

Complaints Management Policy

Owlswick School and Home

Approved by:	Sarah Hawke	Date: 27/3/18
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Owlswick School and Children's Home Complaints Management Policy and Procedure

1. Introduction

Owlswick has a policy that welcomes all complaints as they provide a source of important feedback. They also enable any individual or group to express their views if they are not satisfied by any aspect of the care or education services provided. Complaints are used to inform the continual improvement of all of our services and the way in which we communicate and interact with the young people, parents and carers and external agencies.

Complaints will be managed using a strictly defined process. This takes place in order to ensure that complaints are properly and effectively dealt with within agreed timescales but also to ensure a satisfactory conclusion to all parties involved.

2. Complaints made by a young person

All of the young people at Owlswick are encouraged to discuss any aspect of their care or education, at any time, with a member of staff of their choice. If the young people feel there is something they feel dissatisfied about in any aspect of their care or education they are encouraged to make a complaint. They should be encouraged to speak directly to any member of the staff team and all staff are trained in the management of complaints. Complaints can be made informally or considered on an informal basis and this will be discussed with the young person when they speak to a member of staff about the complaint in order to agree how they wish to proceed.

- If the complaint is regarding a member of the care team then the young person is encouraged to speak to a manager within the care team.
- If the complaint is about a manager then the young person is encouraged to speak to the Registered Manager.
- If the complaint is about the Registered Manager then the young person is encouraged to speak to the Responsible Person, their social worker or Ofsted.
- If the complaint is about the Responsible Person then the young person is encouraged to speak to their social worker or Ofsted.
- If the complaint is about a teacher/member of the education team then the young person is encouraged to speak to the Head Teacher.
- If the complaint is about the Head Teacher then the young person is encouraged to speak to the Responsible Person.

N.B Due to the current partnership relationship between the proprietors it is not appropriate or ethical for either person to investigate a complaint about the other. If a complaint is made about a proprietor then this would be investigated by another senior manager.

In all cases the young person has a right to speak directly to their social worker, duty social worker or to an independent adult of their choice. They may also speak

directly to Ofsted. Young people should always have access to a named person who is not employed by Owlswick.

When a young person makes a complaint about any aspect of their care or education it is always treated seriously. It is not acceptable for complaints to be given a low priority on the basis that staff do not consider the complaint to be important or justified. It is also important that all complaints are handled in a sensitive and considerate manner. In each case, the young person is reassured about their rights to make a complaint if they are concerned about expressing themselves. The young person also needs to be assured that their complaint will be treated as confidential unless it is a matter that may raise issues of safeguarding. If this is the case the young person will need to be informed that the complaint cannot be kept confidential.

A copy of the local authority's complaints procedure should be made available to all young people if they request this and should be given alongside the Owlswick complaints form. Once the complaints form has been completed it should be handed to member of the senior management team and dealt with within the agreed timescales. It is not always possible to answer complaints immediately but staff should endeavour to deal with complaints within the timeframe set out in this policy. The young person needs to know and understand the outcome of any investigation including any action that has been taken to deal with the complaint.

The young person's social worker/parents and carers should always be informed of any complaint received and the outcome or response given to the young person.

3. Complaints made by external agencies, parents or carers or other bodies

Complaints made by external parties can be made informally or considered on an informal basis and this will be discussed with the individual or organisation when they initially make the complaint.

The complainant also needs to be assured that their complaint will be treated as confidential unless it is regarding a matter that may raise safeguarding issues. If this is the case, the complainant will be informed that the complaint cannot be kept confidential.

If an external party makes a complaint about any aspect of the care and education services provided then this will be received by the Registered Manager or Responsible Person (who also acts as the proprietor). The complaint will be investigated using the same process as complaints received by a young person and will use the same timescales.

If the complaint is regarding the Registered Manager or Responsible Person the complainant would be asked to contact Ofsted directly in order for the complaint to be made.

If the complaint is regarding the Head Teacher or member of the education team then this will be received by the Responsible Person.

4. How complaints can be made

Complaints can be made verbally, by email or letter or over the telephone. There is a specific child friendly form for the young people to use. Once received and recorded the following investigation process will begin.

5. Investigation Process

All complaints, whether informal or formal, will be investigated by an Owlswick manager and the decision to allocate the complaint for investigation will be made by the Registered Manager, Head of Care or Responsible Person.

A complaint can be made using any of the methods detailed above. If it is not clear how the complainant wishes their complaint to be considered then they will be contacted to discuss whether they wish their complaint to be considered either informally or formally.

- **Informal complaints**

If the request is for the complaint to be dealt with informally then this will be discussed with the manager allocated to deal with the complaint. The complainant will be assured that their complaint will be dealt with in confidence unless the complaint is assessed as being a safeguarding matter. If this is the case then the complaint will be dealt with immediately following the steps set out in the safeguarding section of this policy.

The complaint will be logged as being dealt with on an informal basis, and any investigation made and recorded within 3 days of receiving the complaint. Any necessary action to resolve the complaint will be recorded along with a timescale for this to be taken and completed. The complainant will be informed of the outcome of their complaint. If the complainant is not satisfied by the action taken to resolve the complaint informally then they will be reminded that they have the right to make a formal complaint.

All stages of the process will be logged and recorded as part of the record of the resolution of the complaint.

- **Formal Complaints**

Stage One – Initial response

If any young person or external body wishes to make a formal complaint then this will be received and logged in the first instance by a member of the management team as the initial stage of the formal record of the complaint. The complainant will be given a copy of the complaints policy and timescales for investigation and response will be discussed.

The Registered Manager, Head of Care or Responsible Person will then allocate a manager to deal with the complaint. The allocated staff member will respond to the complainant and confirm the complaint has been received and set out the timescales

and process for investigation and response. The complainant will be assured that their complaint will be dealt with in confidence unless the complaint is assessed as being a safeguarding matter. If this is the case then the complaint will be dealt with immediately following the steps set out in the safeguarding section of this policy. The response time for acknowledging a complaint is 2 days.

Stage 2 – Investigation

The manager charged with investigating the complaint will set up the formal recording log which will record all aspects of the investigation and outcomes of this including a timetable for investigation and resolution.

Within 3 days the designated manager will identify all of the relevant people involved in the complaint and investigate the substance of the complaint. If a relevant person cannot be interviewed, due to being off sick for example, the manager will inform all parties concerned about the delay and set a revised time table to investigate the complaint. All investigative interviews will be logged and recorded.

Young People

Within 3 days, verbal feedback about the complaint and investigation will be given to the young person and any action needing to be taken to resolve the complaint will be recorded and discussed. The young person will be given a copy of the outcome of the complaint for their own records. The complaint and log of investigation will be kept in a confidential file and stored in a locked filing cabinet. The young person's social worker /parents and carers will also be informed of the outcome of the complaint.

The young person will be informed of the next stage of the complaints process if they are not satisfied with the outcome of the investigation and the action that was taken.

External Bodies

Within 4 days feedback will be given to the external body by the investigating manager. The formal outcome of the complaint and any action taken to resolve it will be recorded in writing and sent to the external body. This letter will also set out the next stage of the complaints process for if the complainant is not satisfied with the outcome of the investigation and action taken to resolve it. The complaint and log of investigation will be kept in a confidential file and stored in a locked filing cabinet.

Stage 3 – Independent Panel

If the complainant is not satisfied with the original investigation or action taken to resolve the complaint then they will be asked to formally record their views and send these to the Responsible Person by letter or email within 14 days of receiving the original formal outcome of the complaint. The complaints log will be reopened and all new contacts and conversations recorded as a formal record of the process.

Within 7 days the Responsible Person will arrange a date for an independent panel to hear and review the complaint. The panel will consist of two independent

members who are not in the employment of Owlswick or are connected to its business in any way. One of the independent members will be nominated to chair the panel.

Independent panel members include:

Maureen Vallon – Previously the Complaints and Customer Services Manager for NHS West Sussex

Jayne Herring – Previously the Operations Manager for the Millers Group of Children's Homes

The Responsible Person will be the third member of the panel as long as they have had no role in the formal investigation of the complaint thus far. Another manager will be appointed to be part of the panel if this is the case.

All young people or external bodies have the right to attend the panel meeting and be accompanied by an independent advocate/representative. The advocate will have the right to speak on behalf of the complainant but will not be able to answer direct questions about the complainant without reference to the complainant themselves.

The Responsible Person (or other manager) will consult the complainant on their availability for the panel meeting and ensure they are able to attend. The panel meeting will be rescheduled if they are unable to attend. The Responsible Person (or other manager) will ensure that all parties are aware of the date, time and venue of the meeting.

The panel will hear the original complaint, investigation and subsequent action taken. They may wish to interview all persons involved in the complaint in order to inform the hearing and this will need to be arranged in advance of the panel meeting. The panel will then convene to discuss the original outcome of the complaint and reach a decision about whether they will uphold decisions made. If the original decision is not upheld then the panel has a right to make recommendations for further action to be taken to resolve the complaint.

Within 48 hours the panel's findings will be sent to the complainant by letter. If a young person has requested a panel hearing then the outcome of this hearing will be given verbally as well as being given a formal letter. A copy of the panel's decision will be stored in the confidential file and will be available for inspection by external inspecting agencies.

The decision of the panel will be final and the complainant will be required to contact an external inspection agency, local authority or government body if they wish to take the complaint any further.

6. Complaints and Child Safeguarding

If a complaint is made informally or formally then the manager who receives the complaint will make a judgement about whether the complaint is a safeguarding matter in conjunction with the Owlswick designated safeguarding leads.

If the judgement is made that the complaint is a safeguarding matter then the following process will be followed:

- The complaint will be referred immediately to the East Sussex Child Safeguarding Team
- The young person's social worker (or duty manager) and their parent/carer will be informed and any necessary action or removal of a young person to another site arranged.
- Ofsted will be informed under Regulation 30 of the Children's Homes Regulations.
- The senior management team will be informed. Any identified staff members will be subject to immediate suspension whilst an investigation is carried out.

The outcome of the safeguarding team's response will then be reported to the senior management team and any subsequent investigation will be fully complied with. The outcome of this investigation and any action needing to be taken will then be taken forward by the management team. The outcome of the complaint will be reported to the complainant both verbally and in writing. The relevant social worker and parent/carer will be also informed.

The complaint and log of investigation will be kept in a confidential file and stored in a locked filing cabinet and only accessed by designated managers.