**COMPLAINTS PROCEDURE**

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## Policy Statement

Silver Line Homes (SLH)-Purley seeks to promote the rights of children to be consulted and to participate in decision making which affects their lives. Children are also entitled to a consistent standard of service. It is therefore important that children have access to independent people and organisations outside the home setting in which they are living.This policy will help children to move towards taking more responsibility and control over their lives. SLH-Purley has an advice and complaints procedure available to all children in our home and they have access to consultants who provide an independent element in any complaint made by a young person that cannot be resolved locally.

This policy takes into consideration:

The Children's homes (England) Regulations 2015;

* **Regulation 7 – The children’s views, wishes and feelings standard**
* *Regulation 13.1(g) - demonstrate that practice in the home is informed and improved by taking into account and acting on*

1. *feedback on the experiences of children, including complaints received*

* **Regulation 39 – Complaints and Representations**

It is SLH-Purley’s policy that all representations and complaints made by young children who use our services will be treated seriously, positively and dealt with promptly.

Good Practice Aims

The 1989 Children’s Act requires local authorities and voluntary organisations to set up procedures to consider representations and complaints arising from the services provided by them for children and their families.

The Act emphasises the importance of children in care having access to independent people and organisations outside the home setting in which they are living.

This should be seen in the context of the young children scandals that have come to light in the last twenty years. This need for a Complaints Procedure and the need for all children to have access to independent persons and organisations are to prevent mistreatment of children. In this context the Act also emphasises the need for review to specified timescales and the need for inspection and regulation.

This is in harmony with the aims of SLH-Purley enabling children to move towards independence while being cared for safely, and for children to learn to accept responsibility and to take control of their own lives. The process is also designed to help children understand their rights and entitlements and to acquire the skills of self-assertion in their own interests and advocacy in the interests of others.

In this context the Complaints Procedure should be seen as one of a number of appropriate ways in which children can take control of their lives. Staff should be ready to support and advise as to the most effective avenue of representation if a complaint or problem has not been resolved satisfactorily at the informal in-house level; or when it is in the child's best interests to air a problem in a wider area.

Available options might include:

* Talking to their social worker in relation to disputed decisions at SLH-Purley
* Talking to the person who does the home’s Regulation 44 visit each month
* Talking to a representative from The Voice of Child in Care
* Talking to Childline - Children in Care
* Contact the helpline at the Who Cares Trust
* Use of an independent Person (see below)
* Consulting a solicitor
* Contacting a Councilor or Member of Parliament (MP).

If the problem concerns the local authority placing the child then they should use the local authority’s complaints procedure. Staff including the key worker should help children in the home in accessing this procedure. They have the right to also use this procedure about a problem at SLH-Purley especially once the SLH-Purley Complaints Procedure has been exhausted.

**Remember that any complaint or issue involving possible sexual or physical abuse should immediately be reported to a senior member of staff who will need to consider whether Child Protection Procedures should be applied.**

The Complaints Procedure will cover all children (and their families) involved in SLH-Purley’s services. The procedure may be used to:

* Challenge decisions made at any SLH homes
* Raise issues about the standard of care
* Ensure action is taken about alleged infringement of rights, abuse or ill treatment (including bullying)
* A staff member who is the subject of a complaint should be aware of their rights under staff disciplinary and grievance procedures. Unless disciplinary or court procedures are involved, information which arises from SLH-Purley’s Complaints Procedure will not appear on personal records of staff.

Complaint about the staff

In the case of a complaint about the member of staff to whom the complaint has been made will initially contact the home’s Registered Manager and/or Safeguarding Lead, if the Manager is not available.

The Manager will then inform the and Safeguarding Lead (and /or Director).

In the case of the complaint being against the Registered Manager, the member of staff will contact the Safeguarding Lead. If the Safeguarding Lead cannot be contacted, the member of staff should contact the Responsible Individual and/or the director.

In both cases, the complaint should then be taken to Stage 1 of the procedures and follow the subsequent stages if the complaint cannot be resolved.

**Procedure**

**Stage 1 (Informal Resolution)**

There is an expectation that most complaints will be satisfactorily dealt with at the point of issue. A record should be kept of all informal complaints and how they were resolved to the young person’s satisfaction.

The child can also discuss a problem with their key worker who will attempt to sort it out. It may be, however, that the child considers that a particular issue has not been resolved satisfactorily and will want to take the matter further by making a formal complaint.

The Procedure can also be made use of by parents and other interested parties.

**Stage 2 (Formal Complaints)**

The complaint needs to be written down and given to the Designated Complaints Officer (DCO) who will ensure:

* The Complaints Procedure is appropriate to resolve the matter.
* The complainant understands the procedure and has the relevant information.
* An Independent Person is appointed.
* An Investigating officer is appointed.

The Investigating Officer who can be a senior member of staff not directly the subject of the complaint is responsible for investigating the complaint within guidelines and timescale as prescribed.

The Investigating Officer will carry out a thorough investigation, interview the resident and others who are party to the complaint, and check relevant records. This should happen within 7 days of the date of the original complaint.

The Independent person’s task is to provide the objective element in the consideration of the complaints. He/she is not an investigator or an advocate for the child but has the right to examine case records.

The DCO will meet with the Independent Person within 3 days of appointment to enable the Independent Person to be fully briefed, clarify that person’s role and agree a process, plan and timetable for handling the complaint. The Independent Person will then:

* Interview the complainant and other relevant people and review documentation as appropriate (see below, Role of Independent Person).
* Observe that procedures are followed correctly.
* Participate in discussion with the investigating officer and the designated complaints officer.
* Provide a written report for all parties including the complainant.
* Make a written comment on the overall experience and make relevant representation to management.

The Investigating Officer and Independent Person will each write a report that will be considered by the Adjudicator (usually the Director) within 14 days.

The Designated Complaints Officer will write to the complainant giving the decision made by the Adjudicator. The letter should include information as to the complainant's rights at Stage 2 if he or she is still not satisfied that the complaint has been resolved. It is likely that the Independent Person will want to meet with the complainant to talk about the results of the investigation.

**Stage 3 (Reference to Panel)**

The complainant may decide to refer the complaint on to an Independent Panel. If so, the request should be submitted in writing, via the Designated Complaints Officer, no later than 14 days from the date of the letter of notification at Stage 2.

The Panel, convened by the Designated Complaints Officer, should meet within 28 days.

The complainant and the Independent Person at Stage 2 should be notified in writing of the time and date of the panel meeting.

The complainant has a right to be accompanied and supported at the meeting by another person of his/her choice

The Chair of the panel will draw up an agenda for the Panel Meeting.

The complainant, the Stage 2 Independent Person and representatives of SLH-Purley all have the right to make verbal and written submissions at the meeting.

The Panel is required to decide on its recommendation within 24 hours and to make this available in writing to all parties.

The Director, in conjunction with the Complaints Officer, is then required to consider the recommendations of the Panel in conjunction with the decision arising from their consideration. This should be conveyed to the complainant and all other relevant people within 28 days.

# Informing Residents, Parents and Social Workers about the Procedure

# The Key Worker

When a child arrives at SLH-Purley it will be the responsibility of the key worker to make sure that he/she has a copy of:

* The funding local authority's Complaints Procedure.
* SLH-Purley’s Complaint Procedure.

The key worker should make sure that the child understands the significance of these procedures.

The key worker should also ensure that, whenever appropriate, parents and any other significant peoples are also informed of the procedures (that copies are available on request) and that a copy of SLH-Purley’s procedure is given to the placing local authority social workers.

# The Designated Complaints Officer

The Designated Complaints officer for SLH-Purley is responsible for overall coordination of the procedure. His/her tasks include:

* Ensuring that children and staff are informed and understand the procedure
* Ensuring that any necessary training takes place in connection with operation of the procedure
* Recording and monitoring complaints
* Appointing the Investigating Officer and obtaining the services of the Independent Person
* Ensuring that timescales are kept
* Appointing a Panel to review decisions at Stage 3

# The Investigating Officer

The Investigating Officer is responsible for the investigation of the complaint within guidelines and timescale as described. The Investigating officer can be a senior member of staff who is not directly the subject of the complaint.

# Role of the Independent Person

The Independent Person's task is to provide the objective element in the consideration of complaints. He/she is not an investigator or an advocate for the child. The Independent Person has the right to see case records. In the course of the investigation he/she will:

* Observe that procedures are carried out correctly.
* Interview the complainant and everyone else involved with the Investigating officer to form an independent view.
* Participate in discussion with both the Investigating Officer and the Designated Complaints Officer.
* Provide a written report for all parties including the complainant.
* Make a written comment on the overall experience and make relevant representation to management.

# The Review Panel

The Panel at Stage 2 is a defined group of three persons; at least one of whom is independent. At SLH-Purley the Panel will be made up of either three or four of the following:

* An Independent Person
* A coordinator
* A member of the Administration Staff
* An Advocate if necessary or desirable

# The Advocate

In some cases it may be necessary or desirable for the child to be provided with an independent advocate who will identify the needs of the complainant and assist in presenting and clarifying the complaint. Advocacy could be provided informally by ensuring that the complainant is supported through the process by a chosen person; possibly the key worker, field social worker or a friend.

Advocacy on a formal basis will be felt to be necessary in some instances and could be provided by organisations such as the Voice of The Child in Care, National Association of Young People in Care or by Local Authority Children's Rights Officers.

# Confidentiality

All written reports and submissions will be treated as confidential to the Complaints Procedure. They will only be used in other procedures with the consent of those who have provided the information including the young persons involved.

Where the young person is still not satisfied with the outcome of their complaint the young person can complain to the registration and inspection unit which covers the placement they are in (this information can be found on the back of the complaint leaflet) or through the child's own local authority complaint procedure.

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| **Signed**: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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| **Date**: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |