



# Complaints Policy

This document sets out the CFS Care policy and procedure in relation to complaints. The procedure must be used when young people or external stakeholders wish to make a complaint.

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## Introduction

We encourage openness and transparency. We expect that complaints will be appropriately administered (in terms of confidentiality and information sharing) and aim to respond, rectify, and resolve any concerns as/if they arise. This complaints policy is for young people, as well as anyone who has contact with any aspect of CFS Care Limited.

Please note that if a colleague wishes to make a complaint, they must refer to our Disciplinary, Professional Conduct, Grievance & Appeals Policy.

## Purpose

Anyone can make a complaint and we need to know if things go wrong. This is important because it will help us to develop and learn to provide the best possible services and support.

CFS Care have embedded a culture of continuous improvement, and for this to be effective we need to know when people feel unhappy or concerned to make things better (now, and for the future).

Our complaints procedure has been implemented to:

- Encourage resolution informally wherever possible;
- Be easily accessible;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keep people informed of progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress;
- Provide information to the leadership team so that services can be improved.

## Aims

This part of our policy seeks to clarify our aims regarding the effective implementation of this policy and in particular, the embedded procedures. It is important that we achieve these aims and the points listed below (see over) because we must ensure continued good practice and promote an environment of transparency and accountability.

Our aims are to:

- Seek positive resolution of problems by informal means;
- Provide a transparent and informative service to all young people and adult stakeholders;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Promote and maintain good working relationships between all people involved with CFS Care and the community within which services are located;
- Allow for open, engaged environment;
- Learn from our mistakes. Provide information to the leadership team so that services can be improved, focusing on maintaining safe and positive relationships.

## WHO CAN COMPLAIN?

This policy is in place for young people. However, it may be used by anyone who has a concern or complaint about any aspect of our services.

CFS Care wish to make clear from the onset that anyone who wishes to make a complaint is entitled to be accompanied by an advocate or supportive individual. A complainant (i.e., the person who makes a complaint) may be accompanied at any stage of the procedures outlined in this policy.

We want young people to be confident and assured in the knowledge that their views and feelings will be taken seriously. CFS Care are committed to this principle and any attempt by any colleague to “cover up” concerns or ignore complaints will be taken extremely seriously.

## HELPING YOUNG PEOPLE TO EXPRESS THEIR VIEWS AND FEELINGS

It is essential that young people are provided with every reasonable opportunity to express their views, wishes and feelings about the quality of support they receive.

Before a young person moves into one of our settings or on the day of admission, they must be provided with:

- A Young Person’s Guide;
- A copy of the complaints’ procedure (which must be explained to ensure the young person has sufficient understanding of what to do, as required);
- Information about advocacy support and how these may be accessed.

It is responsibility of the manager/supervisor at each setting to ensure that young people can demonstrate an appropriate understanding of how to make a complaint and how complaints will be handled.

## Procedures

Colleagues must ensure that:

- The views, wishes and feelings of young people must be considered (and recorded) in relation to matters affecting their general support, safety, welfare and their lives;
- They help each young person to express their views, wishes and feelings;
- Young people are not made to feel guilty or ashamed;
- Positive Relationships are maintained;
- They do not adopt or use a defensive approach to hearing complaints or concerns;
- They help each young person to understand how their views, wishes and feelings have been acknowledged, with an explanation of why certain decisions are made;
- They help each young person to understand how their privacy will be respected;
- Each young person is actively encouraged to provide feedback to, and raise issues with, colleagues;
- Each young person has a Young Person's Guide and the complaints procedure (included in this policy);
- Each young person is given and fully supported to use advocacy support, as required.

Colleagues have a duty to be proactive in securing each young person's views, wishes and feelings. This should be considered and balanced against what is judged to be in the young person's best interests. All such matters must be recorded and retained within the young person's case files.

## Supporting Young People to Raise any Worries or Concerns

All young people are clearly informed, before they access our settings and services, that they can use a wide range of means to let us know that they are feeling unhappy or wish to complain. This is important because all young people are different and as such, colleagues should adopt an approach that "best fits" with the young people's personality, individual needs, and character, as well as the context of their concern. For example, some young people may require a peaceful and structured 1:1 meeting (such as Keyworker meeting), whilst others may prefer to talk openly.

Some young people may prefer to speak with their social worker, another colleague or an independent advocate. It is therefore essential that CFS Care maintains a flexible structure for handling worries and concerns that may escalate to an official complaint.

All individual young people will be advised that "if they are unhappy about anything" they can:

- Raise any concerns, at any time, with an adult (i.e., a colleague);
- Speak with any member of the Senior Management Team (SMT) or a Director;
- Speak with their social worker or an Independent Advocate (see over for examples).

Young people will also be informed that they can call:

CHILDLINE 0800 1111	NYAS 0808 808 1001 or 0151 649 8700	THE WHO CARES TRUST 0207 251 3117
NSPCC 0808 800 5000 or (TEXT) 88858	CORAM VOICE 0808 800 5792	CHILDREN'S RIGHTS DIRECTOR 0800 528 0731

Young people can also seek further advice by going to:

<http://www.childrenscommissioner.gov>

If a young person wishes to raise an official complaint, this will be responded to and recorded through the following four stage complaints process (See Over). This process is for young people and anyone who has contact with any aspect of CFS Care. It is to be used when it is not possible to resolve concerns through solution-focused discussion at Stage One (i.e., Informal), resulting in an escalation to Stages Two, Three and Four (i.e., Formal). Please note that all matters must be recorded, including an account of Stage One complaints that are resolved through discussion.

### Circumstances Where This Policy Does Not Apply

Issues related to allegations, disclosures or whistleblowing, criminal investigations, as well as colleague grievances must all be handled separately from this policy.

Please refer to our Safeguarding Policy, which includes guidance upon raising concerns about the conduct and behaviour of a colleague. If in any doubt, contact a manager or supervisor who will be happy to advise.

This complaints policy is distinct from formal disciplinary proceedings, and this should be made clear to all concerned.

There may be occasions where a complaint gives rise to disciplinary procedures, which put the complaints process on hold. If this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the complaint procedure.

## FOUR STAGE COMPLAINTS PROCESS

There are four stages of action. An initial informal stage and three formal stages.

Within the Informal Stage, primary responsibility rests with colleagues. This means that colleagues will seek every reasonable opportunity to resolve matters raised and make things better again.

Within the Formal Stages, responsibility rests with CFS Care management. This includes, the SMT and Directors, as well as Local Authority Officers where appropriate.

Each of these stages will usually occur in order and it is not possible to return to previous stages.

It is stressed that most complaints are resolved on an informal basis (Stage One). If the process reaches Stage Four without fair, reasonable, and effective closure, the young person must be supported to access independent advocacy as required and contact those identified above (See pages 5 & 6).

## STAGE ONE

Colleagues will listen to your complaint and try to make things better. She or he will record your complaint and all that has been said.

### STAGE ONE INFORMAL

Most complaints can be dealt with on an informal basis and resolved through solution-focused discussion.

This means that colleagues will focus their approach upon finding solutions to concerns raised. Colleagues will ask what can be done to make things better and empower the young person to actively contribute towards finding/engaging in a solution.

There are many occasions where concerns are resolved straightaway without the need to submit a formal complaint.

### WHO TO SPEAK TO?

Individuals may decide to raise their concerns with colleague depending upon their wishes and the type of issues they want to discuss. It is important that all concerns/complaints raised are reported to the manager for advice and guidance, as well as to ensure that appropriate records are retained.

## MONITORING

We will keep a record of any informal meetings regarding complaints. This is important because there may be occasions where issues appear to be resolved, but then resurface again later. Therefore, it is helpful to have an evidence-based “paper trail” to ensure that the process remains fair, and matters are addressed effectively.

## TIMESCALES

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible. Actions should be recorded at any meetings, and it may be appropriate to evaluate progress at a time that is agreed by all at the meeting.

## RESPONSE

The individual who raised the complaint will be informed of any action to be taken. If appropriate, this might be confirmed in writing.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the next stage.

## STAGE TWO

If you are still unhappy, the manager/supervisor of the setting or the Locality manager will try and help. They will write everything down and investigate if things cannot be resolved (e.g., If you are still unhappy). You will get a full written response.

### STAGE TWO FORMAL REFERRAL TO THE REGISTERED MANAGER

This is the first stage of the formal complaints procedure and all communications between parties must be carefully recorded and monitored as set out in the ‘monitoring complaints’ section of this document.

### DISCUSSION WITH A MANAGER

The manager/supervisor will meet with the complainant and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the manager/supervisor will decide whether the individual’s complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.



## SUBMITTING THE COMPLAINT

It must be clear that the concern is a definite complaint that will be dealt with according to this policy. The complaint must be formally submitted in writing to the manager/supervisor. As indicated within the 'Equal Access, Accompaniment and Representation' section of this policy, all complainants have the right to submit formal complaints, which have been written by another individual on their behalf.

## ACKNOWLEDGEMENT AND TIMESCALES

The manager/supervisor should formally acknowledge the complaint within 4 working days of receiving it and begin an investigation.

## THE INVESTIGATION

The manager/supervisor will need to investigate the complaint and review any relevant documentation and information. If necessary, the manager will interview witnesses and take statements from those involved. Young people may also be interviewed if the complaint relates to their conduct or an incident in which they are involved (Remember: All young people have a right to advocacy).

## RESPONSE

The manager/supervisor will provide the complainant with a full written response within 10 working days. This response will determine whether the complaint has been upheld, the reasons why, as well as what action (if any) will be taken.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the next stage.

## STAGE THREE

If you are not happy with what the manager/supervisor has said, you can ask for your complaint to be heard by a committee. The committee will include an independent person and Sian Hodson (Service manager) or Lianne Daniel (Managing Director) (N.B. Lianne and Sian are members of the Senior Management Team (SMT)). The committee will decide if the complaint has been handled fairly and properly. Lianne or Sian will write to you with a final decision.

### STAGE THREE COMPLAINTS COMMITTEE HEARING

Introduction: [Complaints Committee Review](#).

Upon receiving a formally submitted complaint at this stage, CFS Care may choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible for Lianne or Sian to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a colleague or an independent person will be instructed, depending upon the nature of the complaint.

Please note that this is the first stage under which a formal complaint about the manager will be handled.

## REVIEW BY COMPLAINTS COMMITTEE: KEY ROLES & RESPONSIBILITIES

### The Clerk

The clerk organises the complaints committee review and will:

- Set the date, time and venue of the review, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings and notify all parties of the outcome (the committee's decision).

## THE ROLE OF THE CHAIRPERSON OF THE COMPLAINTS COMMITTEE

The chair of the complaints committee has a key role and will ensure that:

- The purpose of the committee is explained to all parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key factual findings are established;
- Persons' who may not be used to speaking at such a review are put at ease;
- The review is conducted appropriately with each party treating the other with respect and courtesy;
- The committee is open minded and will act independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen and understood by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision in writing, with the committee's response within 5 working days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

### The Committee

The committee will comprise two senior colleagues who are independent of the incident and a further person who is independent from the service and associated organisations. **PLEASE NOTE: No member of the committee will have previously been involved with dealing with the complaint. The committee will elect its own chairperson.**

## SUBMITTING A FORMAL COMPLAINT

The complainant must submit a written request to CFS Care for their complaint to be considered by a complaints committee.

The written request should be sent to either:

- Lianne Daniel (Managing Director) or Sian Hodson (Service Manager)

The address is as follows:

- CFS Care Limited – c/o 2<sup>nd</sup> Floor, 3 Hardman Square, Manchester, M3 3EB

## ACKNOWLEDGEMENT AND TIMESCALES

Senior management colleagues (i.e., Lianne or Sian) will acknowledge receipt of this letter in writing within 10 working days. This letter will inform them that the complaint will be heard by a complaints committee within 15 working days.

## PREPARATION

A senior management colleague will then contact the clerk and formally request that preparatory arrangements are undertaken and completed within the designated timescales. The clerk will convene a meeting of the complaints committee.

The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the designated individuals.

The clerk should then formally write to the complainant and any other relevant people and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 working days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 working days before the date of the hearing.

## THE HEARING

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them.

Please note that all attendees will be asked to turn off any electronic devices to avoid unnecessary interruptions during the meeting. The recording of such meetings is not permitted, unless all present are in full and unreserved agreement that matters may be recorded electronically (i.e., digital and analogue recording devices, including mobile phones).

The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties and explain the principles and objectives of the hearing;
- The complainant will be given the opportunity to explain their complaint. Following this the nominated senior management colleague and the complaints committee will be allowed to ask the complainant questions;
- The nominated senior management colleague will then be given an opportunity to explain the service's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the manager;
- Every party will be given the opportunity to call and question witnesses called by other parties;
- The nominated senior management colleague and the complainant will both be given the chance to give final statements;
- The hearing will be concluded by the chair, who should explain that the committee will consider its decision and write to both parties within 5 working days informing them of the outcome.

This format can be altered where appropriate, but the chair of the meeting has control over its proceedings. The committee will make findings and recommendations that will be made available for inspection.

#### AFTER THE HEARING

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous or a majority decision on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in a summary letter to the complainant, with copies to relevant people involved in the complaint.

#### PLEASE NOTE:

Written records will be kept of all complaints, indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing. If a person is dissatisfied with the response and would like to take their complaint further, they should be referred to the next stage.

## STAGE FOUR

If you are not happy with the committee's decision, you can contact:

- The Council's Complaints Service; and
- The Children's Commissioner

### STAGE FOUR IF A COMPLAINANT CONTINUES TO FEEL DISSATISFIED

CFS Care will make every reasonable effort to resolve complaints, as detailed in this policy. However, there may be times when a complainant continues to feel dissatisfied, having been through Stages One, Two and Three.

In such circumstances, the complainant can escalate their complaint to the commissioning authority.

Details of how to contact the relevant local and/or placing authority are available through their websites. In addition, any colleague will be able to provide suitable advice about contacting such services. Furthermore, if the complainant has an independent advocate, they will also be able to provide suitable advice, guidance, and support.

CFS Care will engage fully and appropriately with any such action. We are committed to being honest, open, and transparent. This means that all appropriate information regarding the complaint will be provided for assessment and evaluation, as requested by the local authority and/or placing authority. This will include communications with the complainant and relevant recorded information.

### THE CHILDREN'S COMMISSIONER

Young people under 18 years of age are legally considered to be children. As such, a young person may want to escalate the complaint to the Children's Commissioner. The young person may do this at any time, but they should be advised to follow the complaints procedure as outlined in this policy.

Additionally, the Children's Commissioner offers "Help at Hand" services and these can be accessed through:

- Freephone: 0800 528 0731 or Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)

Help at Hand provides:

- Free independent advice on rights and entitlements; and
- Direct confident contact (<https://www.childrenscommissioner.gov.uk/help-at-hand/get-in-touch/>)

## Monitoring, Upholding or Not Upholding Complaints

At all formal stages of the complaints procedure (Stages Two to Four), the following information will be recorded in writing (if all agree, an audio recording system may be used at any meeting with an accurate written-up copy of proceedings completed immediately thereafter and subsequently agreed as accurate, by all present):

- The name of the complainant, and the date and time at which complaint was made;
- The relevant details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations, including any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

At each stage of the complaint procedure, the conclusion will be either:

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken; or
- That the complaint is not upheld and reasons for this are clearly given.

It may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review policies.

## Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken against an individual (apart from the complainant) which they feel is ungrounded, unjustified, or incorrect they have the right to appeal.

## Vexatious Complaints

Lianne or Sian may write to a complainant and refuse to consider their complaint at Stage Three if it is felt that there are insufficient grounds to do so. This may happen for example if the complaint has already been considered at this stage or if it has been closed. In both cases, the complainant has the right to take their complaint to Stage Four.

## Confidentiality

**Confidentiality is vital.** All conversations and correspondence will be treated with appropriate discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between employees on a need-to-know basis. Idle discussion of complaints is inappropriate and unacceptable.

## Equal Access, Accompaniment & Representation

Appropriate steps should be taken to ensure that any individual can raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints that have been written by another individual on their behalf.

Complainants have the right and option to involve a local authority officer if they wish to do so. Equally the CFS Care reserves the right to involve a local authority officer as required. Should any meeting need to be held where any parties would have difficulties in terms of access, CFS Care will make every reasonable effort to provide an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. Every opinion will be considered and formally acknowledged as part of the recording process.

## Time Limits & Deadlines

Although each of the stages within the procedure should occur consecutively, it is not always necessary.

Complainants may need some time to decide whether they wish to pursue the matter any further, or there may be a need to trial and evaluate outcomes. After each stage, the complainant and the individual who is dealing with their complaint should agree an appropriate time limit.

All colleagues and complainants must comply with agreed time limits and deadlines contained within this policy. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible (i.e., where a complaint leads to criminal proceedings this will always be the case for example).

If it becomes necessary to alter the time limits and deadlines, the complainant will be informed and provided with an explanation as to why this has been the case.

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