

4.6 Complaints Procedure

REGULATIONS AND STANDARDS

STANDARD – Protection of Children Standard

REGULATION 39 – Complaints and Representation

Regulation 5 – Engaging with the Wider System to Ensure Children's Needs are Met

Regulation 7 – Children's Views, Wishes and Feelings

Regulation 13 – Leadership and Management

Regulation 39 – Complaints and Representation

Regulation 44 – Independent Person Visits

Regulation 45 - Review of Quality of Care

LEGISLATIVE BACKGROUND

Kas Care Children's Homes has a statutory responsibility to respond to complaints as defined under The Children's Act 2004, Representations Procedure (England) Regulations 2006, and taking into consideration the Children (Leaving Care) Act 2000.

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1. Who Can Complain

Complaints can be made by various individuals: -

1. Children and young people - a simplified version of the policy is available to help children complain, access to advocates; interpreters; signers; is also available.
2. Parents and carers - an alternative simplified version is available if required, access to advocates; interpreters; signers are also available;
3. Social workers and placing authority;
4. Employees of the home;
5. Members of the public;
6. The policy will be provided on request to other agencies, professionals, relatives and friends, wishing to complain on behalf of a child.

We welcome complaints, we learn from them and use them to improve the service. We are always willing to listen and will do our utmost to resolve any concerns about the home or staff, if we are unable to resolve the complaint, we will explain the process to take the complaint further.

We will not discriminate or treat anyone any differently because they wish to complain.

2. Informal Process

If someone says they are unhappy with the service provided; individual care or attitude or behaviour of staff; or for any other reason; the person receiving the information will take the following action; at every stage the person will be offered access to an advocate; interpreter; or signer.

1. Check with the person that they feel comfortable speaking to them; or would they prefer someone else? Provide information regarding the availability of someone else on site, or who is contactable off site, at any time of day.

We will ensure that no person who is the subject of a complaint takes any part in its consideration other than, if the Registered Person considers it appropriate, at the informal resolution stage only;

2. If the problem is brought up by an adult record the information in the complaint register, read it back to the person to ensure they have accurately recorded what the person wishes to say. Record the name and contact details;
3. The member of staff receiving the information should try to resolve the problem immediately if possible, e.g. lost property, transport not arriving. The member of staff should ensure they record the action taken, and check and record that the person is satisfied with the outcome;
4. If the problem is brought up by a young person, staff must ensure that it is appropriately recorded in the Have Your Say book, as well as any action taken and the satisfaction of the young person with the outcome.

If the problem cannot be resolved immediately (within 24 hours) or is a serious matter then:

1. Staff should explain what happens next. Staff should give them a summary of the complaints procedure and/or a complaints leaflet and go through it with them. Help (if appropriate) service users to make a complaint (e.g. filling a complaint form -particularly when someone is not able to write);
2. If the complainant speaks another language staff should make every effort to get their name, address, telephone number and the language they speak. Pass this information to the **Customer Care and Complaints Unit** and they will make the necessary arrangements;
3. In recording a complaint staff should ask the complainant what is the outcome they are seeking. This may not always be possible to achieve but it helps to clarify the nature of the complaint;
4. The complainant has the option of sending the complaint to the Customer Care & Complaints Unit or addressing the complaint with the Registered Person;
5. For the children and young people there is a variety of methods available i.e. communication techniques or formats appropriate to their level of understanding, as well as access to the commissioned Advocacy Service, independent of Kas Care Children's Homes: **(Seen and Heard)**.

3. Complaint about the Registered Person

If the complaint relates to the Registered Person, the member of staff must contact either:-

1. The Service Manager (9am - 5pm);
2. The Customer Care & Complaints Manager;
3. Another Registered Person;
4. The out of hours duty manager.

The responsible manager will follow the Stage 1 procedure. See **Section 4, Stage 1 Formal Process**

4. Stage 1: Formal Process

Once the Registered Person (or appropriate manager if the complaint is against the Registered Person) received a formal complaint s/he will:

1. Contact the complainant to record the details of the complaint and acknowledge the complaint in writing within 2 working days;
2. Notify the Customer Care & Complaints Unit that they have received a complaint;
3. Look into the complaint, seeking to resolve problems asking for procedural guidance from the Complaints Manager as necessary;
4. Send a draft of the response letter to the Customer Care & Complaints Unit - and amend draft as necessary based on advice;

5. Provide a final written response to the complainant within 10 working days setting out the findings of the stage 1 problem solving process;
6. Notify the Customer Care & Complaints Unit of any 'Learning Issues' for the Service which have been identified as part of the complaint;
7. Ensure the complaint is fully documented and correspondence filed.

The complainant, if not satisfied, can progress the complaint to Stage 2 of the Complaints procedure. See **Section 5, Stage 2**.

5. Stage 2

1. The complaint will be investigated by a manager not previously involved in the complaint and an independent person not employed by the Kas Care Children's Homes. They will respond in writing within 25 days, outlining their findings and recommendation to the Adjudication Officer
2. 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 should be agreed by the Complaints Manager. The complainant should be informed of the reasons for the delay and a date for completion in writing.

If the complainant is still not satisfied, the Customer Care & Complaints Manager will inform them of their right to take to Stage 3. See **Section 6, Stage 3**.

6. Stage 3

If the complainant remains dissatisfied with the response of the department, and contacts the Customer Care & Complaints Unit within 20 working days of being notified of the outcome of the stage 2 investigation, and wishes the matter to be referred to a Panel for consideration stating his/her reasons for this request, the Customer Care & Complaints Unit will make arrangements for the Panel to be convened within 30 working days of the request.

The Panel will consist of three independent persons who do not work (or have not worked for the last 3 years) for Kas Care.

The complainant is entitled to attend the meeting of the Panel, and may be accompanied by a support person or advocate, who can be nominated to speak on the complainant's behalf.

Within 5 working days of the conclusion of the review, the members of the Panel must decide upon their recommendations to the Strategic Director of Kas Care Children's Homes who will send a written response to the complainant is made within 15 working days of receiving the Panel's report.

The response should advise the complainant that they may refer the matter to the **Local Government Ombudsman** should they remain dissatisfied.

At any time a complaint can be made to **OFSTED**.

7. Safeguarding Children

If any member of staff receives a complaint that relates to the safety or safeguarding of a child or young person, the Registered Person must be informed immediately so that the complaint is referred to the **Child Protection Concerns in Children's Homes Procedures**.

If the complaint is about the Registered Person in relation to safeguarding, the Service Manager must be informed immediately.

8. Complaints made not on Behalf of a Child or a Young Person

1. Complaints made by members of the public on their own right (e.g. Neighbours of the unit) will be dealt with under Kas Care **Comments, Complaints and Compliments Procedure**. The Customer Care & Complaints Unit needs to be notified;
2. Complaints made by professionals (e.g. Teachers, health visitors etc) will be dealt with directly by the Registered Person (or the Service Manager if the complaint is about the Registered Person). The Customer Care & Complaints Unit does not need to be notified. Recording should be kept in the Complaints register at the unit.

9. Training

All staff are trained, as part of the induction process, in:

1. What constitutes a complaint;
2. What the procedure is for dealing with an informal complaint in the homes and how it should be recorded;
3. To whom a complaint is made outside the home;
4. The procedure to be followed should a complaint not be resolved promptly by informal means, including who should be notified and the keeping of records;
5. How a child or young person can be assisted in making a complaint, including situations where a child has a communication impairment, and how to access an advocate, interpreter or signer.

The induction training will be followed up with a specific session on complaints.

The Registered Person attends further training in dealing and responding to complaints.

10. Monitoring

The Registered Person regularly reviews the records of complaints by children, or concerning the welfare of children, to check satisfactory operation of the complaints procedure and to identify both patterns of complaints and actions taken on individual complaints.

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

The Registered Person shall maintain and supply to OFSTED at its request a record containing the summary of complaints made during the preceding 12 months and the action that was taken.

11. Disciplinary Procedures



The Registered Person and Kas Care Children's Homes operate a disciplinary procedure which provides for the suspension of an employee where necessary in the interests of the safety, or welfare of children accommodated in the home, or using the service and:-

Provides that the failure on the part of an employee to report an incident or complaint relating to the abuse, or suspected abuse of a child accommodated in the home or using the service to an appropriate person is a ground on which disciplinary proceedings may be instituted.

12. Simplified Version of the Complaints Policy, for Parents and Carers

1. Help is available for anyone wanting to make a complaint - advocates, interpreters, signers;
2. We welcome complaints, because your views and experiences of our service are important. We are always willing to listen and will try to resolve any concerns/complaints about the home or our staff. We will not discriminate or treat anyone differently because they wish to complain;
3. All our staff are trained to handle complaints sensitively and confidentially and will carefully write down what you say;
4. If the problem cannot be resolved within 24 hours or it is a serious matter then it will be dealt with as a formal complaint;
5. **If a complaint is about the safety of a child, the Unit Manager will be told straight away and the complaint may be referred to the Safeguarding (Child Protection) procedures;**
6. The Home Manager will monitor all complaints and identify patterns, the information will be used to improve the unit policies and child care practices;
7. The manager will keep a record of the outcomes of complaints and show it to OFSTED when asked;
8. Kas Care Children's Homes could suspend a member of staff who failed to report any concerns relating to the safety of a child, suspicions or evidence of abuse, to a manager.

At any time a complaint can be made to OFSTED.

Stage 1

The Home manager will look into the issues raised by the complainant and provide a response. **If the complaint is about the Home Manager then the appropriate Service Manager will deal with the complaint.** The response will be made within 10 working days of receiving the complaint. Depending on the complexity of the complaint this may not be always possible. In that case the Customer Care & Complaints Manager or the Unit manager investigating the complaint will contact the complainant.

Stage 2

If the complainant is dissatisfied with the response, s/he can request through the Complaints Manager that the complaint is investigated at Stage 2 by an Investigating Officer, a manager from within the Department, who does not know the complainant nor has been involved with the complaint. An Independent Person from outside of Kas Care Children's Homes will also be appointed to be involved in the consideration of the complaint to ensure a fair, open and thorough investigation. The Investigating Officer and the Independent Person's reports will be forwarded to the appropriate Assistant Director. The complainant will receive a response from the Assistant Director together with the reports within 25 working days. Depending on the complexity of the complaint this may not be always possible.



Stage 3

Where the complainant remains dissatisfied s/he can request within 20 working days that the Customer Care & Complaints Manager convenes a Panel to review the investigation and the response. The Panel is made up of an Independent Chair and two Independent People from outside Kas Care Children's Homes. The complainant attends and has the opportunity to address the Panel whose remit is then to make recommendations to the Director of Social Care who has 15 working days to make the final response to the complainant.

That concludes the Social Care Complaints Procedure. However, if the complainant is still dissatisfied with the outcome of the complaint or think that the complaint has not been dealt with properly then the complainant can contact at any stage:

1. The Local Government Ombudsman.

For enquiries about the Social Care Complaints Procedure please contact: Customer Care and Complaints Unit.

For Children's Complaints Procedure see Appendix - to follow.