

1.14.2 Complaints Procedure

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Regulations and Standards

England

- [Regulation 5 - Engaging with the Wider System to Ensure Each Child's Needs are Met](#)
- [Guidance on Chapter 5 of the Regulations – Policies, Records, Complaints and Notifications](#)
- [Regulation 7: The children's wishes and feelings standard](#)
- [Guide to the children's wishes and feelings standard](#)
- [Regulation 39: Complaints and representations](#)
- [Regulation 44: Independent person: visits and reports](#)
- [Regulation 45: Review of the quality of care](#)

Wales

- Regulation 64: Complaints policy and procedure
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/64/made>
- Regulation 80: Quality of care review
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/80/made>
- Regulation 15: Personal plan
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/15/made>

Outcome

Any complaint will be addressed without delay and the complainant is kept informed of progress.

This Chapter should be read in conjunction with the following:

[Child and Adult Protection Procedure](#)

[Whistleblowing Procedure](#)

[Advocacy and Independent Visitors Procedure](#)

[Allegations Against Staff Procedure](#)

IMPORTANT CONTACTS

England

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[Click here for contact details for CIW \(Care Inspectorate Wales\)](#)

1. 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 outside the business, to the **Regulatory Authority** or the **Placing Authority**.

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

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

2. 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.

3. 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.

4. 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 or a The Designated Safeguarding Lead. They may direct their complaints to the Regulatory Authority (Ofsted or CIW) or the **Placing Authority** and they must be advised of their right to do so.

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.

5. Local Resolution

Timescale: 14 Days

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 14 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 14 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.

6. Formal Consideration

Timescale: 35 Days

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

Before undertaking the Formal Consideration, the independent person 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 independent person dealing with the complaint at this stage should attempt to resolve it as quickly as possible but within 35 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 35 days the Regulatory Authority (Ofsted or CIW) 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 CIW;
- Copy of outcome must be sent to the Placing Authority.

7. Complaints Subject to Concurrent Consideration

There are circumstances where the Home Manager must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled such as:

- A complainant has stated in writing that he or she intends to take proceedings in any court or tribunal;
- The Home Manager is taking or is proposing to take disciplinary proceedings;
- The Home Manager has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings;
- A meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children;
- The Home Manager has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000.

Such complaints are referred to as "Complaints Subject to Concurrent Consideration".

In these circumstances, the Home Manager may choose to discontinue considering the complaint as it may compromise or prejudice the other consideration. If the Home Manager decides to take this action he/she must inform the complainant of this decision. However, the Home Manager may resume considering the complaint at any time. The Home Manager must ascertain the progress of the 'concurrent consideration' and inform the complainant when it has been concluded.

The Home Manager must resume considering the complaint where the 'concurrent consideration' is discontinued or completed and the complainant requests that the complaint be considered.

End

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