalf. Complainants

must be told that they will not be given confidential information about the child/young person, without their permission, or that of someone authorised to act on their behalf.

#### **4. Informing Children and Young People About the Complaints Procedure**

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Children and young people will be informed about the Complaints Procedures in a variety of ways suitable to their needs; for example the Children's Guide which is given to them before or upon admission. Such information must include an explanation of the role of an Advocate and provide contact details for advocates to make complaints on children/young people's behalf. This must be in a format that the child/young person can understand.

Where children or those acting on their behalf express a wish to make a complaint, they should be given any information or advice they require on how to use the Complaints Procedure. Their options must be carefully explained including information and advice on alternative methods for resolving their dissatisfaction. For all complaints made by or on behalf of children or young people, help must always be offered to obtain an advocate.

Where a child or young person wishes to make a complaint, s/he should be referred to the Head Teacher.

The Head Teacher must take all reasonable steps to ensure that children and young people feel comfortable with the making of comments or complaints, and are free from reprisals if they choose to do so.

This policy will be provided on request to other agencies, professionals, relatives and friends, wishing to complain or act on behalf of a child or young person. This complaints procedure is available to all persons working in the homes or school.

#### **5. Receiving Complaints**

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When children or young people indicate their wish to make a complaint, the person receiving it should do what they reasonably can, to ensure that a speedy resolution is reached wherever possible. If a complaint is made about the Head Teacher or another person in line management, it should be passed to a Manager outside of the line management structure.

If any member of staff receives a complaint that relates to the safety or safeguarding of a child or young person, the Head Teacher must be informed immediately so that the complaint is referred. If the complaint is about the Head Teacher in relation to safeguarding, a Senior Manager must be informed immediately. 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 **Safeguarding Children and Young People Policy**.)

Complaints made by professionals (e.g. Social Workers, Health Professionals, etc.) will be dealt with directly by the Head Teacher (or a Senior Manager if the complaint is about the Head Teacher). Recording should be kept in the Complaints Log at the school.

Staff may not deal with complaints relating to their own practice and must pass such matters to their own Manager. 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/ school, such as an Independent Advisor or the Responsible Person. They may also direct their complaints to the Regulatory Authority or the Placing Authority.

Comments, complaints and compliments may be made orally or in writing, including by email, text or using audio tapes. Wherever possible, complaints should be put in writing, in a letter or using a Complaints Form.

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.

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

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Staff should, at the earliest opportunity when working with children, young people, families and carers, make them aware of the Complaint Procedure and how to make complaints.

At Stage 1 the manager dealing with the complaint (Complaint Manager) will assign a Complaint Officer to work to resolve the matter with relevant others. All relevant others, which may include staff, child or young person should discuss and attempt to address the complaint as quickly as possible. They should discuss the issue and exchange information and thinking behind decisions and try to agree a way forward. The expectation is that the majority of complaints should be considered (and resolved) at Stage 1.

If the Complaint Manager or the complainant believes that it would not be appropriate to consider the complaint at Stage 1, they should discuss this together. Where both parties agree, the complaint can move directly to Stage 2.

Regulation 14(1) places a 10 working day time limit for this part of the process. Most Stage 1 complaints should ideally be concluded within this time limit.

Where a complete response cannot be provided within 10 working days, a further 10 days' extension can be implemented at the discretion of the Complaint Manager.

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 wish to do so.

The Complaint Manager will inform the complainant that they have the right to move on to Stage 2 if the time scale has elapsed for Stage 1 and the complainant has not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person being off sick or there is a school holiday), so this period can be extended beyond 20 days with the complainant's agreement or request.

If the matter is resolved, the assigned Complaint Officer will write to the complainant confirming the agreed resolution and the Complaint Manager should be informed of the outcome as soon as possible.

Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. This right should be outlined in any response letters sent by the Complaints Officer at the close of a Stage 1 complaint. Any request to move to stage 2 should be made within 15 working days of the date on the stage 1 response.

If the matter cannot be resolved to the user's satisfaction within 20 working days, the complainant must be advised that he or she has a right to proceed to Stage Two and given assistance to do so as necessary. The complainant may, however, agree to extend the deadline for the stage 1 process.

If it is possible to resolve a complaint within the correct timescale, the person resolving it should note the fact that a complaint was made and resolved in the school/ 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 or young person. Where the complaint involves sensitive personal information, such details should not be held in the Complaint Log, which is a public record.

The Manager should consult the complainant to ensure that the matter was dealt with appropriately before countersigning the Complaints Log.

## **7. Formal Consideration (Stage 2)**

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Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an investigating officer and an independent person. Stage 2 commences either when the complainant requests it or where the complainant and the Complaint Manager have agreed that Stage 1 is not appropriate.

If the complaint has been submitted orally, the Complaint Manager must ensure that the details of the complaint and the complainant's desired outcome are recorded in writing and agreed with the complainant in a Statement of Complaint. This may be achieved either by correspondence or by meeting the complainant to discuss, followed by a written record of what was agreed. Should the complainant amend the written record of his complaint, the Stage 2 timescale will start from the date that the Statement of Complaint is finalised.

The Complaint Manager should arrange for a full and considered investigation of the complaint to take place as soon as possible. They may also request (in writing) any person or body to produce any information or documents to facilitate investigation, and consideration should be given to matters of disclosure and confidentiality.

Consideration of the complaint at Stage 2 should be fair, thorough and transparent with clear and logical outcomes.

The Responsible Person 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.

The Complaint Manager will appoint an Investigating Officer (IO) to lead the investigation of the complaint and prepare a written report. An Independent Person (IP) must also be appointed to the investigation. This person will be in addition to the IO and must be involved in all aspects of consideration of the complaint including any discussions about the action to be taken in relation to the child.

A copy of the complaint should be sent via line management to any person who is involved in the complaint, unless doing so would prejudice the consideration of the complaint. Where this may be the case, the Complaint Manager should advise senior management.

The Investigation Officer will have access to all records and staff. These will be released within three (3) working days and within the bounds of normal confidentiality and with regard to relevant legislation in the Freedom of Information Act, 2000 and the General Data Protection Regulations 2015.

Staff will make themselves available for interview at the earliest possible date and having prepared by reading the case file. When being interviewed as part of an investigation staff retain the right to have a colleague, who is not connected to the complaint and who does not hold supervisory responsibility for them, present if they so request.

All confidential information provided to the Investigating Officer and Independent Person must be shredded on completion of the investigation.

The investigation should be completed and the response sent to the complainant within 25 working days. However, this may be impractical in some cases, e.g. where the complaint involves several agencies, all or some of the matters are the subject of a concurrent investigation, (such as a disciplinary process), if the complaint is particularly complicated or if a key witness is unavailable for part of the time.

Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions must be agreed by the Complaint Manager. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

The Complaint Manager or Investigating Officer will inform the complainant as soon as possible in writing of:

- The reason for the delay; and
- The date by which he should receive a response.

Where one or more agencies are involved in considering the complaint, it is good practice for these bodies to aim for whichever is the shorter of the timescales to produce their final responses.

## **7.1 Stage 2 Investigation Report**

On completion of his consideration of the complaint, the Investigating Officer must write a report on his investigations including:

- Details of findings, conclusions and outcomes are against each point of complaint (i.e. “upheld” or “not upheld” or “no finding”; and
- Recommendations on how to remedy any injustice to the complainant as appropriate.

The report should be written in plain language, avoiding jargon, so that everyone can understand it. It should distinguish between fact, feelings and opinion.

The IP will also provide a report to the Complaints Manager once they have read the IO’s final report. They will comment on:

- Whether they think the investigation has been conducted entirely in an impartial, comprehensive and effective manner;
- Whether all those concerned have been able to express their views fully and fairly;
- Whether the IO’s report provides an accurate and complete picture of the investigation; and
- The nature of the recommendations, or make their own recommendations as necessary.

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

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If the complainant is not satisfied with the outcome of the complaint, they have 20 working days to ask for the response to be reviewed by a Review Panel. The request should be made to the Complaints Manager and acknowledged in writing within 2 working days. The Complaints Manager will ensure a Review Panel is set up and meets within 30 working days of the complainant's request being made. The Review Panel must 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 Responsible Person on the recommendations that are made.

The complainant should be notified of the Panel's date and location in writing at least 10 working days before the Review Panel meets and be invited to attend. The complainant should also be informed of his entitlement to be accompanied by another person and for this person to speak on his behalf.

Those persons involved with the investigation at Stage 2 (e.g. the Investigating Officer, and the Independent Person) should also be invited to attend.

Panel papers should be sent to Panel members and other attendees as soon as these have been agreed by the Chair and no later than 10 working days before the date of the Panel. These should normally include: information on Stage 1 (as relevant), the Stage 2 investigation report(s), any policy, practice or guidance information relevant to the complaint, and any comments that the complainant has submitted to the Panel.

The Review Panel's recommendations should be recorded in writing and copies sent to the Responsible Person within 5 working days.

The Responsible Person must respond to the recommendations of the Review Panel and make the decisions known to the complainant within 15 working days, explaining the decision and reasons.

In terms of the Complaints Procedure, there is no further action that the complainant can take to progress a complaint.

Complainants should be advised of their right to make representations to the Regulatory Authority if they are still not satisfied.

## **9. Compliments**

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Bright Futures Care is also committed to organisational learning through taking note of when relevant others, such as professionals, children and young people's families and visitors to the school/ home, compliment the organisation on the service it provides.

Bright Futures Care welcomes comments, both positive and critical about the service we provide, and actively seeks information and feedback under our review and quality of care procedures. Routinely, we seek information through consultative questionnaires from all professional bodies, children/young people and their parents who have knowledge about the service.

## **10. Monitoring**

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The Head Teacher regularly reviews the records of complaints by children and young people, or concerning the welfare of children/young people, to check satisfactory operation of the complaints procedure and to identify both patterns of complaints and actions taken on individual complaints.

The Head Teacher takes any appropriate action from such a review in relation to the school's policies, procedures and practices, as well as taking any necessary further follow-up action in relation to individual cases.

The Head Teacher shall maintain, and supply to OFSTED at their request, a record containing the summary of complaints made during the preceding 12 months and the action that was taken.

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