



# Complaints, Representations & Compliments Procedure

## *Fostering Services*

Fostering Services Regulations require fostering agencies to produce written procedures for managing representations and complaints, and to make information about these available. This Complaints and Representations Procedure meets regulatory requirements but is also integral to the work of our agencies which will ensure that complaints are dealt with in a manner that can be demonstrated to be open and fair.

This procedure outlines the process to be followed in the event of a complaint or representation being made. The Polaris community maintains that foster parents and children placed and those who are significant to them have a right to have their views listened to and taken into account.

This procedure forms part of the Polaris community Quality Management system ISO 9001.

Procedure Owner:	QA & Safeguarding Team
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Associated documents:	Managing Allegations Against Foster Parents Procedure
	Whistle Blowing Procedure
	Add relevant HR Procedure for supporting staff/complaint

All companies are detailed in the current legal structure



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## Purpose

The Polaris community regard complaints, representations and compliments as an important tool to help monitor, evaluate and improve the quality of the service we give to children, their families, foster parents and placing local authorities/trusts.

This Representations and Complaints Procedure has been designed to:

- Be clear and easy to use.
- Ensure that the people who use services are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
- Ensure complaints are dealt with in a fair and impartial manner.
- Ensure that any concerns about the protection of children are referred immediately to the relevant Children's Social Care team or to the Police.
- Ensure that as many complaints as possible are resolved swiftly and satisfactorily at a local level.
- Ensure a fair process and adequate support for everyone involved in the complaint.
- Ensure that the child or adult making the complaint receives a full response without delay.
- Provide information about the child or adult's rights of access to other means of redress, such as Registering Bodies, Local Authorities/Trusts, or the relevant Ombudsman.
- Ensure that the organisation monitors performance in handling complaints, delivers what they have promised, learns from complaints and uses this learning to improve services for everyone who uses them.

Complaints may be made about any person who completes work on behalf of the agency, about the services provided, or about a failure to provide services that are reasonably expected.

The Representations and Complaints Procedure is open to children and their families, a person acting on behalf of a child, foster parents and prospective foster parents, commissioners of services, and anyone else for whom the agency has agreed to provide a service. This procedure is not open to members of staff, who have access to grievance procedures, or others who carry out work on behalf of the agency as workers or self-employed individuals.



### Compliments

The Polaris community values feedback of any positive experiences. It is important for us to know how well each agency is performing on a local and strategic level. We take into consideration feedback obtained in planning and reviewing service delivery. If you would like to pay us a compliment, this can be done in a number of ways, including but not limited to; phone call or via letter or e-mail to the person who you wish to compliment and copy this to their Line Manager.

Agency staff within regions will gather these compliments from a range of sources and it is ultimately the Regional Managers responsibility to collate all compliments and report on it in monthly reporting.

### Pre complaints guidance:

The Polaris community hopes that many of the issues that someone may be concerned about can be settled and resolved at the earliest opportunity and responded to by the manager prior to embarking into the Complaints process, through discussion with the person they would ordinarily have most contact with, or through discussion with their line manager. It is strongly recommended that the Registered Manager or Senior Manager endeavours to resolve any concerns or issues raised at the earliest opportunity to resolve the matter without the need for it to be considered as a complaint and investigated via the complaints process.

**Any issues dealt with without the need to escalate to a complaints process must still be recorded along with any actions and outcomes using the progress action 'Representation'.**

Where a concern has been raised, in the event that such discussion does not resolve the matter. A copy of the Representations & Complaints Procedure should be provided to the complainant.

### Definition of a Complaint / Representation

A complaint may generally be defined as something that is 'formally complained about' and which requires a response. This might be an appropriate service, a decision making process, the standard or quality of service, no service or inadequate service.

Enquiries or comments about the availability, delivery or nature of a service which are not criticisms but may be considered as a concern are likely to constitute a Representation, e.g. comments about the service provision, allocation of resources or the nature of the services. This will enable the agency to consider their delivery of services, and are welcomed by the agency. It requires a response and could involve making some changes to how a service is delivered.

If feedback or comments indicate that the agency may not have followed correct procedure or regulation this will be considered as a complaint rather than a representation.



Representations may need to be considered as a complaint where this is an expression of dissatisfaction in relation to an individual child which requires an investigation to provide a response, but may also be a comment or question about service provision.

***In deciding whether an issue is an allegation or complaint, advice can be sought from the relevant Safeguarding Manager. This will determine whether the complaints procedure should be invoked, and an appropriate response provided.***

If the complaint is against a member of agency staff HR should be consulted and kept informed.

**NB: England, Wales & Scotland** follow a **3 stage** complaints process. **Northern Ireland** follow a **2 stage** process - all countries implement a pre-complaints process before these stages begin - see flowcharts below:

## Flowchart Process for Representations & Complaints

England/Wales/Scotland (see separate flow chart for Northern Ireland)

### Representations & Pre-complaints process

The Registered Manager or Senior Manager will make every effort to resolve any concerns or issues raised at the earliest opportunity and will only initiate the complaints process where appropriate.

Complainant satisfied with outcome?

YES → Resolved

NO → Complainant advised of option for next stage.



### Stage One

#### Formal Problem Solving – completed locally

Attempt to resolve locally – clarification, explanation, negotiation, mediation, practical action by allocated person in consultation with complainant.

Response – determined within 10 working days of complaint being made, (or maximum of 20 working days by agreement with the complainant\*) and outcome letter sent to complainant. Record all on Charms/Risk Portal.

Complainant satisfied with outcome?

YES → Resolved

NO → Complainant advised and consulted regarding option for next stage (Complainant to request to progress stage 2 within 28 working days Giving reasons why they are not happy with the stage 1 outcome and wish to progress to stage 2).





## Stage Two

### Independent investigation

(by a person who has been identified by the Complaints Officer/QAS Manager and who had no prior involvement with the complaint nor management responsibility for the service in question)

Investigation undertaken and report completed (within 20 working days from the date the statement of complaint is agreed with the complainant; complainant kept informed and their agreement sought if more time required). \*In Wales additional regulations apply, specifically a requirement to inform CSSIW of the complaint and the reasons for the delay if it is not possible to complete this stage in 35 days.

The Complaints Officer/ QA & Safeguarding Manager reviews the draft report, provides feedback to the investigating officer and once finalised will share report with the Registered Manager or other appropriate manager to review and respond.

Report shared with complainant and other parties, in whole or part, by Complaints Officer/QAS Manager.

Outcome in writing to complainant within 5 working days. Record all documents and actions on Charms/Risk Portal.

Complainant satisfied with outcome?

YES → Resolved.

NO



Complainant has 20 working days from receipt of the outcome of stage 2 to explain why they are not satisfied with the outcome and to request progression to stage 3



## Stage Three

### Complaints review panel

Independent Investigator's report provided to panel members.

Complainant attends to make representations to panel.

Panel makes initial response to complainant within 24 hours and written response within 5 working days.

Outcome of Complaints Review Panel is the final response from the agency.

Record all documentation and actions on Charms



Northern Ireland (2 stage process not 3 as above)

### **Pre-Complaints Process – Problem Solving**

The Registered / Senior Manager will make every effort to resolve any concerns or issues raised at the earliest opportunity and only initiate the complaints process where appropriate.

Complainant satisfied with outcome?

YES → Resolved      NO → Complainant advised of option for next stage.



### **Stage One**

#### **Independent Investigation**

By an independent person who has been identified by the Complaints Officer/QAS Manager

Investigation undertaken and draft report submitted within 20 days

The Complaints Officer/ QA & Safeguarding Manager reviews the draft report, provides feedback to the investigating officer and, once finalised, shares the report with the Registered / Senior Manager or other appropriate manager to review and respond

Report shared with complainant and other parties, in whole or part, alongside a letter detailing the outcome – response within 28 days of complaint being made

Record all on Charms/Risk Portal.

Complainant satisfied with outcome?

YES → Resolved      NO → Complainant advised and consulted regarding option for next stage

Complainant has 28 days from receipt of the outcome of stage 1 to explain why they are not satisfied with the outcome and to request progression to stage 2



### **Stage Two**

#### **Complaints Review Panel**

The Complaints Officer/ QA & Safeguarding Manager to organise for a Panel to take place within 28 days of complainant's request for review of complaint

Independent Investigator's report provided to panel members

Complainant attends to make representations to panel

Panel makes initial response to complainant within 24 hours and written response within 28 days

Outcome of Complaints Review Panel is the final response the agency

Record all documentation and actions on Charms/Risk Portal

Compliments, Complaints & Representations Procedure V1



### Procedure Details

It should be noted that this complaints procedure does not replace child protection/allegations, grievance or disciplinary procedures. **Any complaint which indicates that a child may have been harmed, or placed at risk of harm, must be dealt with under Child Protection/Allegations procedures.** If you are unsure whether to use the allegations procedure or the complaints procedure, advice can be sought from the Safeguarding Manager and/or the Designated Officer/Designated Person for Child Protection in the Local Authority/Trust **after** discussion with the Registered Manager and/or Line Manager.

Serious complaints of a safeguarding nature regarding a foster parent will be notified to the relevant placing Local Authority/Trust, to the DO (Designated Officer) in the Local Authority/Trust in which the foster parent resides and to Ofsted (England)/CIW (Wales)/DHSSPS (Northern Ireland) and to the Local Authority/Trust and The Care Inspectorate (Scotland).

1 'Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others' – DfES 2006

If the matter relates to a Child Protection issue or impacts on a child's health or immediate safety, this should be reported without delay to the relevant office during office hours, or to the Out of Office Duty Social Worker and to the Police.

### Interaction of this procedure with other procedures or court/tribunal proceedings

Children placed with Foster Parents approved by the agency are 'Looked After' by Local Authorities /Trusts who have their own complaints procedures. It is therefore important to note that this Complaints Procedure is not intended to replace the complaints procedures already established by Local Authorities/Trusts, and that placing Local Authority/Trust procedures may take precedence. Complainants will be consulted about which procedure will be used if more than one may be invoked.

If the complaint concerns any matter about which action is being taken or contemplated under child protection/allegations, grievance or disciplinary procedures, or through any court or tribunal (including the criminal court), (known as 'complaints subject to concurrent consideration') and the agency decides that these actions may be affected by the consideration of the matter through the complaints procedure, the matter will not be progressed as a complaint.

The child or adult making the complaint will be informed of this decision in writing, with an explanation of the reasons, and may resubmit the matter for consideration within one year of the conclusion of the other proceedings. The complaints procedure cannot be used to consider or investigate matters that have been dealt with by the Courts or via other procedures.



### Eligibility and Timescales

Who can make a complaint or representation?

- Children placed with the agency foster parents and care leavers previously placed with the agency foster parents;
- Foster parents, staff members (making a complaint on behalf of a child), Local Authorities/Trusts or any other person who has had involvement with the Agency;
- Birth parents, relatives or significant others on behalf of children fostered, as considered by the agency to have sufficient interest in the child or young person.
- Applicants to foster (the Complaints Procedure cannot address the question of the applicant's suitability to foster, but only whether or not due process has been followed).
- A complaint can be made up to 12 months from the event giving rise to it. This time limit can be extended at the discretion of the Complaints Officer/ QA & Safeguarding Manager for the agency.
- Factors which will be taken into account in this decision include:
- Whether or not it was reasonable to expect the complainant to have made their representations within this timescale, and
- Whether or not it is still possible to consider the complaint effectively and fairly, despite the passage of time.
- This decision and the reasons for such a decision will be provided in writing to the person making the complaint.
- Where the complainant is a child, or was a child at the time of the matters cited, the discretion to refuse to consider the complaint is unlikely to be applied.

If the complainant wishes to remain anonymous, then the agency may be unable to investigate the situation. If there is any indication of a child being at risk, the information will be passed on to the relevant Local Authority /Trust/ Ofsted (England)/CIW (Wales)/DHSSPS (Northern Ireland) and to the Local Authority/Trust and The Care Inspectorate (Scotland).

### Information about how to complain

A copy of the Representation and Complaints Procedure must be given to:

- Children upon placement via the Guide for Children
- Applicants to foster
- Foster Parents on approval by the fostering agency
- Local authority/trust social services staff on placement of a child.
- On request, parents of children placed.
- On request, an identified individual acting on behalf of a child placed or previously placed.



## Complaints by Foster Parents/Prospective Foster Parents

***The Complaints Procedure cannot address the question of the applicant's suitability to foster, but only whether or not due process has been followed.***

### **Complaints about an assessment of suitability to foster discontinued at the end of Stage 1 (England and Wales only)**

Applicants to foster who receive written notice that the agency has decided that they are not suitable to foster, and has therefore discontinued their assessment, may make a complaint under this procedure if they believe that a particular aspect of their assessment has not been conducted appropriately.

### **Complaints about Refusal or Amendment of Approval as a Foster Parent**

This is a separate process to the complaints procedure and is governed by Fostering Services Regulations. (See separate procedure about terminations of approval). Applicants to foster who receive written notice that the agency does not propose to approve them are able to submit written representations to the relevant identified Agency Decision Maker (ADM) for his/her determination following further consideration by the relevant fostering panel, or, in England and Wales, to request a review by an independent review panel, through the Independent Review Mechanism (IRM).

The same options are available to approved foster parents who receive written notice that the agency proposes to change the terms of their approval (number, age range and needs of children to be placed) contrary to their wishes, or to terminate their registration as foster parents with the agency because it is considered that they are no longer suitable to foster.

## Complaints by Children

It is important that children who are being looked after by the agency foster parent(s) are satisfied with the service they receive.

The complaint has to be about services provided by the Agency. The complaint can be made either by:-

- Children looked after or previously looked after by the Agency's foster parents.
- Or it can be made on behalf of the child by:-
- A parent;
- Any person who is not a parent of him/her but who has parental responsibility;
- Any other person the Local Authority/Trust with responsibility for the child considers has a sufficient interest in the child's welfare to warrant his/her representations being considered.
- A member of staff



Some children may be unsure as to whether they wish to complain or not. It may be something in the foster home that is worrying them and therefore they can share it with the foster parent but that is not always the situation. Our Children's Guide provides information about how to make a complaint. The Guide also contains contact information for children to enable access to independent support and advice.

Where a child may not be able to easily access such written information, it is the responsibility of the agency Supervising Social Worker to ensure that alternative modes of communication regarding this information are implemented to enable all children to make a complaint or make representation should they wish to do so.

Where a child uses a complaints and representation procedure, the agency shall ensure that they are aware that they can call upon independent support. A child may elect for an advocate to accompany them to any meetings in relation to their complaint or representation.

When a complaint is made directly to the Agency by a child in placement the agency will respond appropriately and the placing authority/trust social worker will be informed. An early decision shall be taken as to whether to follow the Local Authority/Trust Complaints Procedure or the Agency Complaints Procedure. The agency will endeavour to ensure that each child has a copy of their own local authority's/trust's Complaints Procedure.

A complaint or representation should be made to the placing authority's/trust's Complaints Manager under the following circumstances:

- Decisions or plans made by the child's placing Local Authority/Trust;
- A failure by the Local Authority/Trust to implement such decisions or plans;
- Regarding an employee of the Local Authority/Trust.
- A complaint or representation should be made to The Agency under the following circumstances:
  - Decisions or plans made by the Agency;
  - A failure by the Agency to implement such decisions or plans;
  - Regarding employee of the Agency or the Agency foster parent.

Children will always be assured that their complaint or representation is being taken seriously and their views are being listened to. The same applies to anyone making a complaint. No one who lodges a complaint shall be subject to any reprisal for making a complaint or representation. The Agency will be particularly aware of the vulnerability of any child who complains and will make every effort to ensure that they are not subject to any pressure or reprisal.

It is clearly understood and accepted that a child may need and wish for some assistance and support in making his/her complaint and, where appropriate, the agency will seek to arrange this, through advocacy or other appropriate services. It will be clearly and carefully explained to a child that the agencies attitude toward him/her will not be negatively



influenced by virtue of a representation or complaint having been made and that standards of service provision will be unaffected.

Every opportunity shall be made for any complaint or representation to be resolved at an early stage. At the outset, the complainant should be asked for their desired outcome. If the 'pre complaints process' hasn't resolved the issue and the complaint has been accepted as grounds for investigation the following formal process will then begin:

#### Stages of complaints

**Stage 1: Local Problem Solving** (England/Wales/Scotland only – Northern Ireland proceed straight to independent Investigation after pre-complaints process)

A complaint is considered as made on the date on which it is first received by the Agency. Complaints may be submitted in writing or given verbally. Where given verbally, this must be recorded in writing by the recipient, dated and a copy sent to the complainant and this action recorded.

The recipient of the Complaint is required to immediately inform the Registered Manager (or other appropriate manager for the service) who will take a decision whether to accept the complaint and within 3 working days of being informed will provide written acknowledgement to the complainant about their complaint and of their decision to take the complaint forward or not.

Complaints will in the first instance be investigated within the Registration or agency/department in an attempt to resolve the complaint informally. The Registered Manager or other appropriate manager for the service will identify the most appropriate person to respond to the Complainant (if not themselves) and that person will then lead on the complaint at this stage and will inform the Complaints Officer/Registered Manager.

The Registered Manager or other appropriate manager should conclude complaints being dealt with at Stage 1 within 10 working days of being notified of the complaint. This timescale may however be extended by mutual agreement by a further 10 working days if it is felt the Complaint can be satisfactorily dealt with but more time is needed.

If the matter is resolved the Complaints Officer/ QA & Safeguarding Manager will be duly informed. The Registered Manager or other appropriate manager will provide a clear written response to the complainant this should, as far as possible, answer all issues raised by the complainant, be as helpful as possible and apologise for any shortcomings in the service found and what action the Agency intends to take as a result of the investigation into the complaint, the clear content of this letter will be instrumental in minimising complaints progressing to Stage 2 and this will be copied to the Complaints Officer/ QA & Safeguarding Manager.



If the complaint cannot be resolved at Stage 1 the complainant will be informed of his/her right to pursue the matter further through the Complaints Officer/QA & Safeguarding Manager and asked to do so within 28 working days.

If the Complaint is considered to be sufficiently serious to warrant a more formal investigation, if there are a number of complaints, or it is particularly complex and/or indications suggest that an Independent Person should be appointed due to potential or actual conflict of interest Stage 2 of the Complaints process should be implemented.

All documentation associated with the complaint must be uploaded to the relevant section of Charms/risk portal by the person that dealt with the complaint.

**Stage 2: Formal Investigation** (this is stage 1 for Northern Ireland – refer to NI Flowchart above)

NB: Only when a complaint cannot be considered at stage 1, due to the complaint being about senior managers, will a complaint progress straight to stage 2.

The complainant should contact the Registered Manager/ or appropriate manager for the service either in writing or verbally, providing reasons why they are not satisfied with the outcome of Stage 1 of the Complaints procedure and that they wish to proceed to Stage 2 (this must be requested by complainant within 28 working days).

The Complaints Officer/Quality Assurance and Safeguarding Manager would then make contact with the complainant to explain their role, advise on the process and agree next steps within 5 working days of receiving the request. They will also identify the appropriate person to act as the 'investigating officer'. This will be somebody who has had no previous involvement with the matter concerned. This may be an appropriate manager from within the agency or an external contracted individual with relevant qualifications and experience. The Complaints Officer/QA & Safeguarding Manager will determine who should be assigned to investigate. Any such appointment will be made known to and discussed with all parties prior to the commencement of the investigation. In appropriate circumstances, local authority/trust social workers will be informed of the complaint and of the progress of the investigation and outcome.

No one who is the subject of, or who has been involved in seeking to resolve, the complaint at Stage 1 will be responsible for any investigation conducted under Stage 2.

The chosen Investigating Officer once appointed will respond to the complainant within 5 working days to establish the specific detail of the complaint and to agree the specifics of their complaint as a 'statement of complaint'. They will also advise the complainant of their right, in some circumstances, to have their complaint investigated under local authority representations and complaints procedures. The beginning of the 'Stage 2' timescales begin when the 'statement of complaint' is agreed by the complainant. If a complainant raises



new aspects to be considered these can be considered at stage 2 if appropriate without the need to return to stage 1.

In some circumstances the task of an independent investigator may be one of ensuring that the complainant is aware of his/her right to complain under other non-agency procedures. Where appropriate this could include making the complainant aware of their right to seek advice from a solicitor, member of parliament, local Councillor, local government ombudsman and various voluntary organisations which seek to represent the interests of children in public care and their parents.

The independent investigator will have access to:

- Content and context of the complaint made;
- The agency policies and procedures;
- Relevant file records (written consent to be provided by the complainant where the investigating officer is external to the Agency).

The complainant may bring a support person to any meeting convened and they should confirm in advance that they will be doing so providing details of who they will be bringing. The role of the support person is to listen and provide support to the complainant and not to ask questions. In the case of a child, they may attend with an advocate. The Complaints Officer/QA & Safeguarding Manager should ensure that the person leading the investigation is briefed to ensure that the complainant is adequately supported in the meeting and that notes are taken and kept.

All persons relevant to the complaint should be informed of the complaint and interviewed by the investigating officer in order to provide explanation of their account of the matters complained against.

A meeting may be proposed involving both those complaining and those complained against, should this be deemed helpful in resolution of the complaint received. However this is not recommended where any persons involved are likely to feel intimidated.

On conclusion of the investigation a written report will then be prepared by the person undertaking the investigation (the investigation & report completed within 20 working days where possible from the agreement of the statement of complaint), and sent to the Complaints Officer/QA & Safeguarding Manager, which will incorporate the process of the investigation, findings of each point of the complaint (i.e. whether upheld or not upheld) recommendations of any actions required and learning outcomes.

The Complaints Officer/ QA & Safeguarding Manager will review the draft report for quality purposes and provide feedback to the investigating officer as appropriate and seek to understand any areas that require further clarification. Once finalised the QAS Manager will share with the Registered Manager or other appropriate manager who will review and provide their response, including whether or not they accept the findings and agree with



any recommendations. The QAS Manager will then provide a written response to the complainant outlining the findings and summarising outcomes and recommendations within including a copy of the investigation report (this should be completed within 5 working days from report being received from the investigating officer). This should, as far as possible, answer all issues raised by the complainant, be as helpful as possible and apologise for any shortcomings in the service found and what action the Agency intends to take as a result of the investigation into the Complaint. The response to the complainant will state whether each aspect of the complaint has been **upheld, partially upheld or not upheld**.

### **Fully Upheld**

The investigation of the complaint has found that:

All elements of the complaint are found to be accurate and there is sufficient and/or consistent evidence to support this

The standard of service provided to the complainant fell below agency and/or regulatory requirements and/or has had a negative impact upon the complainant

Recommendations are made to lead to service improvement and to capture learning

### **Partially upheld**

The investigation of the complaint has found that:

On the balance of information a proportion/number of elements of the complaint are found to be accurate and there is sufficient and/or consistent evidence to support this

On the balance of information a proportion/number of elements of the complaint are not upheld and this is due to absence of evidence or because information has been found to be factually inaccurate

In relation to some aspects of the complaint, the standard of service provided to the complainant fell below agency and/or regulatory requirements and/or has had a negative impact upon the complainant

Where complaints are partially upheld consideration is given to the relative weight of the elements of the complaint that are upheld

Recommendations are made to lead to service improvement and to capture learning

### **Not upheld**

The investigation of the complaint has found that:

On the balance of information there is insufficient evidence to support the complaint and/or the complaint has been found to be factually inaccurate



On the balance of information there is insufficient evidence that the standard of service provided to the complainant fell below agency or regulatory requirements

Consideration is given to recommendations for service improvement and learning is captured

Where the Complaint is in regards to the conduct of an employee of the Agency, the HR Business Partner should be consulted during the investigation.

Those who are subject of the Complaint should be informed in writing of the outcome of the Complaint together with any actions arising and a copy of the investigation report.

**Stage 3: Review Panel** (this is stage 2 for Northern Ireland - please refer to NI flowchart above)

If the complainant continues to feel that their complaint has not been dealt with to their satisfaction, Stage 3 may be implemented. The Complaints Officer/QAS Manager should explain the option of progression to stage 3 to the complainant. The complainant should inform the Complaints Officer/QA & Safeguarding Manager, preferably in writing, that they wish to progress their complaint to Stage 3, within 20 working days of receipt of written confirmation of the outcome of Stage 2, providing reasons why they are not satisfied with the outcome of Stage 2 of the procedure.

The Complaints Officer/QA & Safeguarding Manager will acknowledge this request within 7 working days, with an explanation of the Stage 3 process of independent investigation. The Complaints Officer/QA & Safeguarding Manager will notify the Chief Executive Officer, Managing Director, Registered Manager and Responsible Individual in writing of the complaint.

The Complaints Officer/QA & Safeguarding Manager will liaise with the complainant with potential dates for the Panel Meeting subject to reasonable availability.

The Complaints Panel and Meeting will be convened within 30 working days (28 days NI), comprised of three people, the panel will consist of a senior manager from the Operations Board to chair the meeting, another senior manager who has no connection with the complaint, and someone who is independent i.e. an individual with a relevant background and expertise who is not an employee of the agency.

Complainants should be provided with information about the panel members in advance of the panel i.e. names, roles and relevant experience.

Consideration should be given to the venue and whether this needs to be neutral whilst also establishing any specific requirements linked to mobility for example.

The Complaints Panel will consider any oral or written submissions and the process to date. All written materials and agenda must be made available to the members of the Complaints Panel a minimum of 5 working days in advance of the Panel Meeting.



The complainant may bring someone with them to support them at the Panel Meeting. A child may bring an advocate who would also have the right to speak at the Panel.

The Panel will arrange for other relevant parties concerned with the complainant to attend. When the Panel has considered all information and views presented the Meeting will end.

The Panel will reach a decision within up to 24 hours of the meeting. The Panel will complete a written report of their findings, which will include:

- The process and adequacy of the investigation prior to Stage 3;
- Findings on each of the complaints being investigated;
- Conclusions / outcomes reached;
- Recommendations of actions required / learning outcomes to be considered.

The Panel will communicate its decision and conclusions in writing to the Complaints Officer/QA & Safeguarding Manager within 5 working days.

The Complaints Officer/ QA & Safeguarding Manager will write within 5 working days (28 days NI) of receipt of the written Panel decision to the complainant setting out their proposals for resolving the complaint and consideration to learning outcomes. Recommendations regarding practice should be considered in relation to updating any relevant procedures.

#### [Completion of Complaints Procedure](#)

Completion of Stage 3 marks the end of the Complaints Procedure. In the event that the complaint cannot be resolved through the above processes, to the satisfaction of all, the complainant may refer the matter to Ofsted (England)/CIW (Wales)/DHSSPS (Northern Ireland) or The Care Inspectorate (Scotland). It should be noted that the complainant has the right at any point throughout the complaints process to contact the regulatory body and this is not restricted to the completion of the complaints process. The Complaints Officer/QA & Safeguarding Manager will provide guidance and advice in this respect as required.

#### **Withdrawal of a Complaint**

The complaint may be withdrawn either verbally or in writing by the complainant. The agency must write to the complainant to confirm the withdrawal of the complaint. In such circumstances, it is good practice for the Agency to give consideration as to whether it wishes to continue to consider the issues that gave rise to the complaint and any consequent learning outcomes.

#### **Monitoring and Quality Assurance**

The Complaints Officer/QA & Safeguarding Manager and Registered Manager shall keep a register of all complaints that records details of complaints and their resolutions and will also include this detail in the quality of care review report.



Details of any investigation into a complaint or representation that is upheld regarding a foster parent/member of staff will be made available for information to the Agency Fostering Panel/HR as appropriate.

### **Protected Disclosure (Whistleblowing)**

The Agency aims to nurture an environment for children, foster parents and staff and all others relevant to the care of children placed to feel able to raise issues and draw attention to gaps in service provision without fear of reprisal. The Agency has a Whistleblowing Policy for reporting circumstances that may arise where foster parents or employees feel unable to raise concerns because they feel there is reasonable doubt that these would be dealt with sufficiently.

#### [Guidance on Abusive, Unreasonable, Persistent or Vexatious Complainants](#)

The Polaris community is committed to working with all complainants equitably, fairly and objectively within the specified Stages of the Complaints and Representations Policy and Procedure.

We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour is behaviour which is abusive, offensive or threatening which may include:

Using abusive or foul language on the telephone or face to face;

Sending multiple e-mails\*

Leaving multiple voicemails\*

\*the term 'multiple' here denotes receiving either form of contact consistently and over a period of time.

In the event that the relevant Stages of complaint have been adhered to and fully completed and this has been relayed to the complainant, the Complaints Officer/QA & Safeguarding Manager should consider whether the complainant is now 'inappropriately persistent or vexatious'.

Features of a persistent or vexatious complainant may include:

- A person who makes the same complaint repeatedly (with minor differences) but never accepts the outcomes;
- A person who seeks an unrealistic outcome and persists until it is reached;
- A person with a history of making other unreasonably persistent complaints.

<sup>1</sup>*'Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others' – DfES 2006*

The same standard of response must always be provided to the complainant, and the agency will always be committed to anti-discriminatory practice.



Where a situation becomes unworkable, or the Complaints procedure has been fully implemented, the Complaints Officer/QA & Safeguarding Manager will advise the complainant of the applicable reason that they may be considered as an unreasonably persistent complainant and why the behaviour falls into this category and any other recourse to action that may be available to the complainant.

Where the complainant's Complaint is closed, and the complainant persists in communicating about it, the Complaints Officer/QA & Safeguarding Manager may decide to terminate contact with the complainant in agreement with the Head of QA & Safeguarding.

#### Reflect on practice

The Polaris community welcomes the opportunity to reflect on practice and service provision and share learning across the Polaris community to provide a safe and positive experience for children with agency foster parents. The complaints procedure should offer a useful tool for indicating where our services may need improving; conversely compliments can indicate to us what we are doing well.

#### Contact Details:

Please use the email address or phone number below to contact us and you will be directed to the appropriate person:

Email: [contactus@polariscommunity.co.uk](mailto:contactus@polariscommunity.co.uk)

Telephone: 01527 556480



## Appendix 01: Additional Information for staff and workers who are the subject of or involved in a complaint

It is never pleasant to know that a complaint has been received about you or your practice. No matter how confident you are about your work standards, it is bound to shake you to know that a complaint has been made.

Your managers appreciate that, and will all work as sensitively as possible to look at what has been said, and identify when a complaint is justified and when it is not. The company will ensure members of staff are fully supported both professionally and personally through what can be a stressful and anxious time.

Whilst complaints can often be difficult to respond to and deal with, they do provide services with an opportunity to reflect, listen, learn and make practice improvements

Your line manager/complaints officer will answer your questions and keep you informed.

### **I have just heard that a complaint has been made about me/my work – what will happen?**

Under the complaints, Representations and Compliments Procedure the first aim is to address and resolve complaints locally. This means a manager will speak with the complainant informally and try to resolve the issue before it becomes a formal complaint. If this is not possible and the complainant wishes to make their complaint formal, then this would initially be dealt with under Stage One of the complaints procedure although if necessary will progress to stages Two & Three.

### **I know that I have made a mistake in this case – what should I do?**

If you are aware that there is some substance to the complaint, the best thing is to tell the manager/complaints officer handling the complaint straight away. Everyone makes mistakes sometimes, and we can all learn from these experiences, painful though it may be at the time.

Your manager may have to involve HR if it is determined that the issues raised are significant enough and/or there was a breach of standards of conduct. You will be advised and supported by the HR Business Partner with regards to the process from this point forward.

Each and every complaint must be investigated before conclusions are drawn. All complaints will be dealt with fairly, sensitively and appropriately.



You can also access 'FosterTalk':

**England** (open to members of FosterTalk only)

020 7401 9582

**Northern Ireland**

028 9070 5056

**Fosterline Scotland**

0141 204 1400

**Fosterline Wales**

0800 316 7664

**Confidentiality:**

Any staff and workers who are the subject of or involved in a complaint must ensure confidentiality is maintained as per confidentiality policy.