

1.14.2 Complaints Procedure

Contents

1. [What is a Complaint?](#)
2. [Who may make a Complaint?](#)
3. [Informing Children about the Complaints Procedure](#)
4. [Receiving Complaints](#)
5. [Local Resolution](#)
6. [Formal Consideration](#)
7. [Revision History](#)

[Complaints Subject to Concurrent Consideration](#)

Regulations and Standards

England

- [Regulation 5 - Engaging with the Wider System to Ensure Each Child's Needs are Met](#)
- [Guidance on Chapter 5 of the Regulations – Policies, Records, Complaints and Notifications](#)
- [Regulation 7: The children's wishes and feelings standard](#)
- [Guide to the children's wishes and feelings standard](#)
- [Regulation 39: Complaints and representations](#)
- [Regulation 44: Independent person: visits and reports](#)
- [Regulation 45: Review of the quality of care](#)
- [Health & Safety at Work Act 1974](#)

Wales

- Regulation 64: Complaints policy and procedure
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/64/made>
- Regulation 80: Quality of care review
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/80/made>
- Regulation 15: Personal plan
<https://www.legislation.gov.uk/wsi/2017/1264/regulation/15/made>
- [Health & Safety at Work Act 1974](#)

Outcome

Any complaint will be addressed without delay and the complainant is kept informed of progress.

This Chapter should be read in conjunction with the following:

[Child and Adult Protection Procedure](#)

[Confidential Reporting \(Whistleblowing\) Procedure](#)

[Advocacy and Independent Visitors Procedure](#)

[Allegations Against Staff Procedure](#)

IMPORTANT CONTACTS

Bryn

England

Anne Longfield (OBE), Children's Commissioner for England

The Office of the Children's Commissioner
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 020 7783 8330

Email: info.request@childrenscommissioner.gsi.gov.uk

Ofsted

Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 123 1231

Wales

Children's Commissioner for Wales

Sally Holland
Oystermouth House
Phoenix Way
Llansamlet,
Swansea
SA7 9FS
01792 765600
FAX: 01792 765601
post@childcomwales.org.uk

[Click here for contact details for CIW \(Care Inspectorate Wales\) doesn't work](#)

<https://careinspectorate.wales/contact-us/raise-concern>

Health & Safety Executive

Tel: 0300 003 1647

Bryn Melyn Care Ltd
Bryn Melyn House

3 Hawksworth Road

Central Park

Telford

TF2 9TU

Tel: 01952 504715

Email: Nicole.carter@brynmelyncare.com

1. 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 organisation 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 things such as:

- 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;
- Serious Health & Safety concerns..

The complainant should be aware that complaints can always be directed outside the business, to the **Regulatory Authority** or the **Placing Authority**, however in the first instance Bryn Melyn Care would like the opportunity to internally review any complaints and take any required actions to resolve the complaint.

Complaints or allegations of mistreatment or **Significant Harm** by staff/carers must be dealt with by way of the Child Protection Referral as set out in Child and Adult Protection Procedure, not as Complaints. Should a complaint of this nature be received by the organisation then actions under the Child and Adult Protection Procedure and allegations Against Staff policy will be taken.

See **Child and Adult Protection Procedure**, which contains procedures on referring suspicions or allegations of **Significant Harm**.

2. Who May Make a Complaint?

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

- A Child/young person;
- A parent of a child/young person ;
- A person acting on behalf of a child;
- A neighbour living in the locality;
- A professional working with the organisation;
- A staff member.

3. Informing Children about the Complaints Procedure

Children / Young People will be informed about the Complaints Procedures in a variety of ways; including the guide given to them before or upon admission. This must be in a format that the child/young person can understand.

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 persons details should also be included.

They will also be given information and contact details of Advocates they may contact, who may make complaints or advocate of their behalf or assist them in doing so.

The Children's Guide will provide advice to children and young people about how to use the procedures to their best advantage; and on the process of investigating complaints made by them.

The child or young person's parents and the Placing Authority must be given a copy of the complaints 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; this should include providing contact details.

4. Receiving Complaints

Where a complaint is received from a child or young person within our care all reasonable steps steps to ensure that children and young people feel comfortable with the making of comments or complaints and free from reprisals if they choose to do so. When within the home complaints should be directed towards home managers, whilst in education the Educational Complaints policy should be followed.

Complaints made by any other individuals should be directed in the first instance to Nicole Carter, Support Service Manager using the contact details above.

where complaints are made , the person receiving it should do what they reasonably can to ensure that all other resolutions available have been tried, rather than resorting to the making of a formal complaint. We recognise that this may not always be possible and every individual has the right to make a formal complaint.

Complainants may direct their complaints to others outside the home, such as the Independent Advisor or a The Designated Safeguarding Lead. A list of Key Contacts are contained in the above section. Bryn Melyn the first instance however Bryn Melyn Care would like to encourage complainants to direct complaints to them so that actions can be taken to resolve concerns.

Complaints should preferably be put into writing, in a letter, email or using a Complaints Form; but other methods may be used, including the use of audio tapes or verbally.

Complainants should be given any reasonable assistance they require or request, including being introduced to people or groups independent of the organisation that may assist them, such as Advocacy Groups. The complainant must be advised that if they choose to complain directly to the Placing Authority, the Placing Authority must 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.

Brief details of the receipt of all complaints must be recorded in the Complaints Log at the location they pertain to.

5. Local Resolution

Timescale: 14 Days

If possible, the person receiving the complaint or their supervisor/line manager should resolve the matter as soon as reasonably practical and ideally within 14 days. This may be extended for a further 14 days if the complaint is unable to be resolved in this timeframe. Complainants will be notified of any extended time frames. .

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 Line Manager with an appropriate level of authority to resolve the matter satisfactorily.

Where a complaint was made by a young person in our care and it was possible to resolve a complaint within 14 days, the person resolving it should do the following:

- Note the fact that a complaint was made and resolved in the home's Daily Log, record a summary of the complaint and the manner in which it was resolved in the Complaints Log and in the Daily Record of any relevant child. The Line Manager must confirm in writing to the complainant the agreed resolution;
- If the Line Manager was not involved in resolving the matter, notify the Line Manager as soon as practicable.

The manager should then consult the complainant to ensure they are satisfied, brief their Line Manager if necessary and sign off the Complaints Log.

Complaints made by other individuals will be recorded within a central complaints log and will be provided with an outcome in writing.

6. Formal Consideration

Timescale: 35 Days

Where the person receiving the complaint cannot resolve it within 14 days, or a further 14 days required, it should be referred, for Formal Consideration, to an independent person.

Before undertaking the Formal Consideration, the independent person 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 always be consulted.

The independent person dealing with the complaint at this stage should attempt to resolve it as quickly as possible but within 35 days of the request for the Formal Consideration. This may be

extended if required. If the complaint has not been resolved within 35 days and it is appropriate to the nature of the complaint, the Regulatory Authority (Ofsted or CIW) must be informed of the reason for the delay.

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.

Details of the outcome must be recorded in the Complaints Log, which, where appropriate must be countersigned by the Home Manager. Copies of all records and correspondence relating a complaint from a young person should kept as follows:

- On any relevant child's/ young person's file;
- In the Complaints File held by the Home Manager;
- Copy of outcome must be sent to CIW;OFSTED
- Copy of outcome must be sent to the Placing Authority.

7. Complaints Subject to Concurrent Consideration

There are circumstances where the responsible individual must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled such as:

- A complainant has stated in writing that he or she intends to take proceedings in any court or tribunal;
- The Manager is taking or is proposing to take disciplinary proceedings;
- The Manager has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings;
- A meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children;
- The Manager has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000.

Such complaints are referred to as "Complaints Subject to Concurrent Consideration".

In these circumstances, the organisation may choose to discontinue considering the complaint as it may compromise or prejudice the other consideration. If the organisation decides to take this action the complainant must be informed of this decision. However, the organisation may resume considering the complaint at any time. The organisation must ascertain the progress of the 'concurrent consideration' and inform the complainant when it has been concluded.

The organisation must resume considering the complaint where the 'concurrent consideration' is discontinued or completed and the complainant requests that the complaint be considered.

Revision History

Date last updated: May 2020

Date of next review: May 2021

Date of release: December 2018

End

..