



# Complaints

## **Legislation**

- **Data Protection Act (2018)**
- **The Child Safeguarding Practice Review and Relevant Agency (England) regulations (2018)**
- **Keeping Children Safe in Education (sept 2018)**
- **The Health and Social Care Act 2008 (regulated Activities) regulations 2014**
- **The Children’s Homes (England) Regulations 2015**
- **Health and Social Care Act 2008, Section 20 Regulations**
- **Human Rights Act (1989)**
- **Children’s Act (1989, 2004)**
- **Working Together (2018)**
- **Safeguarding Vulnerable Groups Act (2006)**
- **Children and Families Act (2013)**
- **Children and Young Persons Act (2008)**
- **Sexual Offences Act (2003)**
- **Applying corporate parenting principles to looked-after children and care leavers (Feb 2018)**
- **Mental Capacity Act (2005)**

## **Practice Evidence**

<b>Inspection Body</b>	<b>Outcome/ Regulation</b>	<b>Evidence</b>
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<b>Ofsted</b>	<b>12, 22, 34, 35, 36, 41, 42</b>	<b>Policy Manual, Safeguarding File, Restraint Book, Significant Event Book, Handover File, Welcome Pack, Regulation 33 Reports, Schedule 6 Reports, Regulation 34 Reports Absconding File, ITP Reports, Resident Supervision Review, Resident White Board, Staff Training Matrix, Staff Supervision, Advocacy, Locality Risk Assessment</b>
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### Practice Evidence

<b>Inspection Body</b>	<b>Outcome/ Regulation</b>	<b>Evidence</b>
<b>CQC</b>	<b>7, 12, 14, 17, 18,19 and 20</b>	<b>Policy Manual, Safeguarding File, Restraint Book, Significant Event Book, Handover File, Welcome Pack, Regulation 33 Reports, Schedule 6 Reports, Regulation 34 Reports, Absconding File, ITP Reports, Resident Supervision Review, Resident White Board, Staff Training Matrix, Staff Supervision, Advocacy, Locality Risk Assessment</b>

## **Reference**

**Flow diagram regarding concerns**

**6.1- Recognising Child Abuse Guidance**

**6.2- Recognising Abuse of Vulnerable Adults Guidance**

**6.3- Child /Adult Protection Referrals and Notifications**

**6.4- Deprivation of Liberty**

**6.5- Absence of a Service User without Authority**

**6.6- Allegations made against Staff/**

**6.7- Confidential Reporting and Whistleblowing**

**6.8- Notification**

**6.9- Representations and Complaints**

**6.10- Countering Bullying**

**6.11- Restrictive Physical Intervention**

**6.12- Searching Bedrooms**

**6.13- Digital Photography**

**6.14- Prevent Policy**

**6.15- Additional Safeguarding areas**

**6.16- Locality Risk Assessment**

## **6.9- Representation and Complaints**

The philosophy of The Children Act seeks to promote the concept of partnership with families, the rights of young people to be consulted and to participate in decision making, and their entitlement to a consistent standard of service and care. The Act also emphasizes the importance of children in Care having access to independent people and organisations outside the residential setting in which they are living.

These ideas are very much in harmony with the aims of Glebe House Community in enabling young people to move towards independence, to accept responsibility and to take control of their own lives, and to learn to manage risk. This process inevitably involves residents not only in gaining awareness of their own rights and entitlement but also in understanding the social and political systems in which they live and acquiring the skills of self-assertion in their own interests and advocacy in the interests of others.

In this context Glebe House Complaints Procedure should be seen as one of a number of appropriate ways in which young people can take appropriate control in their lives. Workers should be ready to help and advice as to the most effective avenue of representation if a complaint or problem has not been resolved satisfactory at the informal, in-house level or when it is in the young person's best interests to air a problem in a wider arena.

Available options might include:

- Talking to Designated complaints officer at Glebe House
- Talking to their social worker
- Use of an independent advocate- CORAM VOICE
- Consulting a solicitor
- Childline
- Contacting a Representative of Ofsted

The phone number for CORAM VOICE, Childline and Ofsted are published next to the telephones, to which residents have access to.

If the problem concerns the Local Authority the young person can use the authorities' complaints procedures. They have the right to also use this procedure about a problem at Glebe House.

Remember that any complaint or issue involving possible sexual abuse or physical abuse should be immediately reported to a member of the Safeguarding Team who will convene a Safeguarding meeting.

The complaints procedure will cover all young people and their families involved in Glebe House services. The procedure may be used to:

- Challenge decisions made at Glebe House
- Raise issues about the standards of care

- Ensure action is taken about alleged infringements of rights, abuse or ill treatment (including bullying)
- Secure consideration of Glebe House's policies and practice

### **Summary of Complaints Procedure**

At Glebe House the three daily meetings are a forum where young people are encouraged to express their feelings. This work includes supporting residents to express any dissatisfaction in an appropriate way. Given this underpinning ethos many areas raised as a concern can be resolved.

The young people all have individual therapists with whom they have 1:1 session weekly. Part of the session usually involves spending some time exploring feelings from the previous week. We have regular visits from a VOICE advocate who spends time with each young person to see whether he can help them in anyway.

All young people are also in a number of small groups where they can address any troubles or concerns they may have. If the young person feels these mechanisms are not adequate they have the right to complain formally. A detailed procedure is contained in the staff manual and a user friendly version is in the young people's induction pack. Telephone numbers to VOICE are on display near to all telephones to which residents have access, along with a detailed poster about whom they can complain to.

Residents have access to their local authority complaints procedure; they can be supported in accessing this by a member of staff or the VOICE advocacy visitor.

The Glebe House formal internal complaints procedure identifies people, roles and timescales involved in managing formal complaints. Formal complains will be dealt with within 28 days.

### **Designated Complaints contact details**

**Designated Complaints Officer:** Anil Kalbag (Head of Quality Assurance)

**Investigating Officer:** Decided on an individual bases by Complaints Officer

**Adjudicator:** Peter Clarke (Director) or Clerk to Trustees

**The Panel:** Clerk to Trustees, Current Duty Trustee, CORAM VOICE Representative

### **Position of the workers**

A staff member who is the subject of a complaint or an allegation, which promotes action and leads to a Child Protection Investigation, should not have contact with the complainant, any Glebe House staff or residents regarding the matters under investigation except The Director within the formal strategy of the investigation. If the member of staff attempts to make contact with the express consent of The Director, this will be seen as a serious breach of this procedure and in itself may lead to disciplinary procedures against the member of staff.

Consent given by the Director will only be for the purpose of providing support at any investigation to the member of staff and boundaries for the contact takes place.

The complaint or allegation, which leads to a Safeguarding, will lead to the member of staff being suspended from duty until such time that the investigation has been concluded. At the time that the member of staff is informed of the complaint or allegation a member of the Trustees body will be appointed to provide support to the member of staff in this matter.

As part of the investigation the member of staff will be interviewed and at that interview they have the right to be accompanied by a fellow employee. At the conclusion of the Investigation the member of staff will be cleared of any wrongful action or formal staff disciplinary procedures have been commenced. The suspension from duty in itself will not be seen as disciplinary procedure.

Unless disciplinary or court procedures are involved, information which arises from Glebe House Complaints Procedures will not appear on personal records of staff.

Any person who is the subject of a complaint will have no part or responsibility for dealing with it.

Fundamental to any procedure must be the acceptance that any complaint will be taken seriously and appropriate responses to the complaint made. Young people must feel confident that they will not be sanctioned or punished as a result of making a complaint.

### **Informing residents, parents and social workers about the procedure**

When a young person arrives at Glebe House they are given a Welcome Pack that includes information on how to make a Complaint.

**The Resident's Link Worker** should make sure that the resident understands the significance of these procedures in the light of Glebe House's policy of shared responsibility and open discussion.

The Complaints procedure is also summarized in section 23 of The Statement of Purpose that is available to referrers and parents. See above.

**The Designated Complaints Officer** is responsible for the overall co-ordination of the procedure at Glebe House. The tasks are:

- Ensuring that young people/ workers are informed and understand the procedure
- Ensuring that any necessary training takes place in connection with the operation of the procedure.
- Recording and Monitoring Complaints
- Appointment of the Investigating Officer and obtaining the services of the Independent Person.
- Ensuring that timescales are kept.
- The appointment of a panel to review decisions at Stage III

**The Investigating Officer** is responsible for the investigation of the complaint within the guidelines and timescales.

### **The Independent Person**

If a formal complaint is registered then the Designated Complaints Officer will contact VOICE to appoint an Independent Person.

The Independent Person's task is to provide the objective element in the consideration of the complaints. The Independent Person is neither an investigator nor an advocate for the young person. The Independent Person has a right to see case records. In the course of the investigation they will:

- Observe that procedures are carried out correctly
- Interview the complainant and everyone else involved with the Investigating Officer and Designated Complaints Officer
- To provide a report for all parties including the complainant
- To make written comment on the overall experience and make relevant representation to management

### **The Adjudicator**

This is the person who will decide on the complaint. They will read the reports from the investigating Officer and Independent Person and inform all parties of their decision.

### **The Review Panel:**

The panel at stage III is a defined group of three people at least one of whom is independent. At Glebe House the Panel will be made up of the following:

- Members of Trustees
- Clerk to Trustees
- Independent Person (VOICE)

### **The Advocate**

In some cases it may be necessary or desirable for the young person to be provided with an independent advocate who will identify with the needs of the complainant and assist in presenting and clarifying the complaint. Advocacy should be provided informally by ensuring that the complainant can be supported through the process by a chosen person; maybe the Keyworker, Social Worker or a friend. Advocacy on a formal basis will be felt to be necessary in some instances, for example what a complaint is made against the manager of the home, and could be provided by VOICE or by Local Authority Children's Rights Officers or through the Consumer Rights Officer at NCH.

### **Confidentiality**

All written reports and submissions will be treated as confidential to the Complaints

Procedure. They will only be used in other procedures with the consent of those who have provided the information. All records are kept within The Complaints File and archived annually to the written records room.

### **External complaint**

External complaints e.g. from neighbours are referred to the Director.

### **Stages of the Procedure**

#### **Stage I: Informal Resolution**

Approved by Peter Clarke, Director, April 2019

At stage Glebe House there is an expectation that the daily meeting is a forum in which residents and staff can discuss, explore and resolve issues arising out of day-to-day life in the Community.

Residents can talk to The Designated Complaints Officer- Anil Kalbag, who will look to resolve the complaint informally if possible.

Problems can also be taken to the representative provided by VOICE who may help to mediate and/or represent the young person, so that a satisfactory resolution can be achieved.

Residents can also discuss a problem with their keyworker who will attempt to sort it out. If necessary the Director or Assistant Directors can become involved in resolutions.

It may be, however, that a resident considers that a particular issues has not been resolved satisfactorily and will want to take the matter further by making a formal complaint.

Remember that the procedure can also be made use of by parents and other interested people.

### **Stage II: Formal Complaint**

The complaint or representation **needs to be written down** and given to the Designated Complaints Officer. The designated Complaints Officer will ensure that the Glebe House procedure is the most appropriate means of resolving the complaint. They will make sure that the complainant understands the procedures and has the relevant information.

The Designated Complaints Officer will appoint the **Investigating Officer** who will see the young person and other people involved like the independent person from VOICE.

The Investigating Officer and Independent Person will each write a report that will be considered by the Adjudicator.

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

### **Stage III: Formal Complaint**

The complainant may decide to **refer the complaint on to an Independent Panel**. The request in writing should be via the Designated Complaints Officer and should be received no longer than 28 days from the letter of notification at stage II.

**The Panel**, convened by the designated complaints officer should meet within 28 days. The Complainant and the Independent person at Stage II should be notified in writing of the time and date of the meeting. The complainant has the right to be accompanied and supported by another person of their choice at the meeting. The Panel will consist of a member of the Glebe House Trust.

An agenda will be drawn up for **The Panel meeting**.

The Complainant and representative from Glebe House all have the right to make verbal and written submissions at the meeting.

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

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

### **Record for Inspectorates**

Any complaint records will be forwarded to Ofsted and CQC upon request. Any interested party has the right to contact Ofsted or CQC of any concerns they may have in respect of the carrying out of the regulated activity. Staff are encourage to use the internal procedures as a first response.