

Introduction

We encourage our staff and foster carers to be receptive and sensitive at all times to representations and complaints made about our services.

No individual or organisation is perfect, and we can always learn from what people have to say about us. To fail to respond promptly and sympathetically to a complaint in its early stages can sometimes lead to serious problems at a later date.

The National Minimum Standards for Fostering Services 2011 requires fostering agencies to produce written procedures for dealing with representations and complaints and to make information about these available. This representation and complaints procedure aims to meet regulatory requirements but is also integral to the work of Eastern Fostering Services (**EFS**).

We therefore regard this procedure in a positive light and see it as an important tool to help monitor and evaluate the standard of service we give to children/young people, their families, foster carers and placing local authorities.

Children and young people placed with foster carers approved by **EFS** are 'looked after' by local authorities that have their own complaints procedures. It is therefore important to note that this **EFS** procedure is not intended to replace the complaints procedures already established by local authorities and that procedures produced by placing local authorities will take precedence over this **EFS** procedure. Complainants (if not a local authority) will be consulted about which procedure will be most appropriate given individual circumstances.

It should be noted that this procedure does not replace child protection/ safeguarding, grievance or disciplinary procedures, which can run concurrently with any action taken under the representations and complaints procedure.

For the purpose of this procedure:

- Representations are defined as enquiries and statements about such matters as the availability, delivery and nature of services and will not necessarily be critical. Indeed, some representations may be complimentary and are recorded on the **EFS** compliments spread sheet.
- A complaint is a written or oral expression of dissatisfaction or disquiet in relation to concern about the quality or appropriateness of services, delay in decision-making about services or about delivery or non-delivery of services or about a disputed decision.

Policy

We have based our procedure on the principles listed below:

- We seek to create an ethos in which a child/young person, parent or foster carer or other responsible adult can confidently make a representation or complaint knowing that it will be dealt with promptly and with fairness.
- The procedure will be made available to children/young people, their families, foster carers and others in clearly written and easily understood form. A copy will be made available on the EFS website, so it is fully accessible at all times.
- Any complaint should be resolved as near as possible to the point at which it arises, as with too much time drag, it becomes more of a challenge to accurately explore any issues and achieve a meaningful resolution. For this reason, it is EFS policy to put a time limit of **6 months** from the last service received by a service user to the acceptance of a complaint within these procedures.
- The level at which the complaint or representation is dealt with will reflect the seriousness of that complaint or representation.
- Depending on the nature of the representation or complaint, the views of the child/young person will be sought and taken into account in the light of his/her age and understanding (if the child/young person is not the complainant).
- Children/young people who may make a complaint will be assisted to access independent advocacy where this is needed.
- An independent element is seen as an essential part of the procedure if it is not possible to resolve a representation or complaint at local level.
- All representations and complaints will be recorded in writing and, where appropriate, shared with local authority colleagues (assuming the complainant is not a local authority).

Complaints Procedure

EFS has a three-stage procedure for dealing with complaints:

Stage One Informal Problem Solving

Stage Two Independent Investigation

Stage Three Complaints Review Panel

Stage One

Informal problem solving

The Complaint – recorded on EFS' complaints spreadsheet and allocated by Registered Manager or Responsible Individual (if complaint is about Registered Manager) as appropriate.

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

Response – determined within 10, or absolute of 20, working days of complaint being made and outcome letter sent to complainant.

Complainant satisfied with outcome?

YES → Resolved and recorded on spreadsheet.

NO → Complainant advised of option for next stage.

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Stage Two

Independent investigation

Complainant contacts Responsible Individual.

Responsible Individual responds within 5 working days.

Allocate Independent Investigator who reports to Responsible Individual.

Investigation undertaken and report completed (28 working days target completion; complainant kept informed if more time required).

Report shared with complainant and other parties, in whole or part, by Responsible Individual.

Outcome in writing to complainant within further 5 working days.

Complainant satisfied with outcome?

YES → Resolved

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NO

Stage Three

Complaints review panel chaired by EFS chairperson.

Independent Investigator report to panel members.

Complainant attends to make representations to panel.

Panel makes initial response to complainant within 24 hours.

Written response to complainant within 5 working days.

OUTCOME OF COMPLAINTS REVIEW PANEL IS FINAL RESPONSE FROM EFS

Stage One - Informal Problem Solving

EFS staff and foster carers seek where possible to resolve matters as part of their normal daily routines and duties but where they are unable to do so, **EFS** staff are instructed to make the complainant aware of this procedure and advise them about who they should contact to make their dissatisfaction known. In the first instance this will be either the Registered Manager or the Director responsible for dealing with complaints (the Responsible Individual) who will log the complaint and specify which member of staff will address it and seek to resolve matters with the complainant.

In the event of it not being possible to resolve a complaint informally then the complainant will be informed in writing of his/her right to pursue the matter further through **EFS's** Complaints Procedure.

In those situations where no attempt has been made to resolve the complaint informally at a local level then the Responsible Individual will encourage complainants to follow this route. However, where a complainant does not agree to pursue this option then a formal complaint can be lodged.

The Responsible Individual (who is **EFS's** designated complaints receiving officer) or an identified staff member designated to deputise in his absence, will respond to the complainant within 5 working days to establish the specific detail of the complaint and to inform the complainant about how the matter will be investigated. This will include advising the complainant of their right, in some circumstances, to have their complaint investigated under local authority representations and complaints procedures.

In matters of a serious nature, particularly those concerning child protection issues, the Responsible Individual will advise that the complaint must be investigated under the relevant local authority procedures.

Stage Two - Independent Investigation

Under the **EFS** procedure the investigation will be carried out by an independent investigator (an external contracted individual with relevant qualifications and experience) identified by the Responsible Individual who has had no previous involvement with the matter concerned. In appropriate circumstances, local authority 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 informally (stage 1) will be responsible for any investigation of it conducted under stage 2.

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-**EFS** procedures. Where appropriate this could include making the complainant aware of his/her right to seek advice from his/her solicitor, member of parliament, local councillor, local government ombudsman and various voluntary organisations which seek to represent the interests of children and young people in public care and their parents.

If the complainant chooses an alternative to the **EFS** procedure, then an independent investigator may in some circumstances be appointed to assist the complainant in making his/her complaint to the relevant authority.

The independent investigator will have the right (subject to any necessary permissions) to examine any relevant documents held by **EFS** and, as appropriate, to interview children / young people, family members, foster carers, staff and others whose involvement has been significant.

The independent investigator will submit a written report to the Responsible Individual (designated complaints receiving officer) within 5 working days of completing the investigation. She / he will reach a view about the independent investigator's findings and whether the complaint is upheld. The guidelines for independent investigators indicate that they should prepare their written reports on the assumption that the content will be shared with the complainant and other parties.

The outcome of the investigation and the response on behalf of **EFS** will be communicated in writing within a further 5 working days to the complainant and other relevant parties, which may include making all or some of the independent investigator's report available. The decision about making all or some of the independent investigator's report available to the complainant rests with the Responsible Individual and will take full account of issues of confidentiality and data protection legislation.

Stage Three – Complaints Review Panel

Where a complainant remains dissatisfied with the response at stage 2, they may request that a complaints review panel be set up to consider the complaint investigation and its findings. The request must be received within 28 days of receiving the outcome in writing of the stage 2 independent investigation.

The panel will consist of the **EFS** Chairperson, a member of the **EFS** Fostering Panel, and someone independent of the company (not an employee, but an individual with relevant background and expertise).

A complaints review panel meeting will be convened by the Responsible Individual and the venue and date/time for this will be agreed with the complainant and the procedure and background documentation will be circulated to all parties.

The complainant makes his / her representation to the panel who will then make an initial response to the complainant within 24 hours. A full written response will be provided within 5 working days.

Who can make a Complaint?

- a child or young person
- the family of the child or young person
- someone acting on the child or young person's behalf
- a foster carer
- local authority social services colleagues
- anyone else for whom **EFS** have agreed to provide a service

It is clearly understood and accepted that a child or young person may need and wish for some assistance and support in making his/her complaint or representation and, where appropriate, **EFS** will seek to arrange this. It will be clearly and carefully explained to a child/young person that **EFS's** 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.

Representations against refusal of approval as a Foster Carer

Applicants to foster who receive written notice that the agency does not propose to approve them under **Stage 1** of the fostering assessment are able to submit written representations to the agency decision-maker for her determination. However, it should be clear that this process can only be invoked if it is felt that the applicants case has been handled in a unreasonable way rather than having the right to challenge the decision on suitability to foster. Under **Stage 2** of the fostering assessment, a panel hearing and the IRM process can be utilised rather than this procedure.

The full foster carer assessment process is laid out in the document "**Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations**" **Volume 4 July 2013**.

If **EFS** considers that already approved foster carers are no longer suitable to foster (unless a specified offence has been committed) or that, contrary to the views of the foster carers, the terms of approval (number, age range and needs of children/young people to be placed) should be revised, then the foster carers are invited to submit written representations to the **EFS** agency decision-maker for her determination following consideration by the fostering panel.

Again, this is a distinct process from using the representation & complaints procedure and is covered by Regulation 28 of the Fostering Services Regulations 2011 and the 2013 update as described above. The representation & complaints procedure can only be used if the agency's decision is not to reapprove foster carers, or to insist on a revision in the terms of approval, and there has been some identifiable gap or omission in procedure or process.

Information about how to complain

A copy of **EFS** representation & complaints procedure is available to download on the **EFS** website and additionally in paper copy form to:

- Children/young people upon placement via **EFS**
- Foster carers on approval by **EFS**(foster carer handbook)
- Local authority social services staff on request
- On request, parents of children/young people placed via **EFS**
- On request, an identified individual acting on behalf of a child/young person placed or previously placed via **EFS**

Designated Complaints Receiving Officer

The designated complaints receiving officer is the Responsible Individual, whose role is to monitor and promote quality in all aspects of the organisation's activities, including ensuring complaints are properly investigated and responded to.

The Responsible Individual has responsibilities to:

- Monitor all representations & complaints dealt with informally at stage one;
- Oversee the investigation of complaints that cannot be resolved informally at stage 1.
- Advise on matters of **EFS** policies and procedures and the law, requirements and good practice guidance which underwrite them.
- Inform the relevant local authority of any formal complaint (stage 2) made by or about a child/young person who is or has been placed via **EFS** and to consult and reach agreement with the authority about which procedure will be followed and what advocacy is needed.
- Ensure that the complainant is aware of other avenues of complaint open to him / her.
- Ensure that the relevant parties receive copies of the independent investigators' reports as appropriate and that outcomes are communicated to all concerned.
- Ensure the smooth running of the complaints review panel arrangements including the convening and servicing of the panel.
- Maintain records of all complaints and their outcomes and ensure that such information is incorporated in relevant reviews of **EFS**'s quality strategy and made available (in suitably anonymised format) in response to any reasonable written request.

Eastern Fostering Services has a policy of encouraging user local authorities to inspect and evaluate our services and we welcome regulation and inspection of fostering agencies through **The Office for Standards in Education, Children’s Services and Skills (OFSTED)**.

Useful Contacts

In the event of needing to make a representation or complaint, please contact:

- **Eleanor Vanner (Registered Manager)**
Eastern Fostering Services,
Unit 1E, The Gattinetts,
Hadleigh Road
East Bergholt
Suffolk
CO7 6QT

Tel: 01206 299775
Email:eleanor.vanner@easternfosteringsservices.com

- **Tony Jones (Responsible Individual and Complaints Officer)**
Eastern Fostering Services,
Unit 1E, The Gattinetts,
Hadleigh Road,
East Bergholt
Suffolk
CO7 6QT

Tel: 01206 299775
Email:tony.jones@easternfosteringsservices.com

- **Ofsted National Business Unit**
Piccadilly Gate,
Store Street
Manchester
M1 2WD

Tel: 0300 123 1231
Text: 60085
Email:enquiries@ofsted.gov.uk

Ofsted also have an online enquiry form on their website; www.gov.uk

Please note, the Chief Inspector of Ofsted is Amanda Spielman, her full title is Her Majesty’s Chief Inspector (HMCI).

