

# Complaints Policy for Children's Services

<b>Policy Sponsor</b>	Corporate Director Children's Services
<b>Policy Owner</b>	Assistant Director Corporate Safeguarding & Compliance
<b>Date Approved</b>	August 2024
<b>Date for review</b>	August 2027
<b>Distribution</b>	Children's Services Personnel

## 1. Purpose

1.1 The Children's Services Complaints process (the Complaints policy) is to be used for complaints made by, or on behalf of, service users, (children, young people, foster carers, adopters, and supported lodgings providers) The purpose of the policy is;

- To ensure redress for service users through an open and fair process.
- To promote the engagement of children, young people, and their families.
- To safeguard and protect children, young people, and vulnerable adults by providing a process for them to raise concerns about the service they are receiving.
- To improve service delivery through learning from complaints and representations.

1.2 The Children's Services Complaints policy is based on shared principles for child and service user-friendly complaints processes in England, Scotland, Wales and Northern Ireland, which underpin how we will handle and investigate complaints from, or involving, children in a way that respects their rights under the United Nations Convention on the Rights of the Child (the UNCRC).

These principles align the **Barnardo's Voice and Influence Quality Standards** which have been developed based on the views, experiences and voices of children and young people.

- We will ensure that the process for handling complaints is in line with our charity's core values of being inclusive, supportive, accountable and positive.
- We will provide a safe space where children and other service users have a say concerning when, how and where they want to be heard.
- We will provide opportunities for children and other service users to form and express their views in a variety of ways;

- We will value and actively listen to what children and other service users say.
- We will ensure that children and other service users receive a response showing that their complaint has been taken seriously and acted upon

## 2. Scope

- 2.1** Service users eligible to access this Children's Service complaints process must be informed of their right to complain when the service engages with them and if they express dissatisfaction about the service they are receiving.
- 2.2** All children and young people should be able to make complaints in a variety of ways with the mechanism to complain being accessible to all children and service users equally. Formalities need to be reduced to the minimum necessary to ensure ease of access for all potential complainants. Every effort should be made to ensure children and service users feel comfortable to freely and openly express their thoughts and opinions. Complaints about non-maintained special schools must be made in writing, however.
- 2.3** Complaints received by a service must be investigated by the service manager unless:
- they are implicated,
  - the complaint is of a serious or complex nature, requiring a more senior manager to investigate
  - the trusted relationship with the service is compromised
  - the service manager's impartiality is compromised
- 2.4** Advice and guidance should be obtained from the Region/Nation Complaints Lead Manager about the most appropriate manager to investigate the complaints. The region/nation's Complaints Lead must then identify an appropriate manager for the investigation.
- 2.5** Each Region, Nation and Themed Area must have a **Complaints Lead Manager/Adviser** at ADCS or equivalent level who can advise and support staff on how to respond to complaints, monitor the response to the complaint and, where required, quality assurance check investigation reports.
- 2.6** Complaints not received directly by the service must be passed to the Region/Nation Complaints Lead Manager, who must pass the complaint to the relevant service for follow-up via the Initial Stage/Early Resolution or for formal investigation at Stage 1 or 2.
- 2.7** Children who need support to make a complaint should have access to an independent advocate.
- 2.8** Written responses to complaints should be timely and, where possible, discussed with the child, young person or other service user. The child, young person or other service user should always be given an opportunity to provide feedback.

- 2.9** A record of a complaint must be held on the service user record and a copy held in the Region/Nation/Themed Areas Confidential Complaints File unless it is a complaint about a member of staff where access to service user files by other staff is possible and could compromise confidentiality or reputation. In this instance and until the complaint is resolved the Region/Nation/Themed Areas confidential complaints file can be used to store information with clear signposting in the service user record as to where the detail is held both during and upon closure of an investigation.
- 2.10** Unacceptable behaviour from complainants and unreasonably persistent complainants must be addressed using ***unacceptable behaviour procedure section*** of this policy.
- 2.11** Agreements on how complaints are managed must be in place if Barnardo's service works in partnership or in any other agreement with another agency.

### **3. Policy**

#### **3.1 Informing Service Users, Parents and Carers about their Right to Make A complaint**

##### **a. Role of Service Manager**

- Ensure that service users are fully informed about their right to make a complaint; this could include inclusion in service information or raising at the start of group work or other activities.
- Agree with the team what could be put in place to support the making of a complaint.
- Ensure that information about the complaints process is provided to all complainants.
- Ensure that you use language and share information that is appropriate for service users' age and level of understanding.
- Provide information about complaints processes in various formats, including online resources. Make sure it's easy to find and understand.
- Tailor communication about service users' right to make a complaint based on their age, stage of development, and individual situation (including language, gender, and disability).
- Consider any additional needs that service users may have. For example, consider language preferences, disabilities, and other factors.
- Make sure that children, young people, parents, and carers in vulnerable situations can access the complaints process. Identify and eliminate any potential discriminatory barriers.
- Explain the process, as well as the roles and functions of the adults interacting with children and young people. Ensure that children and young people understand who they are sharing their views with and how those views will be used. Provide clear information about confidentiality, including its possible limits (for example, if a child reveals a criminal offence that requires prosecution)

- a. **Managers of services in Cymru** must have access to customised information for complainants that have been translated into Welsh.
- b. If the terms of the contract mean the service user could make a complaint to a National Ombudsman, ensure the responsible manager knows this. (Normally Barnardo's as a charity is not within the remit of an Ombudsman but that is not the case within Scotland where this is within remit).
- c. If the partner agency requires or the service considers essential, complaints information to be translated into languages other than Welsh, this must be undertaken by the service and costs met from the service budget.
- d. **Role of School Principal**
  - Ensure those eligible to complain know that stage one complaints about a non-maintained special school must be made in writing.
  - Ensure their members of staff know they should facilitate this for pupils and parents by either confirming in writing a complaint made verbally by a pupil or parent or assisting a pupil to put their complaint into writing.
- e. **Role of Service Staff**
  - Give service users appropriate information in accordance with their age, level of understanding and ability when you first engage with them about how they may make a complaint and explain that to them. See our **Complaints Resources** page for what can be shared.
  - Explain to the service user that they have a right to be supported by an advocate if they wish to make a complaint.
  - Review regularly with service users how they can make a complaint.

### 3.2 Complaints Stages - Summary

- a. **Initial Stage/ Early Resolution:** this is where a complaint may be resolved when it is received, with minimal investigation and the complainant is satisfied with the outcome reached. In all cases it must be recorded using the **Children's Services Early Resolution form**.
- b. **Stage 1 - Investigation (Frontline Investigation-Scotland)** the first formal stage of a complaint's investigation. It is undertaken as close to the point of the formal complaint being made as possible usually by the responsible service manager.
- c. **Stage 2 Investigation or Investigation Stage 2 in Scotland:** this is the second and final stage of the complaints process within Barnardo's, usually undertaken when the complainant or the Children's Services Complaints Manager or Region/Nation Complaints Lead Manager are not satisfied with the outcome of the **Stage 1/Formal Investigation**.
- d. This investigation stage is undertaken by an **Investigating Officer at ADCS level or equivalent Independent Person**.

### 3.3 Initial Stage / Early Resolution

- a. An Initial Stage/Early Resolution is the stage where a front-line worker or manager has listened to and heard the complainant and together, they have agreed a course of action that will resolve or make amends to the situation. It is an opportunity to resolve concerns or complaints without recourse to a formal process.
- b. There are several methods of resolution that do not require a full investigation that can be applied, including:
  - The provision of an apology or explanation.
  - Conciliation and mediation.
  - A reassessment of the child or young person's needs.
  - Practical action specific to the complainant.
  - A review of practice.
  - An assurance that the service will monitor the effectiveness of its remedy.
- c. The responsible service manager receiving the complaint, must identify the appropriate process for investigation of the complaint. This should be discussed with their line manager and advice can be sought from the Region/Nation Complaints Lead Manager. See Complaints Flowchart for further detail.
- d. Acknowledge receipt of their information to the complainant – talk to them about their complaint or what they are unhappy with.
- e. Determine what they are complaining about and what the complainant wants to be done to resolve it for them.
- f. Work in a trauma-informed way. Try and see the issue from their perspective.
- g. Agree a time frame for when you will respond to them to prevent the situation from escalating.
- h. Fact find/investigate.
- i. Share what you have found and what actions you have taken.
- j. Check-in – Is the issue now resolved for them? If so – complete an Initial Stage/ Early Resolution Form.
- k. If they remain unhappy – offer the option of their complaint being formally investigated at Stage 1.

### 3.4 Resolving A Complaint at the Early Resolution Stage

- a. Record the Early Resolution using the **Children's Services Complaints Early Resolution Form**.
- b. Include the details of the complainant, what the issues were, what outcome they wanted and what you did to resolve the situation.
- c. Share the outcome with the complainant and if possible, ask them to sign the form or send email confirmation to say they are satisfied with the result.
- d. Send a copy of the completed form to the Region/Nation Complaints lead and the Complaints Administrator for your Region or Nation.
- e. The service managers and Region/Nation Complaints Leads should review the detail in the form so that any learning for the service or beyond can be identified and shared with the **Assistant Director Corporate Safeguarding & Compliance – Children's Services/National Complaints Officer**.
- f. Region/Nation Complaints Administrator should ensure that any complaints resolved at this stage are included in the data returns to the **Assistant Director**

**Corporate Safeguarding & Compliance- Children's Services/National complaints Officer.**

**3.5 Stage 1 / Investigation Stage**

- a. Complaints not dealt with within the Early Resolutions Stage must have their complaint acknowledged in writing within two working days and the complainant informed of the next steps.
- b. Complaints requiring investigation must be investigated at **Stage 1** by an appropriate manager within **20 working days for England, Scotland (non-regulated services), Wales and NI** once the terms of reference have been agreed.
- c. In regulated services in **Scotland**, Stage 1 is called the **Frontline Investigation for regulated services**, and it must be resolved within **5** working days with an option of a mutually agreed extension with the complainant of up to **10** working days.
- d. The **Complaints Registration Form (CR Form) Part A** must be completed and signed by the service manager after agreeing the details of the complaint and the outcome wanted by the complainant. The copy must also be seen by the Region/Nation Complaints Lead Manager and then sent to the Region/Nation Complaints Administrator, and a copy must be saved to the service user case file or region/nation confidential complaints folder if there is no case file, or it is not appropriate to save the information there, for example, a complaint about a staff member.
- e. The CR Form Part A is to be shared with the complainant and a digital response from them to confirm that the detail is correct, and the investigation can commence. Timescales for completion will commence at the point of response from the complainant/service user.
- f. In the instances where a complaint is being made about member of staff, there must be a clear record in the case file if there is one that confirms a complaint has been made with the date and signposting the reader to the location of the full details relating to the complaint in the Region/Nation confidential complaints folder.
- g. Information stored in the region/nation complaints file is not exempt from Subject Access Requests.
- h. Once the CR Form Part A with any accompanying detail has been received, the manager undertaking the investigation must contact the complainant and agree a terms of reference. i.e. what is to be investigated by whom and an agreed completion date when a report will be received by the complainant. This detail must be included in the investigation report.
- i. The manager undertaking the investigation must interview any relevant people, review other relevant evidence, and document it.
- j. The recording of this information can be temporarily held in the confidential to manager folder but once an investigation is complete, stored with all the main detail of the complaint as agreed with the Region/Nation complaints lead.
- k. The manager undertaking the investigation must review the evidence and decide whether to **uphold, partially uphold** or **not uphold** the complaint and must produce an investigatory report identifying any actions required.
- l. The region/nation lead manager is to be updated on progress and is advised to undertake a QA check of reports before sending to the complainant.

- m. If during the investigation circumstances arise, such as delays in the availability of agreed witnesses, that could lead to the investigation not being completed by the agreed deadline, the complainant must be contacted to request agreement to extend the agreed date.
- n. The investigating manager or the region/nation complaints lead must write to the complainant to inform them of the outcome of the complaint including a copy of the investigation report and their right to request a **Stage 2/Final Investigation Stage** process. Included in the communication to the complainant must be detail of the required timescales to reply with the complaint's response to the complaint outcome and the detail of what is entailed in the Stage 2.
- o. The **CR Form Part B** must also at this time be completed and signed by the investigating manager and a copy send to the Region/Nation Complaints lead manager and Region/Nation Complaints administrator.
- p. The complainant has **10 working days** in which to respond.
- q. Where no response is received this will be interpreted as an acceptance of the findings.
- r. The investigating Manager in conjunction with the Region/Nation lead manager must ensure that the recommendations and learning from the investigation are recorded and sent to the **Assistant Director Corporate Safeguarding & Compliance- Children's Services** and recorded locally for shared learning and practice development.
- s. Complaints may be addressed at the Stage 2/Final Investigation Stage without undertaking a Stage 1/Frontline investigation if it is agreed by the Region/Nation lead manager and the Children's Services Complaints Manager that it warrants this. It must also be agreed with the complainant.

### 3.6 Stage 2 / Final Investigation Stage

- a. Stage 2 investigations are usually instigated because of complainants remaining dissatisfied with the organisation and the outcome and findings of the Stage 1 investigation.
- b. Stage 2 is the final investigation stage available to service users. Details of what steps service user complainants can take beyond a Stage 2 are included in section below
- c. Occasionally complaints that are more complex are investigated at Stage 2 from the beginning.
- d. The Region/Nation Complaints Lead Manager must appoint an Investigating Manager at ADCS level or equivalent, contract an Independent Person from outside of Barnardo's, and brief them about the process including providing relevant detail of the policy.
- e. For Non-maintained Special Schools, the Region/Nation Complaints Lead Manager must contract an Independent Investigating Officer; ensuring they have no conflicts of interest.
- f. The investigation process must be completed within **25** working days (Regulated services in Scotland **20** working days) of the terms of reference being agreed unless an extension is agreed by all parties.

- g. The Investigating Manager with the Independent person must interview all relevant witnesses and consider all relevant document and information from files, for example.
- h. The Investigating Manager and the Independent Person must produce reports which must be considered by the Region/Nation Complaints Manager.
- i. A copy of the outcome and findings from the Stage 2 investigation should be sent to the complainant with a final adjudication letter from the Region/Nation Complaints Lead Manager setting out the decision and including any information about what next steps the complaint could take if they remain dissatisfied with Barnardo's and the outcome.
- j. If the complainant is a looked-after child and is still not happy after stages 1 and 2, then the complainant should be advised that we cannot assist further, and we should inform them of their right to approach the Local Government Ombudsman.

### 3.7 Stage 2 – Ongoing Complaint

#### **Actions: Responsible Manager:**

- a. Consider the reasons for persistence making the distinction between those who make several complaints because they have not gotten a proper response and those making unreasonably persistent complaints.
- b. Arrange a fresh investigation if the complainant is making valid points about initial investigation.
- c. If the complainant continues to make contact when the complaints process is exhausted and there are no outstanding issues, inform them in writing that the complaints process has been exhausted and no further action may be taken.
- d. If there are processes outside Barnardo's that they may pursue, such as the ICO if the complaint relates to a data protection issue, inform them of this.
- e. If the contact from the complainant continues discuss with the Region/Nation Complaints Lead Manager and agree a strategy to respond to continued contact. If there is an immediate risk to safety contact the police.
- f. If the contact from the complainant is **unreasonably persistent or intrusive** agree a response with the Region/Nation Complaints Lead Manager and ensure all staff know what to do if the complainant contacts them.
- g. If the behaviour persists agree a plan with the Region/Nation Complaints Lead Manager and the Children's Services Complaints Manager to limit or cease contact about the complaint. It should identify the limit to behaviour which will be tolerated, if the complainant will be asked to communicate via a third party e.g. our legal advisor and consider assessing the risk of the impact of ceasing contact, on staff and on organisational vulnerability to legal action and complaints to other organisations/agencies.
- h. Identify appropriate support for those dealing with unreasonably persistent complainants including reception and administrative staff.
- i. Ensure that all contact from the complainant is logged and any verbal agreements with the complainant are confirmed in writing.

### 3.8 Unreasonably Persistent or Vexatious Complaints and Unacceptable Behaviour

- a. Unreasonably persistent behaviour or vexatious complaints refers to contact from a complainant that hinders the investigation of the complaint or where there is persistent contact after a complaint has been fully investigated and there are no further stages in the complaints process for the complainant to access.
- b. In these instances, advice and guidance as to the best course of action or intervention should be sought from either the service Senior Manager, the Region/Nation Complaints Manager or the **Assistant Director Corporate Safeguarding & Compliance - Children's Services/National Complaints Officer** or a combination of all of those together.

### **3.9 Response to Complaints that are Not from or On Behalf of a Service User (as defined in Definitions section below)**

- a. The responsible manager must decide whether there is an alternative appropriate process that should be used to manage the complaint, such as the whistleblowing, HR resolution process or data management processes.
- b. If there is no appropriate process the complaint must be investigated by an appropriate manager. The level of investigation will depend upon the seriousness and complexity of the complaint.
- c. The person undertaking the investigation must consider the elements of the complaint and the evidence gathered during the investigation to decide whether to uphold the complaint and to decide what further action, if any, is necessary.
- d. The complainant must be informed of the outcome of the investigation in writing including a copy of any outcome report.
- e. If they are not happy about the outcome or where further action is required, the matter should be discussed and agreed with the Director or Head of Service. They should also be informed if there are other bodies that they can complain to, such as the ICO if this issue involves data protection.

### **3.10 Complaint Requiring Formal Investigation**

#### **Action: Person receiving the complaint**

- a. the complaint is via email, or another written method forward it immediately to the manager of the service. Acknowledge receipt to the complainant ideally by email and inform the complainant that you have passed their complaint to the service and /or manager.
- b. If you have access to the service users file, make a record in the service user file or if there is no service user file or you do not have access to it, send a copy of the record to the service manager or the region/nation complaints administrator for saving in the region/nation confidential complaints folder within 24 hours.
- c. If the complaint is made verbally or via social media/ Barnardo's website, inform the relevant service manager immediately and follow the actions for recording described in 2 above within 24 hours.
- d. If the complaint is about the service manager, it must be passed immediately to the ADCS or equivalent.

#### **Action: Service Manager or ADCS if the Complaint Concerns the Service Manager**

- e. Identify whether the complaint meets the criteria to be investigated using the Children's Services Complaints Policy, i.e. is from, or made on behalf of a service user, foster carer, adopter or supported lodgings provider.
- f. If the complaint raises serious concerns or organisational risk, or potentially involves another process such as Serious Safeguarding Incident, serious Data Breach, Family Placement Panel, or internal management investigation, inform the responsible ADCS, or equivalent, or the Region/Nation/Themed Areas Region/Nation/ Themed Areas Complaints Lead Manager immediately.
- g. If investigation of the complaint is being deferred due to another process being undertaken; agree with the responsible ADCS or equivalent or the Region/Nation Region/Nation/Themed Areas Complaints Lead Manager, who will inform the complainant that this is happening. This should be confirmed in writing and the complainant must be provided with a written outcome of their complaint once the other process has been completed.
- h. If the complaint can be resolved to the complainant's satisfaction without additional investigation, see section 1 of procedures and apply Early Resolution.
- i. If the complaint requires investigation, follow the process for **Investigation of a Stage 1 Complaint**.
- j. If the complaint is made 12 months after the event being complained about consider if there are grounds to extend this, seeking advice from the Region/Nation Region/Nation/ Themed Areas Complaints Lead Manager.
- k. Always agree an extension if it relates to the time a child or young person was accommodated by Barnardo's. If it relates to historical abuse, follow **Historical Abuse Policy** on Inside Barnardo's.
- l. If the request to extend relates to a service user not accommodated by Barnardo's discuss with the Region/Nation/ Themed Areas Complaints Lead Manager.

### 3.11 Complaint Received by a Barnardo's Non-Maintained School

**Action: Staff working in a Barnardo's non-maintained special school**

- a. If necessary, assist a pupil to put their complaint into writing or in an age-appropriate format that is child friendly and aligns with the Barnardo's principles around making complaints described in the **Policy Introduction**.

**Action: Service Manager/School Principal or other Line Manager**

- b. Identify if this is a complaint requiring investigation using the Children's Services Complaints policy or is an informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011.
- c. If it is an (or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011 follow the appropriate procedure., otherwise follow the Children's Service Complaints Policy.
- d. Inform the appropriate Region/Nation/ Themed Areas Complaints Lead Manager or Complaints Administrator.

### 3.12 Complaint not Received by the Relevant Service

**Action: Person receiving complaint**

- a. Send the details of the complaint to the manager of the service being complained about. If the service has closed, send the details to the manager responsible for the locality or the Themed Area where the service was located, copying in the Region/Nation/Themed Areas Complaints Lead Manager and their Complaints Administrator.
- b. If the manager is the subject of the complaint send the complaint to their line manager, copying in the Region/Nation/Themed Areas Complaints Lead Manager and/or their Complaints Administrator.
- c. If it is not possible to identify the appropriate service, locality, or Themed Areas, send the details of the complaint to the Assistant Director Corporate Safeguarding & Compliance- Children's Services/National Complaints Officer.
- d. Acknowledge the complaint within 2 days of receipt, including who you have sent their complaint to, copying in either the Region/Nation/Themed Areas Complaints Lead Manager and their Complaints Administrator if the service is known or the Assistant Director Corporate Safeguarding & Compliance- Children's Services/National Complaints Officer.

**Action: Region/Nation/Themed Areas Complaints Lead Manager**

- e. Ensure that the complaint is/was acknowledged within 2 days.
- f. Identify an appropriate person to investigate the complaint.
- g. Ensure that the letter of acknowledgment to a complainant on receipt of a complaint or another letter early in the process to the complainant sets out the parameters of the process, the expectations on the organisation and the expectations of the complainant adapting **Complaint Acknowledgement Letter** or **Young Person's Complaint Acknowledgement Letter** if necessary.

### 3.13 Preparing for the Stage 1 Investigation

**Action: Responsible Service Manager**

- a. If it is inappropriate for the responsible service manager to investigate, the Region/Nation/Themed Areas Complaints Lead Manager must identify another suitable manager.
- b. The investigation process must be completed within **20** working days of the complaint having been received by the responsible service manager unless an extension has been agreed with the complainant.
- c. **For Regulated services in Scotland**, the investigation process must be completed within **5** working days with an option of an agreed extension up to a further **10** working days.
- d. Children and young people and adults without the mental capacity to act on their own behalf must be offered an advocate.
- e. Advocacy is a statutory entitlement for Looked After Children (CLA), Child in Need (CIN) and Children and Young People entitled under their Nation's Care Leavers legislation, regulation, and statutory guidance. The responsible Local Authority/Trust should make provision for an advocate for the child or young person but not to those complaining on behalf of the child or young person. Contact the child's/young person's Local Authority/Trust to arrange an advocate if an arrangement is not already in place and the child or young person wants this.
- f. Adult complainants may arrange to use an advocate if they wish.

- g. A **natural advocate**, such as a family member, may act on behalf of a child or young person or adult without mental capacity to act on their own behalf.
- h. Explain to the advocate the process to be followed and ensure that they understand the parameters of their role, see **Definitions**. Ensure that they understand that if any safeguarding concerns are identified during the investigation appropriate action will be taken, see Safeguarding Policy.
- i. Identify if any special arrangements are required to ensure that the complainant can fully participate in the process, such as provision of age-appropriate information and communication pathways, an interpreter or someone who can use sign language or other appropriate forms of non-verbal communication. If the complainant is disabled ensure that any reasonable adjustments are made, including agreeing appropriate times and locations to undertake any meetings or interviews.
- j. Identify the format that the complainant would like to receive the outcome of the investigation.

### 3.14 Undertaking the Stage 1 Investigation

#### **Action: Manager investigating the complaint**

- a. Inform staff involved in the complaint early in the process unless to do so would be detrimental to the investigation. If it would be detrimental to inform them discuss with the Region/Nation/Themed Areas Complaints Lead Manager.
- b. Explain and agree with the complainant how the investigation will be undertaken.
- c. Ensure that advocacy has been discussed with a child or young person making a complaint and that assistance has been offered to a service user who is a child or young person to find a suitable advocate.
- d. Ensure that the advocate is acting with the informed consent of the service user, or the person with parental responsibility if the service user is not of age and/ or understanding to consent, and the advocate can meet any special communication needs of a child or young person.
- e. Ensure that eligible adult service users who are complaining also have advocacy discussed with them
- f. Identify the details of the complaint and the outcome wanted by the complainant as recorded on the Complaints Registration (CR) form Part A.
- g. If an advocate is being used, and the complainant has agreed, provide the advocate with a copy of the completed complaints registration form CR Part A.
- h. If any time during the investigation, you become aware that the complaint involves safeguarding concerns, a data breach, a serious allegation against a member/members of staff or an issues which could impact on Barnardo's reputation, discuss with the Region/Nation/Themed Areas Complaints Lead Manager immediately so that a decision can be made whether to proceed with the investigation, or whether another process needs to be followed.
- i. Inform your ADCS, or equivalent, and Director, of any such concerns, unless this is being done by the Region/Nation/Themed Areas Complaints Lead. If there are any serious concerns this must be done immediately and must not be delayed if the Region/Nation/Themed Areas Lead Manager is not available. Contact the **Assistant**

**Director Corporate Safeguarding & Compliance- Children's Services/National Complaints Officer** as an alternative if required.

- j. Organise your time to be able to complete the investigation within the required timescales described in Section 2
- k. If Barnardo's personnel involved require support, advise them of the options, i.e. this could be via line management, a friend or colleague, any counselling system operated by the Region/Nation/Themed Areas, Trade Union or Professional Association or the Employee Assistance Programme (EAP).
- l. Arrange to interview any relevant people concerned with the complaint. They may be accompanied in their interview but the person accompanying them must not speak for the staff member, cannot be a solicitor acting in their capacity as a solicitor and that the investigation cannot be delayed allowing for the companion's attendance.
- m. Arrange for all records of interviews to be sent and signed as agreed, by the person interviewed and by the interviewer.
- n. Ensure all people interviewed have a copy of their signed interview notes including any corrected versions as agree with the interviewees.
- o. Keep the complainant informed of the progress of the investigation especially although not exclusively if timing is going to vary from what they were first told.
- p. Where the complaint concerns an **Adoption Service including Adoption Support Service (except Adoption Support Services in Wales)**, the Stage 1 and Stage 2/Final Investigation stage should be completed within **28** calendar days where reasonably practical, which means it is essential for the manager investigating Stage 1 does this in a timely way to allow time for Stage 2/ Final Investigation stage if necessary.
- q. Inform the Region/Nation/Themed Areas Complaints Lead Manager if the investigation of the complaint will not be completed within **20** working days, (or **5** working days for Scotland Regulated services) discuss the reasons for this and agree a timescale for completion.
- r. Inform the complainant and their advocate where applicable if the investigation will take more than 20 working days to complete or 5 working days for Regulated Services in Scotland.

### 3.15 Outcome of the Stage 1 Investigation

#### **Action: Manager investigating the complaint**

- a. Consider the evidence gathered during the investigation.
- b. For each element of the complaint use the evidence to decide whether you uphold, partially uphold, do not uphold the complaint or cannot make a judgement and the reasons for your decision.
- c. Write and complete a report of your investigation using **Template for An Investigation Report**
- d. Send a draft copy of your report to the Region/Nation/Themed Areas Complaints Lead Manager for a QA check and any final advice /discussion. Ensure that you build this step into your investigation plan and timings
- e. Agree whether to send the complainant a copy of the report or an email letter setting out the details of the investigation and the outcomes, including whether the

- elements were upheld or not and the reasons for this. This will depend on the composition of the report, such as if it includes data about third parties.
- f. Write to the complainant within 5 working days of the completion/resolution of the complaint. Send a copy of the report or a detailed e-mail letter informing them of the outcome of the investigation. The complaints may be upheld, partially upheld, not upheld, no judgment, or a combination of these if there is more than one issue to be investigated. Include any recommendations/actions that will be taken as a result of the complaint.
  - g. Inform the complainant that if they are not satisfied with the outcome of the complaint, they may request a Stage 2/Final Investigation. They must make the request within 10 working days of receipt of the outcome of the complaint, stating why they are dissatisfied with the investigation and their grounds for a Stage 2. Include age-appropriate information about the Stage 2 process if this has not yet been provided.
  - h. Complete CR Form Part B either with the complainant or from the information supplied by the complainant.
  - i. Send copies of the completed CR Form Part A and B, the investigation reports and correspondence with the complainant to the Region/Nation/Themed Areas Complaints Lead Manager and Region/Nation Complaints Administrator
  - j. Inform the Region/Nation/Themed Areas Complaints Lead Manager and the line manager immediately if the complainant confirms that they are asking for a Stage 2/Final Investigation stage process.
  - k. Save a copy of the CR Form Part A and B, the investigation report, the adjudication letter, and correspondence with the complainant to the service user record or if there is no Service user record or it has been agreed that information relating to the complaint should be stored on the Region/Nation/Themed Areas confidential complaints file.
  - l. Send interview notes and non-service user correspondence about the complaint, to the Region/Nation/Themed Areas Complaints Lead Manager and Complaints Administrator for inclusion on the record held in the Region/Nation/Themed Areas confidential complaints file.

### 3.16 Preparing for the Stage 2 Investigation

#### **Action: Region/Nation/Themed Areas Complaints Lead Manager**

- a. A Stage 2/Final Investigation stage may be undertaken without Stage 1/Frontline if it is judged that an investigation would benefit from having an Investigating Officer and Independent Person from the outset. This latter should be agreed with the complainant as it means they lose one stage of the process.
- b. If the complaint is from or concerns a child or young person accommodated by Barnardo's and Looked After or placed by a Local Authority/Trust, ensure that the relevant members of staff in the Local Authority/Trust have been informed.
- c. Ensure that the child or young person and/or their advocate or natural advocate, have been advised of their right to use the LA Stage 2/Investigation stage process which would give recourse to the LA Independent Panel Procedure at Stage 3.
- d. Review documentation to check that the request was received within the timescales, i.e. **10 working days** from when the complainant received the written

notification of the outcome of their complaint. If there are potential grounds to accept a request that does not meet the time criteria, discuss it with the Children's Services Complaints Manager.

- e. Check that there are grounds for a Stage 2/Final Investigation Stage. These would be that the investigation was not properly carried out at Stage 1, there is new information that was not considered or there is a disagreement with the decision. A Stage 2/Final Investigation review will not be undertaken if the complaint is fully upheld.
- f. Confirm in writing to the complainant that their request has been received and what action will be taken in response.
- g. If the decision is that a Stage 2/Final Investigation stage investigation will be undertaken note date of decision as that constitutes the start of the Stage 2/Final Investigation stage investigation and the time scales are calculated from that date. N.B. the start date does not have to be finalised at this point. It may be necessary to wait until after discussion with the complainant, about terms of reference.
- h. Consider whether conciliation, mediation or other services can be used instead of investigation to resolve the complaint.
- i. Ensure that the relevant managers, including the Director, are aware that a Stage 2/Final Investigation stage investigation is commencing and keep them informed accordingly.
- j. If there are serious organisational risks arising from the complaint, inform the Insurance Section, Media and Communications Manager and the Executive Director of Children's Services.

### 3.17 Undertaking the Stage 2 Investigation

#### **Action: Region/Nation/Themed Areas Complaints Lead Manager**

- a. Appoint an Investigating Officer (IO) and contract an Independent Person (IP) ensuring they have no conflicts of interest.
- b. For Non-maintained Special Schools contract an Independent Investigating Officer (IIO) ensuring they have no conflicts of interest
- c. Plan arrangements for the secure and confidential sharing of Barnardo's information.
- d. Personal data must not be sent by email or stored on personal IT equipment.
- e. Agree with the Investigating Office or Independent Investigating Officer whether they or the Region/Nation/Themed Areas Complaints Lead Manager will agree the terms of reference of the investigation with the complainant.
- f. Explain to the complainant the role of IO and IP (or IIO if the complaint is about a non-maintained special school). Inform the complainant that terms of reference should be agreed within 10 working days from the date when it was confirmed that this is a valid Stage 2/Final Investigation stage request (unless there are extenuating circumstances such as sickness or leave) and inform them that the investigation can commence when the terms of reference and areas of complaint have been agreed and signed by both parties.
- g. The terms of reference must include the complainant's preferred outcome, which may be different from that identified at Stage 1/Frontline Investigation. Inform the complainant that if it has taken longer than 10 days to agree on the details of the

- complaint/terms of reference because of extenuating circumstances, the investigation end time might need to be extended accordingly.
- h. If the complainant has new areas of complaint, consider if these should be investigated at Stage 1/Frontline or joined with the Stage 2/Final Investigation stage investigation. If it is a major new complaint, then Stage 1/Frontline should be used: if the matters are minor, they might be incorporated into Stage 2/Final Investigation stage.
  - i. Agree an investigation plan with the IO or IIO, including who should be interviewed, which might include people external to Barnardo's, and the period for the submission of the investigation report and subsequent adjudication letter.
  - j. The investigation process must be completed within **25** working days (Regulated Services Scotland 20 working days) unless an extension is agreed upon with the complainant.
  - k. Arrange access for the IO or IIO to relevant Barnardo's records and staff.
  - l. Ensure the IP is given a comprehensive overview of the complaint and has copies of relevant documents including clarity on the parameters of their role
  - m. Inform those involved in the investigation of the process to be followed and provide a copy of the complaint/s unless this would be prejudicial to the investigation.
  - n. Arrange with the Children's Service Complaints Manager access to the individual's file in the Region/Nation/Themed Areas Complaints Folder, to be given to named people e.g. Investigating Officer, for the duration of the investigation.
  - o. Arrange for the Investigating Officer to be given access to the service user record and any other type of record they require.
  - p. Provide a copy of *Investigation - Guidelines for Managers* which is available from the People Section on Inside Barnardo's.
  - q. Keep a note of the timescale and be alert to whether agreement is going to be needed to extend the 25 working days, or the 28 days for both Stage 1/Frontline and Stage 2/Final Investigation stage for Complaints about Adoption Services including Adoption Support Services (Except Adoption Support Services in Wales 25 working days), for completion of the investigation and agree with Business Support Officer any extension.
  - r. Receive the interview records from the IO or IIO.
  - s. Review and check the investigation report in collaboration with the IO and IP if needed.
  - t. Maintain records as set out in **Section 8**.

**Action: Children's Services Complaints Manager**

- u. Agree requests for Stage 2/ Final Investigation Stage with the Region/Nation/Themed Areas Complaints Lead Manager and any extension to the prescribed timescales.
- v. Review the investigation report and identify any further actions required.
- w. Ensure that the learning is shared within Children's Services through the UK Complaints Leads Group

**Action: Investigating Officer (IO) and for non-maintained special schools in England Independent Investigating Officer (IIO)**

- x. Inform the Region/Nation/Themed Areas Complaints Lead Manager or person conducting the Stage 2/ Final Investigation stage if you have or are likely to have any conflict of interest which would affect your investigation of this complaint.
- y. Decide with the Region/Nation/Themed Areas Complaints Lead Manager which of you will agree the details of the complaint and terms of reference with the complainant.
- z. If taking responsibility for the terms of reference, agree the details of the complaint and the terms of reference with the complainant and confirm in writing.
- aa. Ask the complainant to sign or confirm in writing that they agree the complaint and terms of reference. Inform the complainant that the Terms of Reference should be agreed within 10 working days from the date when it has been confirmed that a Stage 2 /Final investigation will be undertaken, unless an extension has been agreed by the Region/Nation/Themed Areas Complaints Lead Manager.
- bb. Agree the investigation plan with the Region/Nation/Themed Areas Complaints Lead Manager including who should be interviewed, which might include people external to Barnardo's, and the period for the submission of the investigation report and subsequent adjudication letter.
- cc. Review all relevant documentation and any other relevant information. Discuss any queries or other issues arising with the Region/Nation/Themed Areas Complaints Lead Manager.
- dd. Investigate the complaint fully, accessing personnel and records as necessary, using **Investigation - Guidelines for Managers** for guidance.
- ee. Write up interviews and get these signed as agreed with interviewees.
- ff. Keep the complainant informed of progress of the investigation.
- gg. Consider each element of the complaint, review the evidence gathered during the investigation and decide whether or decide whether each element is upheld, partially upheld, or not upheld.
- hh. Consider the report of the Independent Person and any implications for your investigation.
- ii. Complete a report using as a guide **Template for An Investigation Report** a response to each of the different areas of complaint stating whether upheld, partially upheld, or not upheld, the reasons for your decision, explain why your judgements are different to those made in the Stage 1 investigation, if this is the case, and make recommendations for action.
- jj. Send the report and interview records as soon as completed to the Region/Nation/Themed Areas Complaints Lead Manager and copy in the Region/Nation/Themed Areas Complaints Administrator.

**Action: Independent Person (IP)**

- kk. Ensure you have received a comprehensive overview of the complaint, and copies of documentation deemed necessary from the Region/Nation/Themed Areas Complaints Lead Manager.
- ll. Agree arrangements for the secure sharing and storage of data with the Region/Nation/Themed Areas Complaints Lead Manager.
- mm. Undertake preliminary discussion with the IO regarding the investigation plan and timeline.
- nn. Accompany the IO to the interviews undertaken to investigate the complaint.

- oo. Draft a report, within the agreed time scale, which comments on what happened in interviews, the fairness and conduct of the investigation and on the appropriateness of the conclusions and recommendations of the Investigating Officer's report.
- pp. Send the report to the Region/Nation/Themed Areas Complaints Lead Manager upon completion of the investigation.
- qq. Return or securely destroy securely any documentation relevant to the investigation and confirm to the Region/Nation/Themed Areas Complaints Lead Manager that this has been done.

### 3.18 Outcome of Stage 2 Investigation

#### **Action: Region/Nation/Themed Areas Complaints Lead Manager**

- a. Consider the reports from IO and IP or IIO with the Children's Services Complaints Manager and identify any amendments or further action required.
- b. Inform the IO and IP or IIO of any further work needed or that their investigation is complete.
- c. Identify with the Children's Services Complaints Manager whether there are any organisational or legal implications that need to be addressed, and if so, inform the appropriate managers.
- d. Draft the Adjudication Letter and agree this with the Children's Services Complaints Manager.
- e. Ensure this letter informs the complainant what steps they can take next if they remain unhappy with the outcome of the Stage 2 investigation.
- f. Provide the locality ADCS or equivalent and the responsible Director or Head of Service with copies of the investigation report and adjudication letter.

## 4 Definitions and Key Concepts

- 4.1 Complaint** is an expression of dissatisfaction or concern about the standard of a children's service including the associated line management and/or the actions or lack of action by the service towards an individual child or young person or other service user.

This policy sets out the process for responding to complaints made by people, or on behalf of people, receiving a service provided by Barnardo's Children's Services including Family Placement and Education, Training and Skills (ETS).

- 4.2 Complainant** - the following people may complain using the Children's Services Complaints Policy and Procedure:

- Children and young people who are, or have been within the last twelve months, users of a children's service including children who may or have been adopted. This includes their advocate with their consent.
- Adults e.g. parents, carers, adopters, special guardians, those with parental responsibility, and birth relatives on behalf of children and young people receiving services

- The parents of prospective or actual pupils of non-maintained special schools
- Adult users of a children's service including Adoption Support Services
- Adopted persons, their birth family, and former guardians where the complaint does not fall within the remit of the **Historical Abuse Policy**.
- Family Placement (Adoption and Fostering) applicants during assessment and after approval
- Others whom Barnardo's considers having sufficient interest in a child or young person, to warrant their representations being considered including a partner agency if complaining on behalf of or about service to an individual service user

**4.3 Investigating Officer (IO)** is the person appointed to undertake a Stage 1 or 2 Investigation. The IO will usually be an employee who has the position, knowledge, and skill to address the specific complaint. If Barnardo's are unable to appoint an internal person to undertake this task a suitable person from outside the organisation may undertake the role.

**4.4 Independent Person (IP)** is a person not employed by Barnardo's appointed to oversee the fairness and accuracy of a **Stage 2 Investigation**. The IP is appointed by the relevant **Region/Nation Complaints Lead Manager**. They must agree any Barnardo's privacy, confidentiality requirements; and receive information about who the **Assistant Director Corporate Safeguarding & Compliance- Children's Services** is. They cannot be an employee of Barnardo's, or a person engaged in any way with furthering the objects of the organisation or a spouse, civil or other partner of either of these. The IP is not and must not act as an advocate for the complainant and must declare any conflict of interest.

**4.5 Independent Investigating Officer (IIO)** is appointed for non-maintained special schools in England and is always external to the organisation and investigates alone.

**4.6 Advocate** is a person who provides independent and confidential support to the person making a complaint or representation. The advocate should help to ensure that the complainant understands the process and they should aim to work towards a speedy and satisfactory resolution of the complaint. They cannot be a practising lawyer, the subject of the complaint or their line manager or someone involved in the management of the service.

**4.7 Natural Advocate** is a close family member, e.g. someone with parental responsibility, who may act as advocate where a child or young person or adult lacks competence to act for themselves. They may make a complaint on behalf of the child, young person or adult who lacks competence. The Investigating Officer must ensure that the complaint is in the interest of the child, young person or adult who lacks competence and establish if the natural advocate has talked to them about the complaint and ascertained their views as far as is possible, about the complaint.

## 5 Roles and Responsibilities Overview

- 5.1 Region/Nation/Themed Areas Director or Head of Service** should maintain an overview of complaints received in the Region/Nation or Themed Areas via their local Region/Nation/Themed Areas Complaints Lead Manager and ensure that any learning or recommendations from complaints are cascaded.
- 5.2 Assistant Director Children's Services/ Assistant Head of Business or equivalent** should review the complaints received in the services they are responsible for and address any issues arising from these, investigate complaints where appropriate (this includes ensuring management investigation if a complaint is made about a service by someone not entitled to bring a complaint under the "Complaints policy" or other Barnardo's internal process) and ensure that the members of staff in their locality/Themed Area are implementing the Complaints policy. They should ensure that there is agreement with any partner agency on the protocols, concerning complaints to be followed in a service they are responsible for.
- 5.3 Responsible Service Managers and School Principal** are responsible for ensuring that the staff and volunteers that they are responsible for understand and implement the Complaints policy; ensuring that users of the service understand their right to complain and for investigating complaints where appropriate. They should ensure that there are protocols in place with partner agencies concerning complaints.
- 5.4 Barnardo's workers** are responsible for providing service users, foster carers, adopters or supported lodgings providers with information about their right to complain, including the provision of information about the complaints policy and to report any complaints or expressions of dissatisfaction to their line manager immediately.
- 5.5 Region/Nation/Themed Areas Complaints Lead Manager** role is a **Region/Nation/Themed Areas ADCS, or equivalent** and is a task allocated by the relevant Director or Head of Service. They can delegate part of the function but overall responsibility rests with them.

The **Region/Nation/Themed Areas Complaints Lead Manager** has responsibility for:

- co-ordinating the management of Children's Services/Themed Areas complaints across their Region/Nation/Themed Areas
- supporting the implementation of training, learning and development plans/activities and advice to staff and managers in respect of complaints
- ensuring that complaints are responded to within the agreed timescales and to the required standard
- seeking advice as appropriate from the Children's Services Complaints Manager

- providing information to the Region/Nation/Themed Areas management team about complaints,
- contributing to the development of organisational policy and practice in relation to complaints.

**5.6 Complaints Administrator** has responsibility for maintaining the Complaints Log in respect of complaints in relation to their Region/Nation/Themed Areas; maintaining the records in relation to the complaints and providing support to the Region/Nation/Themed Areas Complaints Lead Manager.

**5.7 Assistant Director Corporate Safeguarding & Compliance- Children's Services** is a member of the Safeguarding and Quality Team and is responsible for:

- Producing and reviewing this policy and procedure
- Providing advice and support in relation to complex complaints including those at Stage 1 and 2
- Providing reports and other information about Children's Services Complaints to the appropriate bodies

**5.8** For further information on Roles and Responsibilities please see **Section 6.1** below:  
**Overview of Roles and Responsibilities During the Complaints Process**

## **6 Procedures**

Service users eligible to access this Children's Service complaints process, must be informed of their right to make a complaint when the service engages with them and if they express dissatisfaction about the service they are receiving.

All children and young people should be able to make complaints in a variety of ways with the mechanism to complain being accessible to all children and service users equally. Formalities need to be reduced to the minimum necessary to ensure ease of access for all potential complainants. Every effort should be made to ensure children and service users feel comfortable to freely and openly express their thoughts and opinions. Complaints about non-maintained special schools must be made in writing, however.

Complaints received by a service must be investigated by the service manager unless -

- they are implicated,
- the complaint is of a serious or complex nature requiring a more senior manager to investigate
- the trusted relationship with the service is compromised
- the service managers impartiality is compromised

Advice and guidance should be obtained from the Region/Nation Complaints Lead Manager about the most appropriate manager to investigate the complaints. The region/nation's Complaints Lead must then identify an appropriate manager to undertake the investigation.

Each Region, Nation and Themed Areas must have a Complaints Lead Manager/Adviser at ADCS or equivalent level, who can advise and support staff how to respond to complaints, to monitor the response to the complaint and where required quality assurance check investigation reports.

Complaints that are not received directly by the service must be passed to the Region/Nation Complaints Lead Manager, who must pass the complaint to the relevant service for follow-up via the Initial Stage/Early Resolution or for formal investigation at Stage 1 or 2.

Children who need support to make a complaint should have access to an independent advocate.

Written responses to complaints should be timely and where possible discussed with the child, young person or other service user. The child, young person or other service user should always be given an opportunity to provide feedback.

A record of a complaint must be held on the service user record and a copy held in the Region/Nation/Themed Areas Confidential Complaints File unless it is a complaint about a member of staff where access to service user files by other staff is possible and could compromise confidentiality or reputation. In this instance and until the complaint is resolved the Region/Nation/Themed Areas confidential complaints file can be used to store information with clear signposting in the service user record as to where the detail is held both during and upon closure of an investigation.

Unacceptable behaviour from complainants and unreasonably persistent complainants must be addressed using the *unacceptable behaviour procedure section* of this policy.

Agreements on how complaints are managed must be in place if a Barnardo's service is working in partnership or in any other agreement with another agency.

## **6.1 Overview of Roles and Responsibilities During the Complaints Process**

### **Role of Region/Nation/Themed Areas Complaints Lead Manager**

- a. Receive and review copy of Complaints Registration and Signing off Form (CR Form part A and B). If not completed fully, return to the person completing the form stating what further information is required.
- b. Check that the Children's Services Complaints process is the correct process to be followed and if there are no other processes that need to be followed, such as safeguarding. If another process is required discuss with the investigating manager and agree action to be taken.
- c. Provide advice and support at all stages during the investigation to the person investigating the complaint.

- d. Region/Nation/Themed Areas Region/Nation/Themed Areas Complaints Lead Manager Family Placement to inform the Adoption Agency Manager of complaints concerning Adoption Services.
- e. If a complaint is made by a Looked after Child liaise with the Local Authority/Trust complaints manager and Local Authority/Trust Independent Reviewing Officer to identify options for resolution. The protocol established with the Partner Agency should say whether the identifying options for resolution function, is delegated wholly to Region/Nation/Themed Areas services where there is minimal or delegated LA or Regional Adoption Agency Social Worker involvement e.g. Fostering and Adoption.
- f. Consider any requests to extend the investigation period to give time to resolve the complaint at Stage 1/Investigation agree extension date where appropriate and with the complainant.
- g. Review the reports and information received about the investigation of the complaint and recommend to the investigating manager any other action required following their investigation: highlight any learning to the Region/Nation/Themed Areas Director or Head of Service.
- h. Discuss and inform the Assistant Director Corporate Safeguarding & Compliance-Children's Services about any requests for a Stage 2/ Final Investigation stage
- i. Ensure that the quality of the investigation of the complaint and the reports produced are of the standard required via a Quality Assurance check and, if they are not, identify with the investigating manager what further actions or evidence gathering are required.
- j. Ensure that any organisational or regulatory requirements have been met.
- k. Pursue the completion of any outstanding records when informed of this by the complaint's administrator.
- l. Compile and send to the complainants final closing information for example closing email letter or some other age-appropriate method for children and young people.
- m. Prepare quarterly reports about complaints activity to your Region/Nation/Themed Areas Director or Head of Service.
- n. Provide quarterly reports for the **Assistant Director Corporate Safeguarding & Compliance- Children's Services/National Complaints Officer.**
- o. Participate in the sharing of the outcomes, recommendations and actions of complaints in your area for shared learning purposes.
- p. Contribute to the UK Complaints training programme as requested by the **Assistant Director Corporate Safeguarding & Compliance – Children's Services/National Complaints Officer.**

#### **Role of the Region/Nation/Themed Areas Complaints Administrator**

- q. Make an individual folder and enter information about the complaint in the Region/Nation/Themed Areas central complaints record.
- r. Inform Region/Nation/Themed Areas Complaints Lead Manager of new complaints and send a link to the complaints folder.
- s. File emails and documents relating to the complaint scanning these if required.
- t. Alert the Region/Nation/Themed Areas Complaints Lead Manager if complaints documentation is not being received in a timely manner from those responsible for the investigation.

- u. Track the timescales of complaints and keep the Region/Nation/Themed Areas Complaints Lead Manager informed.
- v. Participate in regular update meetings with the Region/Nation/Themed Areas Complaints Lead Manager.
- w. Act as one of the permissions holders of the region/nation/Themed Areas confidential complaints file.

## 6.2 Training and Induction

- a. All Children's Services managers are required to attend training about the complaints process and policy and must be given information, guidance and learning opportunities about complaints and conflict resolution tools and techniques, ideally within the first year in post. All Children's Service Managers are required to attend refresher training sessions. Details about the training can be obtained from your region/nation lead manager.
- b. Children's Services teams should ensure they have the necessary tools or training to effectively communicate with all service users.

### **Action: Children's Services Complaints Manager**

- c. Induct new Region/Nation/Themed Areas Complaints Lead Managers into their role.
- d. Provide advice and support to Region/Nation/Themed Areas Complaints Lead Managers in respect of complex Stage 1/Investigation stage complaints.
- e. Provide advice and support in relation to all Stage 2/ Final Investigation stage complaints

### **Action: Region/Nation Region/Nation/Themed Areas Complaints Lead Manager**

- f. Arrange for complaints briefings to be on the Region/Nation/Themed Areas Management Team Meeting Agenda regularly and at least once every quarter
- g. Provide complaints induction training for newly appointed Managers even if they are internal appointments.
- h. Ensure that the Service Complaints Administrator understands their role and responsibilities.
- i. Ensure they themselves as Complaints Lead Managers receive Complaints Induction training.
- j. Ensure that managers are referred to attend UK Complaints Training by contacting the UK Complaints Administrator
- k. UK Complaints Administrator to maintain a list of attendees and completed training

### **Action: Assistant Director Children's Services or equivalent**

- l. Ensure regular discussions take place about complaints and compliments with their line managers.
- m. Check that line managers fully understand their role within the Complaints Policy as part of their induction and are making new workers aware of the requirements of the policy.
- n. Ensure that any regulatory requirements in respect of complaints are being met.

**Action: Responsible Manager/Service Manager**

- o. Ensure that staff and volunteers understand what constitutes a complaint and they know what to do if they receive one.
- p. Ensure that briefing about the complaint process and policy and information to service users is an annual standing item for the team meeting agenda.
- q. Ensure any learning and recommendations from complaints made about the service is shared with the team.

## 7 Associated Legislation, Guidance, References and Documents

- Common Principles for a Child-Friendly Complaints Process-Children's Commissioner for England

[https://assets.childrenscommissioner.gov.uk/wpuploads/2017/07/Common\\_Principles\\_for\\_a\\_Child\\_Friendly\\_Complaints\\_Proces.pdf](https://assets.childrenscommissioner.gov.uk/wpuploads/2017/07/Common_Principles_for_a_Child_Friendly_Complaints_Proces.pdf)

- Child Friendly Complaints Handling Principles, Scottish Public Service Ombudsman

<https://www.spsso.org.uk/sites/spso/files/CFC/CFCPrinciplesForConsultation.pdf>

- A guide to handling complaints and representations by local authority social services, Welsh Government

<https://www.gov.wales/sites/default/files/publications/2019-05/a-guide-to-handling-complaints-and-representations-by-local-authority-social-services.pdf>

- Northern Ireland Complaints standards for Northern Ireland, Public Services Ombudsman,

[Complaints standards for Northern Ireland | NIPSO](#)

- Department for Education and Skills

[Microsoft Word - Complaints Guidance.doc \(publishing.service.gov.uk\)](#)

## 8 Compliance and Oversight

The Region/Nation/Themed Areas Complaints Lead Manager is responsible for ensuring compliance with the policy in their Region/Nation/Themed Areas with the appropriate Assistant Director, Head of Quality or equivalent.

The Children's Services complaint manager is responsible for the review and compliance of the policy in conjunction with the region/nation/Themed Areas Directors/ Head of Service and complaints lead managers.

In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:

- The Risk Owner will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment.
- The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans.

## 8.1 The Recording and Monitoring of Complaints

### **Action: All Staff**

- a. A record of the complaint, the correspondence with the complainant related to the complaint, the CR Form part A and B, the adjudication letter and the investigation report must be placed on the service users, carers or supported lodgings providers' case file.
- b. A record of the complaint, correspondence related to the complaint, the CR Form Part A and B, the adjudication letter, notes of interviews and the investigation report must be saved to the Regional/National/Themed Areas Complaints folder.
- c. Where the subject of a complaint requiring investigation is a member of staff, the investigating manager can use the region/nation/Themed Areas complaints folder to store records whilst the investigation is live. Permissions to access the file relating only to the complaint can be obtained from the region/nation/Themed Areas complaints administrator.
- d. Once the complaints have been resolved and closed the investigating manager and the Region/Nation/Themed Areas complaints lead manager should agree where the final records will be held. That could be the service user file, the region/nations/Themed Areas complaints file or the relevant staff file.
- e. If the complaint results in disciplinary or other processes, this will be recorded in line with the appropriate procedure. The records of interviews with other parties will be stored in the Regional/National/Themed Areas complaints folder.

## 8.2 Regional, National Themed Areas Complaints Records

### **Action: Region/Nation/Themed Areas Complaints Administrator**

- a. Set up an area for Complaints Administration in Content server.
- b. Access to the Complaints Administration area will be restricted to the Director or Head of Service, the Region/Nation/Themed Areas Complaints Lead Manager, The Complaints Administrator, the Children's Services Complaints Manager and the Business Support Assistant.
- c. Set up a folder for each individual complaint requiring investigation using following naming convention, the date of the complaint and the name of the complainant.

- d. The individual complaints folder must be deleted in accordance with the individual service 'Your Data, Your Rights' statement unless there is no service user record, and the nature of the complaint is so serious it requires retention for longer. This must be agreed with the Children's Services Complaints Manager.

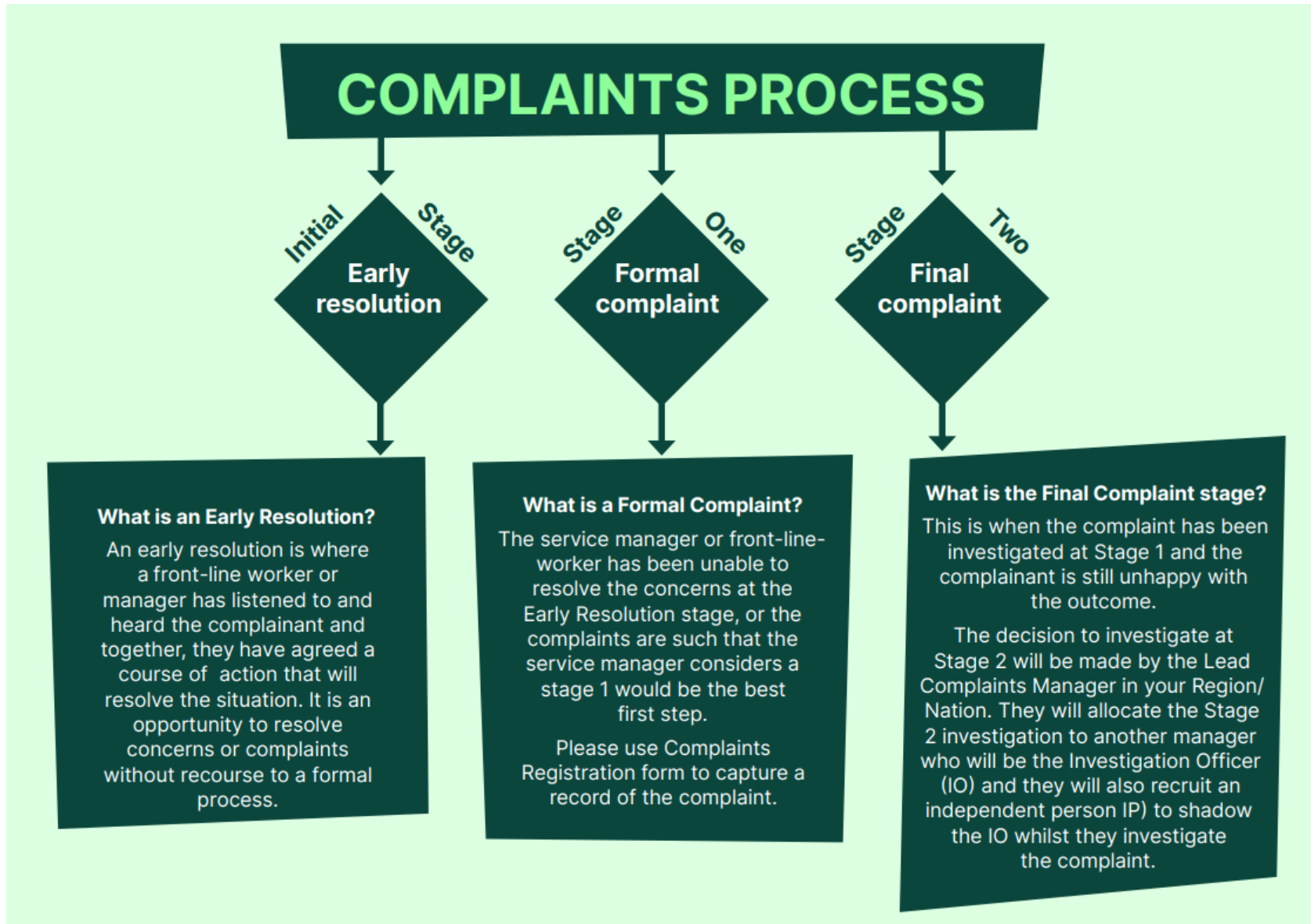
### **8.3 Maintaining a data base and monitoring complaints**

#### **Action: Region/Nation/Themed Areas Complaints Administrator**

- a. Input data about all complaints received using the details from the Early Resolution form.
- b. If the complainant decides not to progress the complaint, input the reason for this in the notes section and close the complaint on the Children's Services Complaints Database.
- c. If the complaint moves to a formal Stage 1 and there are missing fields in the CR Form Part A form return them to the manager submitting them for completion.
- d. When the CR Form Part B is received enter the data onto the database and close the complaint unless the complainant submits a request for Stage 2/ Final Investigation.
- e. Enter data onto the Complaints Database when Stage 2 is completed.
- f. Review the Central complaints folder regularly and inform the Region/Nation/Themed Areas Complaints Lead Manager of any outstanding information.
- g. Provide regional, national, or Themed Area reports from the complaints Data Base as required.
- h. Delete personal data from the Complaints Database in accordance with our organisational GDPR policy.



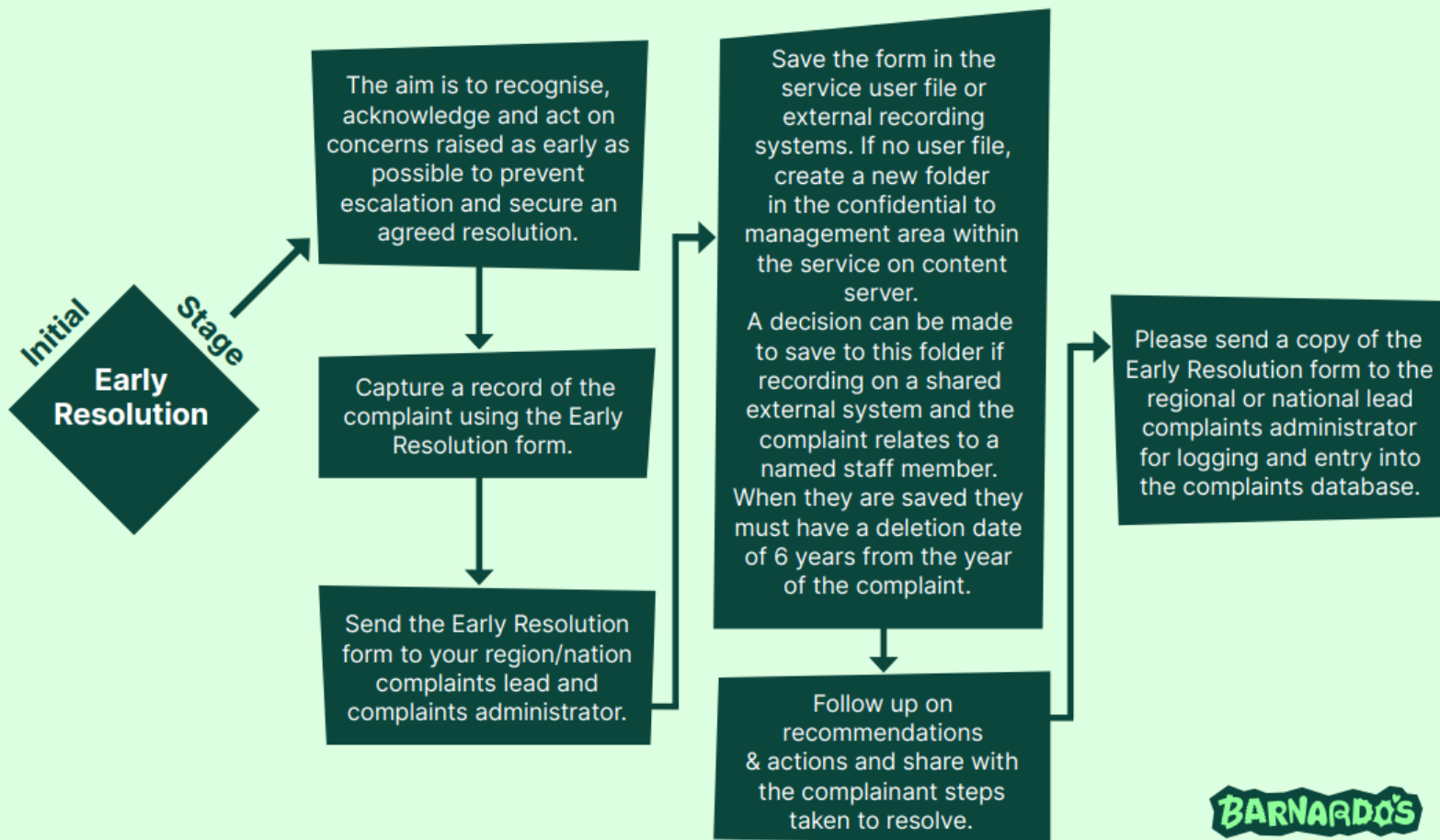
Changing childhoods.  
Changing lives.





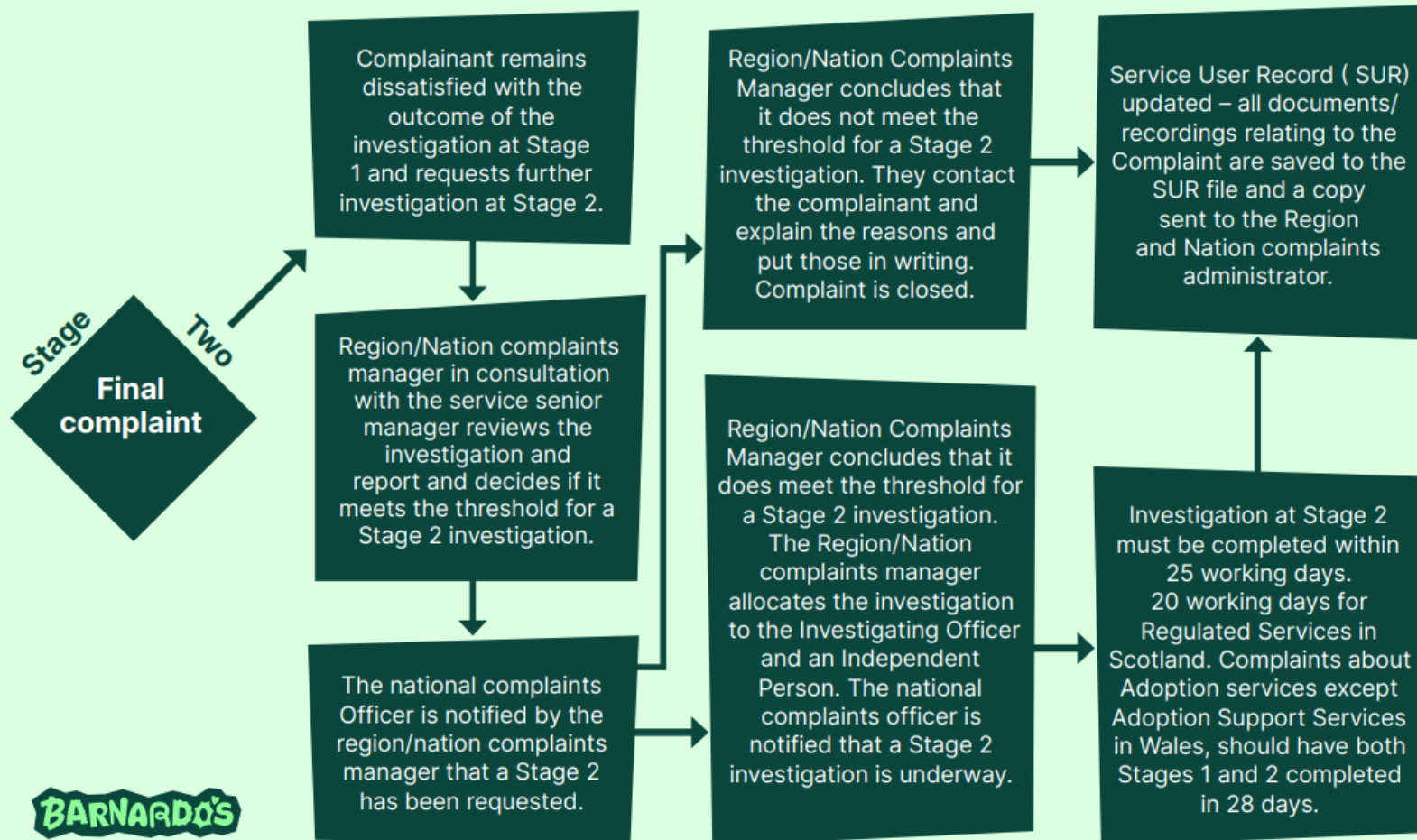
Changing childhoods.  
Changing lives.

## COMPLAINTS PROCESS



Changing childhoods. Changing lives.

## COMPLAINTS PROCESS



## 9 Version History

Document History	Date	Author	Comments	Approval
1	11/10/20	Pat Greene	For approval by CSMT	Final Draft
2	10/11/21	Pat Greene		Review
3	01/01/24	Michelle Dougan		Review
4	15/05/24	Jacqui Bazley	Draft for consideration, action and sign off.	Review
5	02/12/24	Mezz Lewis, Shelly Eades-Jones, Tony Sleight	For review by Michelle Dougan and CSMT	Final Draft