

## Complaints and Representations Policy

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### Regulations and Standards:

#### The Children's Homes (England) Regulations 2015:

- Regulation 7 - The children's views, wishes and feelings standard.
- Regulation 12 - The protection of children standard.
- Regulation 39 - Complaints and representations.
- Regulation 40 - Notification of a serious event.
- Regulation 44 - Independent person; visits and reports.
- Regulation 45 - Review of quality of care.

#### Complaints and representations

##### 39.—

- (1) Subject to paragraph (6), the registered person must establish a procedure for considering complaints made by or on behalf of children.
- (2) In particular, the procedure must provide that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.
- (3) The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation.
- (4) The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.
- (5) The registered person must supply to HMCI, at HMCI's request, a statement containing a summary of any complaints made during the preceding twelve months and the action that was taken in response to each complaint.
- (6) This regulation (apart from paragraph (4)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006 apply.

### 1. Representations

Children should be positively encouraged / empowered and enabled to have their say and



make suggestions about improving the care they receive, the running of the home, or to make representations and comments about their future plans. Various procedures in this policy / procedure set out how children will be engaged in decision making e.g., in the creation or review of their care and placement plans. As a general rule, staff should engage children in the day to day running and routine of the home, and in activities that are being planned. If decisions are made e.g., about an activity, that children express concerns about or disagree with, staff should do all they can to ensure that a reasonable explanation is given, and that children have the opportunity to opt out or be engaged in an alternative activity - if it is possible for them to do so.

This includes decisions about routine activities, such as meal preparation or bedtimes; children should have the opportunity to discuss how decisions are made about these and other routines on a regular basis, and to make suggestions for change.

At all times, staff should avoid matters or concerns being escalated or becoming complaints, but should children continue to be dissatisfied, they should be given the opportunity to make an informal or formal complaint - as set out below.

## **2. What is a Complaint?**

A complaint is an expression of dissatisfaction, however made, about the standard of service, the actions, or lack of action by the home towards an individual or a group.

A complaint should normally be made where all other reasonable methods of resolving the dissatisfaction have been tried and failed or where the complainant believes they would fail.

A complaint may be about:

- The lack of service.
- Being refused a service, including an assessment.
- The quality of a service.
- The attitudes or behaviour of staff.
- Decisions made by staff.
- Delays in dealing with problems or in providing a service.

The complainant should be advised that complaints can always be directed to the Regulatory Authority (Ofsted) or the Placing Authority.

Complaints or allegations of mistreatment or significant harm by staff must be dealt with by way of the child protection referrals, not as Complaints.

## **3. Who May Make a Complaint?**

The following persons have a right to use the complaints procedure:

- A child.



- A parent of a child.
- A person acting on behalf of a child.
- A neighbour living in the locality.
- An external stakeholder, i.e., a child's social worker.

#### **4. Informing Children about the Complaints Procedure:**

Children will be informed about the Complaints Procedures in a variety of ways, including the children's guide given to them before or upon admission. This MUST be in a format that the child can understand and may have to be adjusted dependent upon the needs and communication needs of each child.

This must include the name, address, and telephone number of the Regulatory Authority in the area where the home is based. Other relevant organisation and person's details should also be included.

Children should also be provided with information and contact details of advocates they may contact, who may make complaints or advocate on their behalf.

Home's staff should also discuss the means to make complaints, and the procedures involved, during the admission process for children, and also via key working when appropriate and when required.

The children's guide will provide advice to children about how to use the procedures to their best advantage; and on the process of investigating complaints made by them or others on their behalf.

The child's parents and the Placing Authority must be given a copy of the complaint's procedure. If they request it or it appears appropriate, they should be given information on additional advocacy or support networks which may help them use the procedures effectively – furthermore, details regarding our complaint's procedure are contained within our Statement of Purpose.

#### **5. Receiving Complaints:**

The homes manager must take all reasonable steps to ensure that children feel comfortable with the making of complaints and are free from reprisals if they choose to do so.

When children indicate that they wish to make a complaint, the person receiving it should do what they reasonably can to ensure that all other resolutions available have been explored, rather than resorting to the making of a complaint in the first instance.

Where a child insists that they wish to make a complaint, staff or managers in the home concerned should still deal with the matter, if appropriate. If a complaint is made about the manager of the home, it should be passed to a manager outside of the immediate management structure, i.e., the Responsible Individual or the Director.



If an individual wishes to do so, complainants may direct their complaints to others outside the home, such as the Independent Visitor (Regulation 44) or the Responsible Individual (RI). They may also direct their complaints to the Regulatory Authority (OFSTED) or the Placing Authority.

Complaints should preferably be put in writing, by way of letter or by using a complaints form; but other methods may be used, including the use of audio tapes or verbal feedback.

Complainants should be given any reasonable assistance they require or request, including being introduced to people or groups independent of HND Children's Care Ltd that may assist them, such as advocacy. The complainant must be advised that if they choose to complain directly to the Placing Authority, the Placing Authority will likely provide information and assistance.

If assistance is provided to complainants in recording or writing their complaints, the record / letter should indicate the name, status and contact details of the person providing the assistance.

*Home managers and / or the RI, should decide if the complaint warrants an Ofsted notification in accordance with Regulation 40; please see the guidance below:*

<https://www.gov.uk/guidance/what-ofsted-means-by-a-serious-incident>

**Registered managers must ensure that any and all complaints are assessed and evaluated as part of each home's quality assurance and monitoring processes; this is inclusive of evaluation through Regulation 44 visits and Regulation 45 quality of care reviews.**

#### **Advice / Guidance for Responding to Complaints (Managers):**

1. Check emails every day and arrange for complaints and enquiries to be dealt with in your absence. Remember every day you miss an email reduces the 7 days you have to respond.
2. Inform Registered Manager and / or Responsible Individual via telephone and email immediately if a Complaint has been allocated to you incorrectly.
3. It is important to send an interim response to update the correspondent if the case is too complex to meet the deadline. Inform the enquirer of the steps taken so far to justify the complexity of the case and the revised response date.
4. Ensure the response is courteous, honest and answers all the points raised.
5. Remember to consider the age of the recipient when writing your reply.
6. Please remember that answering complaints and enquiries is part of the day job and helps us to improve outcomes for children.
7. Remember that some enquiries and complaints, for example Freedom of Information enquiries and social care complaints, have a statutory requirement for you to respond.
8. Following a complaint investigation, consider any service improvement recommendations which need to be implemented to avoid repetition of similar



complaints.

9. Ensure your line manager oversees your response.
10. Be willing to offer an apology for faults within service provisions of HND Children's Care Ltd and explain in your response to a complainant that HND Children's Care Ltd are trying to learn from our mistakes to improve future service provision.
11. Advice and guidance is always available from HND Children's Care Ltd Responsible Individual, Director / s and regulation 44 visitor – utilise these resources if / when required.

## **6. Local Resolution (Stage 1):**

Timescale: Any complaint is addressed seriously and without delay and a complaint will be fully responded to within a maximum of 7 days – this is completely reasonable and proportionate.

If possible, the person receiving the complaint, or their supervisor / line manager should resolve the matter as soon as reasonably practical, within 7 days. This may be extended for a further 7 days with the agreement of the complainant.

This assumes that the person receiving the complaint has the delegated authority to resolve the matter satisfactorily. If not, that the person can immediately pass the matter to a supervisor or manager with an appropriate level of authority to resolve the matter satisfactorily.

If it is possible to resolve a complaint within 7 days, the person resolving it should do the following:

- Note the fact that a complaint was made and resolved in the home's identified format, record a summary of the complaint and the manner in which it was resolved. The manager must confirm in writing to the complainant the agreed resolution.
- If the manager was not involved in resolving the matter, notify the manager as soon as practicable.
- The manager should then consult with the complainant to ensure they are satisfied.

## **7. Formal Consideration (Stage 2):**

Timescale: 7 Days

Where the person receiving the complaint cannot resolve it within 7 days, or a further 7 days if agreed by the complainant, it should be referred, for Formal Consideration, to another designated manager and / or an independent person.

Before undertaking the formal consideration, the designated manager should clarify the substance of it with the complainant, put it into writing and give a copy to the complainant.



If the complaint relates to a child in the home, the social worker should be consulted.

The designated manager and / or independent person should attempt to resolve the complaint as quickly as possible but within 7 days of the request for the formal consideration. This may be extended with the agreement of the complainant.

The complainant should be notified of the outcome of the complaint, preferably verbally, but always in writing. If the complaint was justified, the complainant should be told what, if any, remedial action will be taken, and an apology offered. The complainant will be notified that they have 14 days to register a written appeal against the decision.

If the outcome of a complaint is not agreed with, or acceptable to the complainant, then the complainant has the right to appeal this decision (Stage 3) – in this instance the details of the complaint will be passed to another HND Children's Care Ltd manager (if possible) that has not been involved in the process thus far, or alternatively to an independent person. Arrangements and timescales (up to 14 days) for investigation and resolution will be discussed directly with the complainant.

Copies of all records and correspondence relating to the complaint should be kept as follows:

- On any relevant child's file (if a complaint is made by or relating to a child)
- In the home's designated complaints log.
- A copy of the outcome must be sent to the Regulatory Authority (if required in accordance with Regulation 40).
- Copy of outcome must be sent to the Placing Authority (if required).

### **8. Stage 3 Review Panel:**

Timescale: 7 Days

If dissatisfied with the outcome of a Stage 2 Formal Investigation, complainants may request a Stage 3 Review: an alternative manager and / or independent person to consider their complaint; they may also ask that their complaint be passed to the Placing Authority or Regulatory Authority.

To instigate a Stage 3 review panel, the complainant should notify the designated manager either verbally or in writing; the notification will be confirmed in writing explaining the process and timescales for undertaking a Stage 3 review panel.

The designated manager will ensure that:

- Senior managers and relevant social workers are notified and briefed as necessary until the matter is resolved.
- The complainant is clear about the process and timescales.
- The complainant has access to an independent advocate or representative.

A review panel is established to consider the matter; the panel will consist of persons not involved in the previous processes.



Necessary arrangements are made for the panel to be convened and conducted in a fair manner.

**End.**