

1. Representations, Complaints, Comments and Suggestions Policy & Procedure RG11

(Hereafter referred to as the Complaints Procedure)

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Section 1. General Information

Introduction

This Policy and Procedure details arrangements for the reception, processing, resolution, recording and monitoring of complaints, representations and other comments, including compliments, in relation to Care Today Children's Services and Parallel Parents Ltd. This document details the scope of the complaints procedure, whom it applies to and who may use it, outlines the three stages of the complaints process, and offers advice, guidance and useful contact details to complainants. The document also includes a summary of the policy and procedure and a template form suitable for children and young people.

Definitions and Scope

Complaints

A complaint is a written or oral expression of dissatisfaction in relation to an individual child/young person, a foster parent or placement, or children's home (if complaint from the public) about Care Today's/Parallel Parents exercise of its functions under the National Minimum Standards and Regulations 2011, and other relevant legislation.

Representations and 'on the spot' Complaints

A representation or 'on the spot' complaint is an issue or concern about a service, or lack of service that can be resolved quickly and informally (usually within 48 hours). Representations are recorded and monitored but are not formally classified as complaints.

Comments / Suggestions

A comment is a general statement about services, policies or practice and can be positive or negative in nature. A suggestion is the expression of an idea for a new service or improvement to existing services. We welcome all constructive comments and suggestions.

Compliments

A compliment is an expression of praise or recognition. This can be in relation to an individual, or the service as a whole.

Who can complain?

The Regulations recommend that Care Today/Parallel Parents should consider any complaint made by:-

- a) Any child who is being looked after by them (or receiving education from them in respect of Residential Schools)
- b) A parent of the child/young person
- c) Any person who is not a parent of the child/young person, but who has parental responsibility for him/her
- d) Such other people that Care Today/Parallel Parents considers have sufficient interest in the child/young person's welfare to warrant their complaints being considered
- e) Foster Carers, prospective foster carers and members of their household may use this procedure to complain in their own right, or on behalf of a child/young person
- f) This procedure can be used for handling external complaints e.g. from local shopkeepers, neighbours etc.

Complaints made by children and young people

Care Today/Parallel Parents will also consider complaints from care leavers or children/young people who have previously been looked after by the service (please see paragraph on time limits below).

Complaints made on behalf of a child/young person

Where a complaint is made by an adult on behalf of a competent child, Care Today/Parallel Parents will seek to confirm that the young person is in agreement with the complaint being made on his/her behalf and that s/he agrees with its contents. If the young person is not in agreement with a complaint being made on his/her behalf, Care Today/Parallel Parents will inform the adult that their complaint will not be considered and why.

The child/young person will be encouraged to make their own complaint if they are dissatisfied in any way. Complaints will always be considered where there are or may be safeguarding implications.

Anonymous complaints

Anonymous complaints will be dealt with in the same way as other complaints as far as possible. The fact that the complaint is from an unknown source does not necessarily preclude it from appropriate investigation or referral to other procedures/agencies as applicable.

All complainants must be made aware that they can complain directly to the Office for Standards in Education (Ofsted), Children's Services and Skills (Children's Rights Director). Children and young people can also directly access the Complaints Procedure of their Placing Authority.

What can be complained about?

A complaint may arise as a result of many things. The below list is not exhaustive, but provides some examples of complaints that will be considered by Care Today/Parallel Parents:-

- lack of service or quality of service
- refusal to provide a service
- delay in receiving a service
- quantity, frequency, appropriateness or cost of a service
- the conduct or attitude of staff or foster carers
- unwelcome or disputed decisions in relation to the approval of a foster carer or prospective foster carer (applications may also be made to the Independent Review Mechanism)
- the decisions made at a meeting or decisions made by staff or foster carers
- lack of communication/consultation when decisions about the way a children's home is run are made.
- behaviour problems affecting the community
- Care Today/Parallel Parents will also enable complaints to be made about matters which affect a group rather than an individual. For example, inappropriate restrictions on the lives of children/young people in residential care, such as preventing children's activities for the convenience of staff; fixing meal times to suit staff/carers rather than to fit in with the normal needs of the child/young person or preventing children's normal activities outside the children's/foster home.

Where does the Complaints Procedure not apply?

Some complaints must be processed outside of these Procedures. These will include complaints of physical, sexual or emotional abuse by a professional or carer, which will instigate Child Protection and/or Disciplinary Procedures. If such complaints are made to staff/carers, they should consult their Line Manager/Foster Care Development Worker. Please see Appendix 5.

If the complaint is about the Registered Manager of a Home (or Parallel Parents)/Foster Care Development Worker, the complaint can be made directly to the Responsible Individual / Senior Management / Quality Managers and Ofsted, as appropriate. Please see Appendix 5 for details of how allegations of abuse or harm are handled.

What is exempt from this Complaints Procedure?

- A complaint which has already been investigated up to stage 3 of these procedures.
- Disciplinary, grievance or employment matters (please see Disciplinary/Grievance/Capability Procedures)
- Complaints about decisions relating to approval or termination of approval of foster carers (in such cases, after a representation has been made to the fostering service, an application should be made to the Independent Review Mechanism; please see foster carer review procedures)
- Complaints with legal or insurance implications; these matters are for the courts to decide.

- Complaints that are being dealt with in court (usually, such complaints will already have been investigated up to Stage 3 of these Procedures)
- External investigations, such as criminal proceedings, Section 47 enquiries, court proceedings etc.
- A complaint which does not relate specifically to Care Today / Parallel Parents or the exercise of its functions under the current legislative framework. Complaints in relation to actions or decisions of another agency will not be considered under this procedure.

Care Today / Parallel Parents will exercise discretion in deciding whether to consider any complaints where to do so may prejudice any ongoing court proceedings, tribunals, disciplinary proceedings or criminal proceedings.

Time limits for making a complaint

Generally, Care Today/Parallel Parents will not consider complaints made more than one year after the grounds for making a representation arose, unless it is reasonable in all the circumstances to pursue an investigation and representations can be considered effectively and efficiently. The time limit of one year may be extended at Care Today/Parallel Parents' discretion, taking into account the following considerations:-

- There is a genuine vulnerability issue or safeguarding concern with current implications
- It was not possible or reasonable for a child/young person or other to raise a complaint at the time
- There is something to be gained from an investigation
- Relevant information is still available and staff/carers present at the time are still employed/approved by the company

Legislation

The Children Act 1989 gives the Secretary of State powers to make regulations about handling representations (including complaints) relating to services for the support, care and protection of children. Regulations relating to the handling of representations have been in force since 1991. The Children Act has since been amended, in particular by Section 117 of the Adoption and Children Act, 2002, and now gives powers to make regulations which:

- a. allow for an initial resolution without the need for an independent element
- b. impose time limits for the making of representations

The National Minimum Standards / Children's Homes Regulations and the National Minimum Standards / Fostering Service Regulations (2011), under which Care Today/Parallel Parents operates, require SSDs, Independent Fostering Agencies and Registered Children's Homes to establish procedures for considering complaints about children's services. Working Together to Safeguard Children sets out the procedures to be followed by all interested parties when investigating allegations of harm or abuse by staff or carers.

The statutory framework for Local Authorities is set out in Statutory Guidance – 'Getting the Best from Complaints; Social Care Complaints and Representations for Children, Young People and Others', DCSF, 2006. Whenever necessary, Local Authorities should ensure that young people are supported to access Advocacy services in order that they are able to make their views known during the complaints and representation process.

Guidance to the relevant legislation (as set out above) has been incorporated into this Complaints Procedure.

Section 2. Policy

Key principles of Good Practice

Active Listening to minimise concerns and complaints: The principle behind the complaints procedure is that children and other complainants should have access to a procedure which offers an opportunity to make statements about, or to challenge, decisions made by service providers. However, to minimise complaints, it is essential that the Registered Manager/Fostering Manager and their staff/foster carers take into account the views of the child or young person's family, their social worker and their Independent Reviewing Officer (IRO) about the child's routines and how the home contributes to their overall care plan. The child/young person should also have his views and wishes on all aspects of his/her care and support taken into account. Where significant wishes or concerns are not acted upon, s/he is helped to understand why, and informed how to obtain support and make a complaint. The child should also know that the views of others with an important relationship to them are gathered and taken into account.

Where children and young people do not have English as their first language, then careful arrangements should be made so that they can access appropriate communication support. Where children with disabilities have specific communication needs, arrangements should be in place to support their communication, so they can make their views known about the running of the home. Communication methods may include letters, electronic media or suitable aids and equipment.

Complaints procedures should not be seen as the only way of resolving differences of opinions about services and management. Every effort should be made to use assessment and review in a positive and constructive way, in order to negotiate a clearly understood package of services, with accurate information for all concerned about what is being provided.

Staff/Carers need to consider carefully their attitude to any complaints made to them. If we are to improve our services, we need to address areas of concern and implement actions to produce effective changes. Whatever happens, staff should not feel these changes are a threat, but should pride themselves on offering a service whereby children/young people (many of whom are vulnerable, with complex issues, and have developed patterns of behaviour which include provocative behaviour; manipulating peers and adults alike and sometimes making unfounded allegations in order to provoke a response), are able to complain without the threat of victimisation. Reprisals against anyone making a complaint are strictly forbidden. Children, in particular, must know they can take up issues in the most appropriate way with support and without fear this will result in any adverse consequences. Children must receive prompt feedback on any concerns or complaints raised and must be kept informed of progress.

Children/young people in our care have the right to privacy, dignity, independence and the right to fair treatment. They are able to talk about their anxieties and feel free to air their views about their treatment and the services we provide. At the same time, the community has a right not to suffer disruption/problems.

Objectives of the Complaints Procedure

1. To provide an effective, clear and easy to use means of allowing children and young people, their parents and significant others, foster carers and other members of the public to comment on or complain about Care Today/Parallel Parents. Making a complaint should be easy; people have the right to be heard.
2. For all children/young people/any other complainant and staff, to know that:
 - a) They will receive help when making a complaint.
 - b) That complaints will not be lost in the system.
 - c) They are not expected to wait for long periods for a reply to a complaint made internally.
 - d) They don't feel they are being ignored.
 - e) They feel they, at least, have a fair deal.

- f) We will listen to comments and/or suggestions they make about services.
- g) Complaints are acted upon if necessary
- h) We provide, where necessary, for the independent review of a complaint.

3. To develop and improve services in light of substantiated complaints. We accept criticism and disagreement in order to solve problems and improve service and procedures. The objective of the complaints procedure is not to find fault or apportion blame.

The Policy

- a) To comply fully with the current legislative framework, and Care Today/Parallel Parents' Policies and Procedures, including, especially, the Equal Opportunities Policy.
- b) To establish and maintain a high quality system for processing and resolving complaints, comments and suggestions as part of the company's continual approach to quality assurance.
- c) To promote the right of all those who receive a service from Care Today/Parallel Parents to make a representation or complaint about any aspect of the service that they feel is incorrect, poor or lacking. Where possible, complaints are resolved quickly and satisfactorily at the local level.
- d) To promote the right of all those who receive a service from Care Today/Parallel Parents to make a comment or suggestion about that service, pay a compliment or share good news.
- e) A complaint may be made by any child or young person, parent or guardian, or other person or professional who has sufficient interest in the child's welfare. Foster carers and members of the public may also complain. Complainants must also be advised of their right to pursue a complaint further if they remain dissatisfied with the outcome.
- f) Information about the Complaints Procedure is made widely available, and copies are provided upon request, including in other languages or formats if appropriate.
- g) Complainants will be offered help and support in making a complaint, and where necessary, will be offered an advocate or interpreter.
- h) Complaints will be investigated quickly and thoroughly with a view to problem solving and a positive resolution for all parties.
- i) No service will be withdrawn or suspended because a complaint has been made.
- j) All investigations and decisions reached will have regard, primarily, to the impact upon a child/young person's well-being and safeguard their rights.
- k) Outcomes of complaints will be rigorously monitored and used to drive service improvements.
- l) The Procedure must provide for any complaint being made about the Registered Person. Such complaints must always be referred to Ofsted for investigation.

Section 3. The Complaints Procedure

Introduction and Overview

The Complaints procedure has one informal and three formal stages:-

Informal Stage – this stage covers 'on the spot' complaints which can be quickly resolved, comments, suggestions and compliments which do not require a substantive response.

Stage 1 – covers comments and suggestions which do require a response, and the first stage of the complaints process, under which complaints are investigated at a local level. Complaints are usually resolved at this stage.

Stage 2 – at this stage, complaints become 'registered' and a formal investigation with an independent element begins. The procedure covers complaints made in relation to Care Today's Children's Homes and Residential Schools, and Parallel Parents' fostering provisions.

Stage 3 – explains how an Independent Review Panel can be used to review complaints that have not been satisfactorily resolved at Stage 2 of the Procedure.

Note: On rare occasions when a complaint reaches Stage 2 or 3 of the Procedure, and the complaint relates to a child or young person, the Placing Authority for the child will usually take the lead in investigation.

Resolution, recording and monitoring – these sections of the Procedure outline the conclusion of the Complaints process; how details are recorded and monitored, and how results and outcomes inform service improvement and quality assurance.

Time-scales

Stage 1: We aim to respond within 10 working days, but this may be extended by a further 10 days at the organisation's discretion (for more complex complaints or if an interpreter/advocate is required).

Stage 2: 25 working days, with maximum extension to 65 working days.

If the complainant wishes to request a Stage 3 investigation, they must do so within 28 days.

Stage 3: A review panel will be convened as soon as is practicable; the Agency will usually respond to recommendations made within 5 working days.

Independent Support and Investigation / Advocacy

Independent Advice: Children/young people should have access to independent advice and support from adults they can contact directly and in private about problems or concerns, which is appropriate to their age and understanding. They should know their rights to advocacy and how to access an advocate and how to contact the Children's Rights Director. This information can be found in the Children's Guide.

The procedure must have an independent element, which means that, at the first formal stage of the procedure, a person who is not an officer of the agency (e.g. the placing social worker) must take part in the discussion and consideration of such complaints and in determining what action should be taken. The placing authority (where applicable) must be informed of the complaint in writing. Before proceeding, a decision must be made on which organisation will take the lead role in a formal investigation. This will not normally be Care Today/Parallel Parents unless requested and/or appropriate e.g. neighbour complainant.

Where complaints are received from Foster Carers, an independent member of the company's staff may be offered for support. Foster Carers may also access independent advice/support from The Fostering Network.

Receiving a Complaint

When a complaint is received, it is important to involve the relevant manager(s) immediately (unless there is a good reason not to do so. e.g. the complaint is about them). It may not be necessary to engage the complaints procedure if a local resolution can be achieved within 5 working days. Sometimes, listening/talking and providing appropriate support and services (including independent advocacy) can help to resolve a problem and prevent dissatisfaction developing into a complaint.

Staff/Carers should:

1. Listen to the complaint, comment or suggestion and allow the child/young person/any other complainant to tell you as much as possible or as little as they want. They may simply need to let off steam, or gain a sympathetic ear, or seek some form of advice. It is important to provide full information and support on how to complain, including how to secure access to an independent advocate/Ofsted, as appropriate. Where necessary, this access is to an advocate who is suitably skilled (e.g. in signing or in speaking the complainant's preferred language).
2. Offer only what advice or information you can to the complainant, describe procedures, offer leaflets or standard information. Whatever else you do, do not make promises you cannot keep. Ask the complainant what they would like to happen and inform the Line Manager/Agency Social Worker as appropriate. Complainants must be reassured that any person who is the subject of a formal complaint will have no responsibility for either the investigation of, or the response to, the complaint.
3. It could be that the child/young person/any other complainant is so relieved that you have taken the time to listen to them, that they don't want to take the complaint any further. Whatever the outcome, do not think that you have failed in any way. You have already succeeded in being accessible in listening and in encouraging the child/young person/any other complainant to exercise their right to express his/her views, and that in itself is no mean achievement.
4. Remember to record and date any complaint and actions taken. You never know when you might be called upon to account for them. Always inform your Line Manager.
5. Treat the child/young person/complainant making a complaint to you or about you with the same care and sensitivity that you hope to be shown if the situations were reversed. Do not keep it to yourself, explain the details to your Line Manager.
6. Read these procedures and familiarise yourselves with its contents. You should, if you are not sure of these procedures, consult your colleagues, use supervision times to discuss the procedures or consult your Line Manager. In addition, training will be offered on these procedures to all staff/carers employed by Care Today/Parallel Parents.
7. Wherever possible and appropriate, following direction, the complainant and staff/carer should try to resolve the problem as quickly as possible using Stage 1 of the Complaints Procedure. The placing social worker should be informed as soon as is practical of any complaint and kept informed throughout the appropriate resolution procedure.
8. The Manager/Agency Social Worker is responsible for keeping a written record of the person making the complaint, date, the nature of the complaint, action taken and outcome. A copy of this record should be kept in the home (or centrally, in the case of fostering) and also sent to the appropriate Line Manager and the Responsible Individual for monitoring purposes.
9. If a complaint is received directly by the Responsible Individual, an investigation will be actioned and the Responsible Individual will be responsible for keeping a written record as above. The information will be passed to the Home to maintain their records.

Representations (pre-complaint), Compliments, Comments and Suggestions

Representations, Compliments, Comments and Suggestions can be received without requiring a full investigation. The following methods of acknowledgement/resolution may be used:-

- Issuing an apology or explanation (as appropriate)
- Issuing written acknowledgement/thanks for a comment, suggestion or compliment
- Reassessment of the young person's needs (involving, as appropriate, the young person's Placing Authority)
- Immediate practical action specific to the representation, e.g. providing or reviewing a service or an aspect of a service

- Providing assurance that the company will continue to review the effectiveness of a solution or service
- Conducting a review of a policy, procedure or area of practice (and implementing changes/suggestions where necessary and appropriate).

Complaints

Stage 1 – Local Resolution

It is expected that most complaints will be resolved at this stage of the complaints procedure.

Stage 1 should be used in all cases as the starting point to solve problems and complaints (except for complaints of physical, sexual or emotional abuse by carers which must be dealt with formally through the Child Protection Procedure). Stage 1 complaints should be resolved as near to the point at which they arose as possible, ideally, within seven working days e.g. through House Meetings, Support Worker visits, key-working sessions, discussions with neighbours and Supervisions (foster carers). Most minor problems can be sorted out in this way; and if the service user/other complainant is satisfied with the outcome, no further action is needed. A note must be made in the client's case records/complaint records by the Line Manager/Quality Manager.

A response should be provided within 10 days. If the complainant remains dissatisfied, they may request consideration at Stage 2 of the procedure. Where practical, this request should be made in writing and within 28 days.

Stage 2 – Formal Complaint

It is at this point that the complaint becomes 'registered' and a formal element must be introduced.

If the complaint has been submitted orally, the Manager/Responsible Individual or authorised delegate must ensure, either by correspondence or through a minuted meeting with the complainant, that the details of the complaint and the complainant's desired outcome are confirmed in writing. Investigation will begin from the date on which the complaint is finalised in writing.

If the complainant is still not satisfied following consideration at Stage 1, then the next step is for the first line manager to see the complainant and record the outcome on the client's case records/complaint records, within a maximum of 20 working days but, if possible and practical, within 10 working days.

If the problem is still not solved, the line manager should consult the Responsible Individual of Care Today/Parallel Parents who can appoint an authorised representative, who has not been involved in the complaint, to continue the investigation. The investigating officer should not be in direct line management of the service or person about whom the complaint is made.

The investigating officer will produce a written report of their investigation, which will be considered by senior management. For the purposes of the investigation, they will also have access to any necessary/relevant case file information, which will be released within the bounds of normal confidentiality and with regard to the current legislation.

The investigating officer's report should include:-

- Details of findings
- Conclusions as to whether each point of the complaint is 'upheld' or 'not upheld'
- Recommendations for further action and/or remedy to the complaint.

Please see appendix on guidance for investigating officers.

The Responsible Individual or authorised representative will notify the complainant in writing of the decision/outcome (normally within 25 working days, but this deadline may be extended by up to 65 days if necessary) and send a "Record of Complaint" form to the Social Worker/complainant for information only. Children may be sent a summary of the investigation, if it is more appropriate to their age/understanding.

A written record of all complaints (including outcomes) must be kept in the Home (for Care Today) / centrally (for Parallel Parents) for Inspection purposes. Written minutes must be kept of House Meetings in Children's Homes for this reason.

Registered/Approved Schools (detailed policy at School)

Informal complaints, as above but, for unresolved complaints that are put in writing, the Responsible individual or Authorised Representative will inform the Complaints Panel (comprising School Principal, the Head Teacher and an appointed member of the local community carrying a position of responsibility). Panel Members should not deal with informal complaints but only those that are then put in writing to preserve objectivity (i.e. not directly involved in any previous consideration of the complaint).

If the Responsible Individual or authorised representative considers the complaint to be of a serious nature, e.g. abuse of a service user, misappropriation of money, goods or property belonging to a service user, or any form of exploitation, the Responsible Individual or authorised representative will implement child protection and/or disciplinary procedures, as appropriate.

If the service user/complainant remains unhappy, the Responsible Individual or authorised representative should explain the final, third stage in the procedures and help him/her draft a statement of his/her formal complaint, which will be sent (as appropriate) to the social worker and/or Ofsted (if it is a serious complaint), who will then register the complaint for recording and monitoring and implement the next stage of the procedure.

Stage 3 – Review Panel and/or Investigation by the Local Authority

If a complainant is still dissatisfied following investigation at Stage 2 of the complaints procedure, they may then request consideration at Stage 3 of the procedure. This request must be made in writing, within 28 days.

This stage will normally consist of the current formal procedures (including time scales for response, investigation and conclusion) operated by the placing Authority, except where the Placing Authority declines responsibility in writing or, in the case of complaints from the public, where Care Today/Parallel Parents will investigate/agree and/or implement an investigation strategy with Ofsted, as appropriate using an appropriate Independent Person (usually a Manager/Supervising Social Worker from another area team within the company).

If resolution cannot be achieved, the full written record will be submitted to a Panel, comprising three independent members, who have not previously been involved in the complaint. All decisions must be passed in writing to the complainant and any other interested party e.g. social worker. The Agency will usually respond to any Panel recommendations within 5 working days.

Purpose of the Review Panel:

- To listen objectively to all parties
- Obtain any further information that may be necessary for a resolution
- Make independent recommendations to the Agency/Home
- Make recommendations that contain practical remedies, such as advice about further training etc.
- Make recommendations about the Company's policies/procedures or for improvement to practice.

In the case of registered homes/foster placements, this stage of the procedure will involve formal notification to Ofsted if it is a serious complaint. Ofsted may review complaints during inspection and make recommendations for improvement to service.

A copy of the appropriate formal procedures (CT/PP or Placing Authority) must be made available to the complainant. Full information must be passed (if applicable) to the supervising social worker or the Team Manager, if the social worker is not available. Full details must be recorded in the case notes.

Registered/Approved Schools

The Complaints Panel should make provision for a hearing for the complainant, accompanied, if required. A maximum of 20 working days notice of the complaint hearing will be given and the Panel will offer recommendations for the resolution of the complaint within 10 working days. All copies of the recorded complaint/outcomes will be kept confidential but will be available for HMI/ISI/Ofsted.

Serious Complaints against Foster Carers

Where a serious complaint is made against a foster carer, and this cannot be resolved locally, Parallel Parents may conduct a review of the foster carer's suitability to foster. A review may also be conducted following investigation at Stage 2 of the complaints procedure, and will normally be conducted following an allegation of abuse or harm.

The foster carer may attend panel, if they request to do so in writing, and may be accompanied by an independent person of their choosing (though no confidential information about young people may be discussed in front of them). The Panel will make recommendations to the Agency, and the Agency decision Maker must respond to the recommendations within 5 working days. Foster Carers will be notified of the outcome in writing.

Any foster carer subject to a review will be given information about the full process and any other possible courses of action before the review is presented to panel. This information will include details of the foster carers right to apply for an independent review by the IRM.

Please also see separate Panel Procedures for details about the constitution/conduct of the Independent Panel.

Resolution and Remedies

When a decision has been reached regarding the resolution of a complaint, the complainant will receive a written response from Care Today/Parallel Parents.

In most cases where a complaint has been upheld, an apology/explanation will be given, along with information about what actions the company intends to take to ensure that the situation does not arise again. The apology will usually be given by the Manager of the service complained about, or the Responsible Individual for that service.

Consideration may be given (at Care Today/Parallel Parents' discretion) as to whether or not a financial remedy might be appropriate. Please note that Parallel Parents is under no obligation to continue payment of allowances to foster carers if a placement has ended.

Withdrawing a complaint

A complaint may be withdrawn verbally or in writing at any time by a complainant. The complainant may be asked to confirm their intentions in writing. Care Today/Parallel Parents may consider whether to continue investigating any aspect of a complaint internally where it would be good practice to do so.

Unreasonably persistent complaints

Care Today/Parallel Parents aims to investigate all complaints in a timely, consistent, fair and impartial manner. Sometimes, due to circumstances beyond our control, it can take longer than usual to reach a resolution about a complaint.

Sometimes, in these circumstances, complainants can hinder the consideration of their own or other people's complaints, or service delivery and it becomes necessary to limit their contact with the company. This decision will always be taken at the senior level, and will always be done in a reasonable and appropriate way. The complainant will be informed in writing of Care Today/Parallel Parents' decision to do this, and they have the right to appeal the decision.

The following measures of control may be used:-

- Asking the complainant to communicate in writing only
- Asking the Complainant to limit calls to particular times of the day or to certain designated people
- Asking the complainant to enter into an agreement about future contact with the company

Record Management and Data Protection

All aspects of the Complaints Procedure must adhere to the requirements of the GDPR, Data Protection Act and the Freedom of Information Act 2000.

The GDPR gives service users and complainants certain rights as individuals. This includes the right to request to see copies of personal data that is held about them.

Full guidelines in relation to Data Protection requests are beyond the scope of this procedure; however, if a complainant makes a written request to see personal information that this held on him/her, Care Today Parallel Parents must respond within 40 days. If it is not possible to share all the information that is held, the complainant/service user will be informed why in writing.

Please refer to the relevant legislation for further details:

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

Quality Assurance, Evaluation and Monitoring

Care Today/Parallel Parents regularly reviews the record of complaints as part of its quality control mechanism. The views, wishes and feelings of children and those significant to them are taken into account in monitoring staff/carers and in developing the home/foster home. Appropriate action to improve the service is taken from this review.

Findings are linked to information gathered through written and verbal consultations, and feedback on how the service is operating, lessons that have been learned and the adequacy of the complaints procedure is provided to senior management through regular meetings. This feedback informs service and practice development, and ensures that we get the best from complaints.

Appendix 1

Glossary

Advocate – An Independent Person who will assist a child or young person through the complaints process and ensure that their wishes and views are heard. An advocate may be appointed by the Children's Rights Director, an Advocacy Agency or by the child/young person themselves.

Foster Care Development Worker – the Social Worker who is employed by Parallel Parents to supervise the fostering household.

Independent Person – an independent person may be someone who is not employed by Care Today or Parallel Parents, or may be an employee of the organisation who has had no previous involvement with a child or young person's case or a complaint that has been made.

Investigating Officer – a person appointed by the Responsible Individual or their authorised delegate to carry out an investigation at Stage 2 of the complaints procedure. The investigating officer is a member of staff, but will not be part of the management of the part of the service that is being complained about.

Panel – A group of three or more independent people, which will include a Panel Chair, who are appointed by Care Today/Parallel Parents to consider complaints and reviews, and provide recommendations to the organisation's management.

Policy – an outline of what we want to achieve.

Procedure – how we achieve the aims/objectives of the policy.

Responsible Individual – both Care Today's Children's homes and Parallel Parents have a Responsible Individual. This person is in charge of supervising the management of staff in each part of the company.

Appendix 2

Useful Contact details

The Responsible Individuals for Care Today/Parallel Parents may be contacted at:

The Responsible Individual
Care Today / Parallel Parents
2nd Floor Lansdowne House
85 Buxton Road
Stockport
SK2 6LR

Email: admin@caretoday.co.uk

Ofsted:

Ofsted
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 1231

There is also a National Children's Rights Officer based at Ofsted, who can be contacted on 0800 528 0731.

Useful websites:

Children's Commissioner: www.childrencommissioner.org

Children's Rights Director: www.rights4me.org

Voice (Advocacy Service): www.voicep.org

NYAS (Advocacy Service): www.nyas.net

The Children's Society: www.childrensociety.org.uk

2. Complaints Comments & Suggestions Form



Complaints comments & suggestions procedure inc. form

When you are being looked after by Care Today/Parallel Parents we must take your wishes and feelings into account, especially regarding plans or decisions about your life.

This does not mean you will always get what you want. Just like your parents we, sometimes, have to say "No", or ask you to do things you may not be happy about.

We have to try to do what we believe to be in your best interest and sometimes that can be different to what you want or feel you should have to do.

What to do if you want to complain

If you really do not agree with what is happening, then there are certain things you should do.

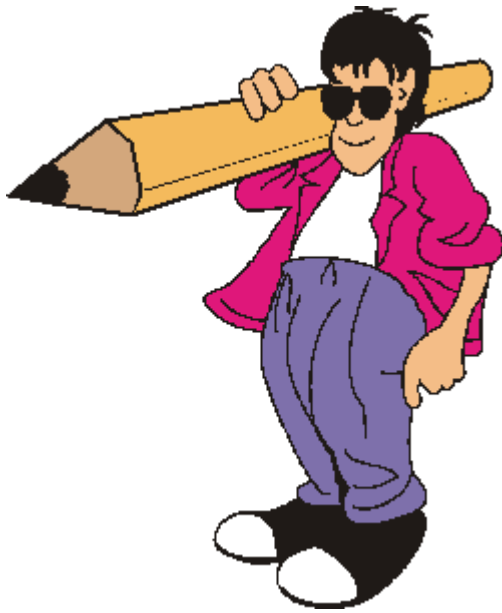
First - talk (Stage 1)

Usually if something is worrying you, you can talk to someone where you live, You may need to speak to your Social Worker who will try to sort things out.

A meeting can be arranged involving your family, staff from Care Today/Parallel Parents and the Social Services Division to try and sort things out.

Didn't work? Complain! (Stage 2 & 3)

If, after the meetings, you are still not happy with the decisions made, you or your parents or someone on your behalf should write to your Social Worker and the Responsible Individual of Care Today/Parallel Parents. This will, if appropriate, start the Local Authority formal complaints procedure.



You may like to use the form in this leaflet. The Responsible Individual (or representative) will then record your formal complaint and write to you to say they have received your complaint, and what is happening. We will do this usually within one week. Your complaint will be taken seriously, investigated, and we will reply, usually within 28 days, keeping you informed of the process.

Remember, you can complain to your social worker, Independent Reviewing Officer, or the Ofsted Inspector (see your child's handbook) about this, or any other, complaint.

Important

In Care Today, the house meetings are for sorting out less serious problems like bedtimes, food, clothing and so on. In Parallel Parents, your support worker will do the same. Don't use this form unless you want to make a more formal complaint, e.g. about your care plan, bullying, which talking has not, or can't, sort out. Normally, talking will sort out most problems.

You have the right to complain first to your social worker (staff/carer will have contact details).

What to do if you want to make a comment or suggestion

You can also use the form in this leaflet if you want to tell us about an idea you have had, or if you have something good to say. We are always very pleased to hear your views. If you have an idea, we would like you to share it, because it might help to make Care Today / Parallel Parents better for everyone!

You can also tell your foster carer or any member of staff if you want to make a comment or suggestion, especially if you would like them to help you fill in the form.

We want to make it as easy as possible for you to tell us what you think. If you need somebody independent to support you with this process, such as an advocate or interpreter, we will make sure that somebody is available for you.

Useful organisations' contact details, e.g. Ofsted, National Youth Advocacy Service (NYAS), the Children's Rights Officer and the Children's Society can be found in your Children's Guide. If you can't find your Children's Guide, please tell a member of staff or your foster carer.

Formal Complaints Form

My Name is:

My Age is:

My Current Address is:



Please tick one or more boxes:

I want to make a complaint

I have an idea

I want to tell you what I think

I have something good to say

I am worried about something

Someone is completing this form on my behalf

This is what I want to say (please use another sheet if necessary):

Do you want a response?

YES / NO

Have you already spoken to someone about this?

What do you want to happen?

Signed:

Date:

**Please return completed form to: Care Today/Parallel Parents, 2nd Floor
Lansdowne House, 85 Buxton Road, Stockport, SK2 6LR**

Appendix 4

Stage 2 Independent Report Guidance

This Guidance is for Investigating Officers appointed by Care Today/Parallel Parents.

Carrying out an investigation into a complaint

Organising the investigation

- Contact the complainant, introduce yourself, explain your role and arrange to visit if possible. Most complainants will really appreciate you doing this.
- Record the exact nature of the complaint and what the desired outcome is. Check you have recorded it correctly by confirming the contents with the complainant (can be done by phone). If you do not do this, they may later dispute what you agreed to investigate, or else they may add on extra complaints. The date on which the complaint is finalised is the first day of the investigation period.
- Ensure your Line Manager knows when you are planning to investigate the complaint so that they can ensure you have adequate support/cover. Make sure you are clear about the exact nature of the complaint before discussing it with any other staff.
- When you arrange to visit the member of staff/carer to interview them, you need to leave enough time for them to prepare but not too long for them to become excessively anxious. A copy of the Complaints Procedure should be provided to anyone who you are going to interview. Make sure they know they are entitled to have somebody with them, but note that confidential details about young people cannot be shared with people who are not part of the organisation, and the person cannot interfere in the process of the investigation.
- Decide whom you need to see and in what order you need to see them. The reality of time constraints and busy diaries means you may not always be able to do this in the best possible order but will have to fit things around people's commitments. Generally, it will help ease the tension if you go and see people in their place of work/the foster home and at a time to suit them. However, you do need to bear in mind that they may not have discussed the complaint with anyone else and may not wish to be interviewed in their normal place of work/home. You may need to offer them an opportunity to meet with you somewhere else. Ideally you should work to office hours.
- Bear in mind that formal complaints must be investigated within a limited amount of time. Care Today/Parallel Parents is expected to share findings of an independent investigation within 25 working days, so your report will need to be submitted to Senior Management well within this time.

Carrying out the investigation

- When you interview members of staff/carers you do need to be prepared for the fact that they may be extremely anxious. You do need to acknowledge that you understand that it is stressful but you are there to establish facts and solve a problem for a service user – you are not there to apportion blame or to catch them out in some way.
- You need to plan in advance what questions you want to ask and the order in which you need to ask them. The usual techniques of interviewing apply. Keep questions simple, use open questions and avoid leading questions that will give you the answer you want. If you feel doubtful or unclear about an answer, ask for an example of what they mean. Also ask if they can provide any evidence such as letters/memos/recordings. As a general rule, you need to inform staff/carers that everything they say is “on the record”. If someone asks you if they can tell you something “off record”, it would be better to advise against this, but you need to make your own judgement at the time.
- At the end of the interview, read back what you have recorded and check that it is an accurate record. Always ask the interviewee if there is anything else they wish to tell you which you may not have asked about.
- If appropriate, and with direction from your Line Manager, read the relevant files, case notes, log books, care plans, etc. You need to remember that these can be tampered with so look out for clues. This may seem overly suspicious and may create staff/carer hostility if questions are asked, but case

recordings can be falsified, and there can be very serious consequences if false recording goes unchallenged. Take copies of relevant recordings (if appropriate) so that it can be referred to as evidence when you come to write your report.

- When you have completed your investigation, you may find it helpful to check your findings with a Senior Manager. This will give you a second opinion and will add credibility to your conclusions.
- At the end of the interview, you may find it helpful to ask: "with hindsight, would you have done anything differently?".
- Finally, you need to let people know what will happen next and, as far as you can, let them know when they can expect to hear the outcome. Staff /carers also need to know when an investigation is over so that they feel it is not hanging over them indefinitely. After a conclusion has been reached, a de-brief meeting should be conducted so that the member of staff/foster carer can reflect on the incident/complaint, and any further actions can be discussed with them where appropriate.

Writing the Report

Where there is a possibility that the complainant may use the report to pursue further action, you may wish to refer to staff with initials and provide a front 'code-breaker' sheet. Generally, however, all persons mentioned should be given their full name and job title.

Write your report to be read by the complainant, not by staff members who are familiar with the way your department works, its policies, procedures, jargon and abbreviations.

Your report may or may not be shown to the complainant in its entirety. Exceptionally, if there is a possibility that the complainant may seek to use the recommendations of the report to initiate further action, such recommendations could be detailed in a separate list for management action and not be sent to the complainant.

Suggested headings for the investigation report are:-

- Name and address of complainant
- Date complaint received and registered
- Nature of complaint: This should be written out in full exactly as it was agreed. It should also include a statement of the desired outcome.
- Background information: This should be a brief summary of the salient facts of the case including how the complaint came to be made.
- People interviewed in order to carry out the investigation (with dates).
- Investigation: Each relevant part of the complaint should be examined, looking at the reasons for the dissatisfaction and the explanations offered. Evidence for statements made should be given where possible. Policies, procedures and legislation which caused certain actions to be taken or decisions to be made should be explained. After examining each part of the complaint, you should state whether a complaint should, in your opinion, be upheld or not, giving reasons. In reality, you may not find all the issues are clear and you may wish to partially uphold a complaint. For example, the workers/carers concerned may have carried out a piece of work properly, in accordance with policy, but you can see why a complaint was made and how practice could be improved in future. You should ensure that you distinguish fact from opinion. If something is disputed and it is a matter of one person's word against another, say so. Acknowledge that different people may have different points of view or different perceptions of the same situation. When writing your report it is a good idea to refer to workers by their titles rather than by their name.

Conclusion

You should look at the desired outcome and make recommendations as to what could be done to put things right, if appropriate. This may include recommendations for further support or training.

Ensure that you email/fax your report to the Responsible Individual and relevant Manager for Care Today/Parallel Parents within the 25 working day time limit. They will ensure that the complainant is provided with details of the outcome or need for any further action.

Appendix 5

Information about allegations against Staff/Carers

What will happen if an allegation is made against staff/carers? (See also: Child Protection Guidelines and Working Together to Safeguard Children, 2018)

How it should happen:

1. Investigations of alleged abuse by staff/foster carers should happen as speedily as possible. If practical and appropriate (see 4 below), staff/foster carers should be informed verbally and in writing about the nature of the allegation, the procedure for managing the allegation and normal time-scales.
2. Foster Carers/Staff may be suspended as a neutral act, pending consideration, or completion, of an investigation of any suspicion or allegation of abuse or serious concern relating to the safety or welfare of children (See Disciplinary Procedure and next page – disciplinary procedure does not apply to foster carers). The Disciplinary Procedure also includes the criteria for referral to the Disclosure and Barring Service and/or to a professional or regulatory body.
3. All staff/foster carers have a named support worker/manager within the Care Today/Parallel Parents organisations. However, in these incidents, it would be difficult for them to provide independent support. Therefore, Care Today/Parallel Parents will allocate an independent named worker from elsewhere in the organisation. This worker will maintain contact with you throughout the process of investigation. S/he will not be ultimately responsible for investigation of the alleged abuse. Your independent support worker will be available to offer advice and support during this difficult time. S/he will be able to put you in touch with additional sources of support, if this is what you want. What they cannot do is give you any false reassurances or unconditional support. They can still help by explaining what is happening and why. Important: Foster Carers also have access to support independent of Parallel Parents (from The Fostering Network) for information and advice about the process, emotional support and, if needed, mediation between the foster carer and Parallel Parents and/or advocacy.
4. Staff/Foster carers will be advised as soon as possible of any allegation made against them. However, if an early warning could jeopardise the outcome of an investigation, the decision not to inform the foster carer/staff member will be made by a Manager in Children's Social Care (Area Safeguarding Children Board) and the Police. Foster Carers/Staff have the right to full investigation (internal and external) of any allegation before any decision is made about their future as Foster Carers or employment status. In the case of an employee, this would be an investigation under the Disciplinary Procedure, and in the case of a foster carer, a review of their suitability to foster. Both would normally, but not always, be initiated after the conclusion of any Child Protection Investigation and would consider all available information, including its findings.
5. A decision to remove children/young people during an investigation (rather than the Carer) should only be taken following thorough consultation with the Placing Social Worker, Senior Management, Local Safeguarding and, if appropriate, Ofsted. Where this decision is made, an explanation must be given to the child and, if the child agrees, an opportunity made for the child to say farewell to Carers and friends, even if this is a temporary arrangement. Ideally, an independent advocate should be available to children and young people affected by the investigation.
6. Children's Homes: NMS 20.7/Fostering: NMS 22.7 – a clear and comprehensive summary of any allegations made against a particular member of staff/carers, including how the allegation was followed up and resolved, a record of any action taken and the decisions reached, is kept on the person's confidential file and a copy is provided to the person as soon as the investigation is concluded. The information is retained on the confidential file, even after someone leaves the organisation, until the person reaches normal retirement age, or for ten years, if this is longer.

7. Fostering: As soon as possible after an investigation into a foster carer is concluded, their approval as suitable to foster is reviewed. There must be a clear distinction between investigation into allegations of harm and discussions over standards of care. Investigations which find no evidence of harm should not become procedures looking into poor standards of care – these should be treated separately.
8. Pay during any period of suspension: a decision on this is made in consultation with our Legal Advisers.
9. Foster Carers: allowances are paid for the placement and would end with the termination of that placement. However, if the child/children in placement is/are temporarily removed during the investigation, Parallel Parents may consider continuing to pay the Carers basic career allowance during the period of investigation (i.e. a single allowance, not multiple allowances).

Staff/Foster carers have the right to make a complaint under the Complaints or Grievance Procedure at any point during or after the investigation.

Allegations of Physical Threats/Assault by a Member of Staff/Foster Carer on a Young Person in Care – Information for Staff/Carers (Also, read Child Protection Procedure)

On receipt of any such formal complaint, e.g. physical assault:

The Child Protection Policy/Procedure apply and The Placing Social Worker, Parent, Line Manager, Ofsted and Local Safeguarding (LA Designated Officer) for the area in which the Children's Home is situated / the foster carer resides should be informed as soon as possible and practical, in accordance with the Procedure. In any event, the DO should be informed within one working day (Working Together, 2013).

It would normally be the responsibility of the Manager to inform all parties concerned or, if the complaint is against that person, then their Line Manager should undertake this responsibility.

All allegations of physical assault must be treated seriously.

It will be necessary for those responsible for investigating (as directed by the LA Designated Officer) under the Procedure to consider (not exhaustive):-

- a) The nature of the complaint
- b) Was any injury sustained?
- c) Under what circumstances the alleged assault took place
- d) Had there been any previous complaints made about the member of staff, or the person involved who is making the complaint?
- e) If any third parties were involved
- f) Has the incident been recorded (all available facts should be recorded in writing objectively, not investigated)? Any statements (workers/children/witnesses) should be taken without prompting/evaluation and signed and dated).

If any injuries are sustained, then a medical examination should be carried out within 24 hours.

Should the person complained about continue working or be suspended?

When the circumstances appear to justify investigations under the Child Protection Procedures, the case should be referred to the Responsible Individual who, in consultation with the placing Social Worker, the Area Children's Social Care (LA Designated Officer) and Ofsted, will decide what action, if any, needs to be taken under the Disciplinary Procedure (e.g. suspension, transfer, leave, unpaid leave) to protect both the safety of the young person and the rights of the member of staff/foster carer involved. People must not be suspended automatically, or without careful thought.

Appendix 6

A Summary of the Complaints Procedure

Stage 1	
Person makes a complaint	
If complaint is written, a written acknowledgement is sent by Manager or delegate	Within three days
FCDW/Manager/Team Manager makes enquiries, negotiations, problem solving	Within 5 to 7 days, where possible
Response to person and apology if warranted	Within 10 working days
If person is dissatisfied with response, Manager/FCDW advises them of their right to go to Stage 2	Within 28 days
Stage 2	
Complaint passed to Responsible Individual or authorised delegate, registered and acknowledgement letter sent	Within three days
Line Manager investigates outcome of Stage 1 complaint and attempts early resolution by contacting complainant	Within 10 days if possible, up to a maximum of 20 days
If resolution is not possible, Investigating Officer appointed Investigation is planned	
Investigating Officer interviews all relevant parties and refers to organisation's policies and procedures Investigating Officer prepares written report/summary of findings	
Investigating Officer sends report to senior management (Responsible Individual and/or authorised delegate(s))	Within a maximum of 25 working days
Responsible Individual or Senior Manager informs complainant of findings/outcome/decision, and any recommendations if appropriate Record of Complaint form is sent to complainant and placing Social Worker for information	Within 25 working days (up to a maximum of 65 working days if necessary)
Stage 3	
Written request for progression to Stage 3 received within 28 days of receipt of Stage 2 response. Only applicable if Placing Authority has declined to investigate in writing or it is not possible/practical for it to do so.	
Ofsted notified of complaint	Within 5 working days
Independent Panel convened and panel/review procedures sent to complainant	Within two months (where practical)
Panel considers evidence, and makes recommendations to Senior Manager/Responsible Individual	Usually within 1 day
Responsible Individual / Agency Decision Maker considers recommendations and provides a response to complainant	Within 5 working days