

## **Complaints and Representations Policy for Children's Services and Business Lines**

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Policy Owner:	Pat Greene, Head of Business Support
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### **Purpose**

Barnardo's has a Complaints and Representation Policy (the Complaints policy) for Children's Services and Business Lines:

- To ensure redress for children and young people and their carers through open and fair processes.
- To promote the participation of children, young people, and their families.
- To safeguard and protect children, young people and vulnerable adults by providing a process for them to raise concerns about the service they are receiving
- To improve service delivery through learning from complaints and representations.

### **Scope**

This policy covers the process for responding to complaints and representations made by people, or on behalf of people, using a Barnardo's Children's Service or Business Line including children, young people, ETS trainees, carers and adopters. (Others may make a complaint about Barnardo's/the Barnardo's Service but other processes will apply, as set out in the [Complaints Map.](#))

The 1989 Children Act places a requirement on Voluntary Organisations accommodating children and young people to appoint an officer to assist the organisation in the co-ordination of all aspects of the consideration of representations (this means Complaints and Representations). The complaints officer should be independent of operational line management and direct service provision. In Barnardo's some of these functions are undertaken locally by the Region/Nation/Business Line Complaints Lead Manager and some by the Business Support Team where the CS/BL Complaints Officer is located (Head of Business Support, Safeguarding and Children's Services Planning Team).

The Complaints policy has a formal 3 Stage process for complaints investigation; all 3 stages are recorded.

Any other issue of concern which is raised by a service user or raised on behalf of a service user, not managed as a complaint, is likely to be a *representation* or an *issue which can be/is managed via normal day to day good practice*. A representation or an issue can move into the complaints process.

A complaint can be made up to twelve months from the event giving rise to it. This time limit can be extended, at the discretion of the Complaints Lead Manager in consultation with the Children's and Business Line Services Complaints Officer (HoBS, Business Support Team). If requested it should always be extended if the complaint relates to the time a child or young person was accommodated by Barnardo's and the complaint does not fall into the [Adults Abused as Children \(Historic Abuse\)/Responding to Historical Abuse Policy.doc 011114.doc \(copy of b-hive\)](#) Policy and Procedures.

Appendix A is Guidance on the management of a complaint made about a Children's or Businesses Line service by someone not entitled to make a complaint under the Complaints and Representations Policy for Children's Services and Business Lines.

## **Roles and Responsibilities**

**Region/Nation/Business Line Director** should maintain an overview of complaints received in the Region or Nation or Business Line and address any issues arising from these, adjudicate at Stage 2/Investigation stage if the complaint is about an ADCS or Head of Business Line and manage the Stage 3 process and inform their Region/Nation/Business Line Complaints Lead Manager when told of a complaint about a Children's Service or Business Line made elsewhere within Barnardo's.

**Assistant Director Children's Services or equivalent** should review the complaints and representations received in the services they are responsible for and address any issues arising from these, investigate complaints where appropriate (this includes ensuring management investigation if a complaint is made about a service by someone not entitled to bring a complaint under the "Complaints policy" or other Barnardo's internal process) and ensure that the members of staff in their locality/business line are implementing the Complaints policy. They should ensure that there is agreement with any partner agency on the protocols, concerning complaints to be followed in a service they are responsible for.

**Responsible Managers and School Principal** are responsible for ensuring that the staff and volunteers that they are responsible for understand and implement the Complaints policy; for ensuring that users of the service understand their right to complain and for investigating complaints where appropriate. They should ensure that there are protocols in place with partner agencies concerning complaints.

**Barnardo's workers** give written complaints information to service users with explanation; review this regularly and report complaints made to them to their line manager.

**Complaints Lead Manager** role is a **Region/Nation/Business Line ADCS or equivalent** task allocated by the relevant Director. They can delegate the function. The **R/N/BL Complaints Lead Manager** has responsibility **a)** for co-ordinating the management of CS/BL complaints across their Region/Nation/Business Line, **b)** for providing training, support and advice to staff in respect of complaints, **c)** for seeking advice as appropriate from the Complaints Officer, Business Support, Safeguarding and Planning Team, **d)** for providing information to the Regional/National/Business Line management team about complaints, and **e)** for contributing to the development of organisational policy and practice in relation to complaints.

**Complaints administrator** has responsibility for maintaining information about complaints made, for the Region/Nation/Business Line and providing support to the Region/Nation/Business Line Complaints Lead Manager.

**Business Support, Safeguarding and Planning Team, Barnardo House Children's Services** - the Head of Business Support (HoBS) is Children's and Business Line Services Complaints Officer with responsibilities delegated to Business Support Officer

and Business Support Assistant. Business Support must be informed about Children's Services and Business Line complaints and has a monitoring and advisory function.

## Definitions

**A complaint** is an expression of dissatisfaction or disquiet about the standard of a children's service including associated line management and the actions or lack of action by the service towards an individual child or young person or other service user.

**A representation** (or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011) is comment or feedback from an individual or group about a service. It could be positive or negative. It requires some response and this could involve making changes to how a service is delivered.

**Complainant** - the following people may complain using the Children's Services and Business Line Complaints Policy and Procedure:

- Children and young people and care leavers under age 21 (26 Scotland) who are or have been users of a children's service or business line including children who may or have been adopted. This includes the child or young person's advocate with their consent
- Adults (e.g. parents, carers, special guardians, those with parental responsibility, potential adopters) on behalf of children and young people receiving services
- The parents of prospective pupils of non-maintained special schools
- Adult users of a children's service or business line including Adoption Support Services
- Adopted persons, their parents, natural parents and former guardians where the complaint does not fall into [Adults Abused as Children \(Historic Abuse\)/ Responding to Historical Abuse Policy.doc 011114.doc \(copy of b-hive\)](#) process
- Family Placement applicants during assessment and after approval
- Others whom Barnardo's considers to have sufficient interest in a child or young person, to warrant their representations being considered including partner agency if complaining on behalf of or about service to an individual service user
- An advocate for any of the above can raise the concern on their behalf

**Complaints Leaflets** Information for service users in 2 versions and in English and Welsh. The standard version must be given to all service users. Service users should be told Fuller Information is available and this leaflet must be given to anyone contemplating Stage 2 and to anyone else who request.

- [01. STANDARD VERSION Complaints Leaflet Having your say - information for all Children's Services and Business Line service users \(English - Word version which can be customised\)](#)
- [02. STANDARD VERSION Complaints Leaflet Dweud eich barn - information for all Children's Services & Business Lines service users \(Welsh Word document which can be customised\)](#)

and

- [04. Having Your Say over-writable leaflet English fuller information about the Children's Services and Business Line Complaints Process and must be given if stage 2/investigation stage requested](#)
- [05. Having Your Say Dweud eich barn Welsh over-writable leaflet fuller information about the Children's Services and Business Line Complaints process and must be given if stage 2 requested\)](#)

and Information for Family Placement - [Information for Carers about Complaints and Panel Procedures](#) to be given to potential and approved family placement carers

## Stages of Investigation

**N.B.** If an external process e.g. a Family Placement Panel coincides with a complaint being raised by the same individual/s, responsible managers in agreement with complainant/s should decide if one process should be completed before the other commences and which. Normally an internal management process will always take precedence. One of the processes may be commenced in part, for example issues in a complaint which are not affected by the other process.

**Stage 1 (Scotland - Frontline): this is the investigation made as close to the point of the complaint being made as possible usually by the responsible manager.** The investigation process to be completed within **10** working days of the complaint having been received by the responsible manager, unless extension agreed (this could be because what the complaint is needs to be agreed) or it is inappropriate for the responsible manager to investigate, in which case another manager should investigate. (Regulated services Scotland **5** working days to resolve with option of agreed extension to **10** working days and requirement to complete within **15** working days). The complainant can use an advocate. The complainant has **20** working days from receipt of written response to Stage 1/Frontline to ask for Stage 2/Investigation stage. They should say why they believe the investigation into their complaint has not been done properly at Stage 1/Frontline and reasons why they disagree with what the person investigating their complaint has decided. Barnardo's can recommend starting at Stage 2/Investigation stage if complaint complex; can also start at this point if complainant unwilling to participate in Stage 1/Frontline or if the complaint relates to serious, high-risk or high-profile issues).

**Stage 2 (Scotland - Investigation stage): this is the investigation made by an Investigation Officer with an Independent Person, if the complainant or organisation is not satisfied with stated reasons with the manner/outcome of the Stage 1/Frontline investigation.** The investigation process to be completed within **25** working days (Regulated services Scotland **20** working days), unless time extended, of complaint being agreed (if a complaint requires terms of reference before being agreed). Stage 2/Investigation stage is not appropriate if the complaint has been upheld at Stage 1/Frontline. Stage 2/Investigation stage can also be used without Stage 1/Frontline if it is judged that an investigation would benefit from having an Investigating Officer and Independent Person from the outset. This latter should be agreed with the complainant as it means they lose one stage of the process. The Director should receive the Stage 2/Investigation stage report. Request can be made by the complainant or their advocate. The complainant has **20** working days from receipt of written response to Stage 2/Investigation stage to ask for Stage 3 and should give reasons why they believe the investigation was not been done properly at Stage 2/Investigation stage. Request can be made by the complainant or their advocate. N.B. Complaints about Adoption Services except Adoption Support Services in Wales should have both stages 1 and 2 completed within **28** days.

**Stage 3: this is a review of the Stage 2/Investigation stage investigation by an appointed reviewing officer or in limited cases by an appointed panel, if the complainant states with reasons why they were not happy with the Stage 2/Investigation.** Stage 3 is to be completed within **45** working days of the request being made, if stage 3 is agreed. **Scotland** - it will have been determined at the contract stage if the service user has the right to the Scottish Public Services Ombudsman not Barnardo's Stage 3 if they remain dissatisfied.

**Independent Person (IP)** is an external person appointed to oversee the fairness of the process of a Stage 2/Investigation stage investigation. The IP is appointed by the Complaints Lead Manager for the Region/Nation/Business Line or the Manager responsible for overseeing the Stage 2/Investigation stage investigation. They must agree any Barnardo's privacy, confidentiality requirements; receive information about who is Barnardo's Complaints Officer; cannot be an employee (officer) of Barnardo's; cannot be a person engaged in any way with furthering the objects of the organisation; must not be the spouse, civil or other partner of either of the previous; is not and must not act as an advocate for the complainant and must be asked and respond to the person appointing them, on if they could have any conflict of interest.

**Investigating Officer (IO)** is appointed for Stage 2/Investigation stage investigations. The IO will usually be an employee who has the position, knowledge and skill to address the specific complaint. If Barnardo's are unable to appoint an internal person to undertake this task they will look for a suitable person from outside the organisation.

**Independent Investigating Officer (IIO)** an IIO is appointed for non-maintained special schools in England and is always external to the organisation and investigates alone.

**Reviewing Officer (RO)** is appointed to undertake a Stage 3 Review. The person appointed must be independent of the management structure of the Children's Service or Business Line involved; can be an employee of Barnardo's or an external appointment; must have access to all material relating to the complaint and may re interview the complainant and others involved in the complaint; are appointed by and report to the Region/Nation/Business Line Director and must have sufficient seniority to ensure credibility.

**Advocate** provides independent and confidential information, advice and representation to the person making a complaint or representation. The advocate should be given information about the process read this Policy to ensure familiarity with the Barnardo's process. They should be made familiar with Barnardo's Safeguarding policies and agree to follow them. It is Barnardo's role to explain the Barnardo's Children's Services and Business Line complaints process to the young person. The advocate should help to ensure that the young person understands the process and they should aim to work towards a speedy and satisfactory resolution of the complaint.

The role of the advocate in the complaints procedure is

- to empower a child or young person by enabling them to express their views wishes or feelings or represent their views by voicing these on their behalf (Barnardo's expect the Advocate to be led by the child or young person, promoting their views and wishes);
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with child or young person and only with their agreement;
- to support the child or young person pursuing a complaint through every stage of the complaints procedure and to provide them with information about their rights and options, helping them clarify the complaint and the outcomes they are seeking; and
- to speak for or represent the child or young person at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

## **Who may not act as an advocate for a complaint or representation?**

A person who:

- (a) is or may be the subject of the representations (complaint);
- (b) is responsible for the management of a person who is or may be the subject of the representations;
- (c) manages the service which is or may be the subject of the representations;
- (d) has control over the resources allocated to the service which is or may be the subject of the representations;
- (e) is or may become involved in the consideration of the representations on behalf of Barnardo's

## **Natural Advocate**

A close family member e.g. someone with parental responsibility, may act as advocate where a child or young person lacks competence to act for themselves – a natural advocate – and make a complaint on behalf of their young person. The person taking the complaint or investigating it should ensure the complaint is in the interest of the child/young person and establish if the natural advocate has talked to the child/young person about the complaint and asked for their view so far as is possible, on the complaint.

## **Central Complaints Record**

This is not a substitute for the complaints documentation, which is part of the Service User Record. It is a confidential folder, managed by the Safeguarding and Children's Services Planning Team, holding Children's Services and Business Line Complaints for 3 years including copies of the complaints documentation which forms part of the Service User Record. Each Region/Nation/Business Line has a designated area accessible to their Complaints Lead Manager, named staff from the Business Support Unit and other named staff as agreed by their Complaints Lead Manager and Business Support Unit.

## **Unacceptable Behaviour**

Where the complainant's behaviour is abusive, offensive or threatening to individual members of staff and or the organisation; where the frequency and type of contact is hindering the investigation and where there is persistent contact after a complaint has been fully investigated and there are no further stages for the organisation to take this will be deemed unacceptable behaviour from the complainant.

## **Unreasonably Persistent complainants**

Unreasonably persistent behaviour refers to contact from a complainant that hinders the investigation of the complaint or where there is persistent contact after a complaint has been fully investigated and there are no further stages in the complaints process for the complainant to access.

Features of an unreasonably persistent complainant may include

- Someone who makes the same complaint with minor differences but does not accept the outcome of investigations into their complaint
- Someone who cannot accept that the outcome they seek is not something which can be achieved via the complaints process
- Someone with a history of making unreasonably persistent complaints
- Someone who makes the same or similar complaints via different routes

- Someone who unreasonably changes the aspect of a complaint or the desired outcome partway through the investigation or review and the formal response from the organisation
- Someone who makes frequent complaints about different things.

## Policy

1. **Training and Induction** - Barnardo's Children's and Business Line Services personnel must be given information, guidance and learning opportunities about complaints and representation processes.
2. **Responsiveness** Barnardo's personnel must respond to a Children's and Business Line Services complaint or representation where ever it is received.
3. **Information** about complaints for service users and other stakeholder - children, young people, families and carers and partners must be given information about complaints and representation process.
4. **Complaint or Representation** – responsible manager must judge if they have been presented with a complaint or a representation and respond accordingly.
5. **Investigation** – must be managed in a timely manner, with accuracy and with clear resolution and outcomes.
6. **Recording representations** – a record of representations must be held at the service and added individually to the service user record as appropriate.
7. **Recording complaints** - record of a complaint **must** be held on the service user record and a copy held in the business Support managed Region/Nation/Business Line Central Complaints Record.
8. **Unacceptable behaviour** from complainants and unreasonably persistent complainants must be addressed according to this policy.
9. **Agreements** on how complaints are managed must be in place if a Barnardo's service is working in partnership or in any other agreement with another agency.

## Procedures

### 1. Training and Induction

#### Action: All staff

1. Read the [Complaints Induction Leaflet for Workers re Children, Young People and Families using a Barnardo's Children's Service or Business Line](#) as part of induction.
2. Discuss their learning from the Complaints Induction Leaflet with their line manager/supervisor.

#### Action: Responsible Manager/Line Manager

1. Ensure that their members of staff are trained in the recognition and handling of complaints and according to the regulatory requirement for their service if the service is subject to regulation.
2. Ensure that if there is a regulatory requirement for the service to have its own complaints procedure that this is compliant with this Complaints and Representations Policy for Children's Services and Business Lines and with the requirements of the regulator and familiarity with this procedure forms part of staff training.
3. Ensure that briefing about complaint procedure and information to service users is a regular standing item for the team meeting agenda.
4. Ensure any learning from complaints made about the service is brought to the notice of the team. (This must be in an appropriate manner recognising staff and service user right to confidentiality and the requirements in this respect of the Data Protection Act).

5. Attend any training on complaints arranged within their locality/region/nation /business line.
6. Enable staff to attend training on complaints if their training need assessment identifies this is required.

**Action: Region/Nation/Business Line Complaints Lead Manager must**

1. Arrange for complaints briefings to be on the Region/Nation/Business Line Management Team Meeting Agenda regularly and at least once every 12 months.
2. Provide complaints induction for newly appointed CSMs/Responsible Managers/ Team Leaders even if they are internal appointments.
3. Ensure that the region/nation/business line administrator dealing with complaints has the opportunity for induction with Barnardo House Office Children's Services administrator who deals with complaints or with the Business Support Assistant.
4. Ensure they themselves receive complaints induction from the Business Support Officer.
5. Arrange complaints investigation training as required for Responsible Managers, Team Leaders, Assistant Directors Children's Services and Heads of Business Lines.
6. Share complaints training material with peers by arranging for it to be filed in the CS Complaints and Representation Work Area.

**Action: Assistant Director Children's Services or equivalent**

1. Should ensure regular discussion about complaints, representations, complements with their line managers.
2. Should check that line managers have discussed complaints as part of induction of new workers.
3. Should periodically check that their line-managed services' regulatory requirements with regard to complaints are being fulfilled.
4. Should keep their knowledge of complaints practice refreshed.

**Action: Business Support Officer and Business Support Assistant must**

1. Read complaints material to oversee complaints; to ensure procedure is being followed and to identify any learning and risks to the organisation if these have not been identified locally
2. Inform R/N/BL Complaints Lead Manager and if necessary Responsible Managers of matters which they need to follow up.
3. Inform HoBS of matters which require a wider response.

**Action: Head of Business Support/Business Support Officer must**

Unless specifically stated that it should be the Head of Business Support (HoBS), the Business Support Officer or Business Support Assistant based within Children's Services Barnardo House are the contacts. They will ensure the HoBS is kept informed including about complaints with significant aspects.

1. Provide support to Complaints Lead Managers in the Management Team Meeting briefings about the complaints process if required.
2. Support Complaints Lead Managers to obtain training, if complaints' training is identified as a local need.

**2. Information about complaints for service users and other stakeholders**

**Action: Children's and Business Line Services Complaints Officer (Head of Business Support/Business Support Officer)**

Unless specifically stated that it should be the HoBS the Business Support Officer or Business Support Assistant based within Children's Services, Barnardo House are the contacts.

1. Ensure that the 2 versions ([01. STANDARD VERSION Complaints Leaflet Having your say - information for all Children's Services and Business Line service users \(English - Word version which can be customised\)](#) & [02. STANDARD VERSION Complaints Leaflet Dweud eich barn - information for all Children's Services & Business Lines service users \(Welsh Word document which can be customised\)](#) & [04. Having Your Say over-writable leaflet English fuller information about the Children's Services and Business Line Complaints Process and must be given if stage 2/investigation stage requested](#) & [05. Having Your Say Dweud eich barn Welsh over-writable leaflet fuller information about the Children's Services and Business Line Complaints process and must be given if stage 2 requested](#)) of the Complaints Leaflets in English and in Welsh are available on line for distribution by workers to service users (they contain Barnardo House contact details so a complainant can notify a complaint independent of the service or business line/region/nation if they wish) and for Family Placement Carers in addition [Information for Carers about Complaints and Panel Procedures](#).
2. If asked about translation of a leaflet into another language or format check that Business Support does not already hold such or know of one. If version required is not held nor existing and the cost of translation is not already in the service budget then advise that a business case must be made and that there must be a need and a demonstrable benefit to the service/region/nation or business line.
3. Inform the region/nation/business line Complaints Lead Manager of the request unless it is known they are already aware, asking to be kept informed if there is a decision to translate and to be sent an electronic copy of the translated leaflet.
4. Arrange for any translated leaflets to be placed on line so as to be available to all Children's Services and Business Lines and inform Complaints Lead Managers.
5. Ensure that the Complaints Contact Card is available on line for distribution by workers to service users: this has the Complaints Officer address/contact details and so enables receipt of complaints by email, independent of the service or business line/region/nation.
6. When asked, respond to children and young people and others who may wish to make a complaint, so they understand the options available for resolution both within the complaints procedure or alternatives routes.

### **Action: Manager responsible for Contract or Service Level Agreement**

1. Agree with any partner agency the protocols, concerning complaints to be followed (this should include non-children's service/business line and inter service complaints as well as sorting out lead responsibility for complaints from or concerning service users).
2. If the terms of the contract mean the service user could make a complaint to a national Ombudsman ensure the responsible manager knows this. (Normally Barnardo's as a charity is not within the remit of an Ombudsman).
3. If the partner agency requires or the service considers essential, complaints information to be translated into languages other than Welsh, ensure costs for this is included in the service budget.

### **Action: CSM/Responsible Manager/Line Manager**

1. Ensure members of staff and other relevant Barnardo's personnel are aware of the complaints leaflets and any other information about complaints.
2. Ensure generic service information for service users contains accurate information about the CS and BL Complaints and Representation Policy.
3. Ensure staff are accessing and using up to date complaints information for their service users.
4. Have in place a system to ensure that service users and other relevant stake holders receive complaints information i.e. a copy of one or both Barnardo's complaints leaflets and that of any other agency to which a complaint about Barnardo's can legitimately be made and are informed of the online complaints contact card.

5. Ensure that the complaints leaflet is overwritten to make it specific to the service.
6. Ensure the complaints leaflet used by the service includes the specific staff and service details and the relevant details of regulatory agencies and Ombudsman (Ombudsman **only** if applicable).
7. If a business case for the Complaints leaflet to be translated is where the cost is not already included in the terms of the contract then costs must be met by the service budget.
8. Arrange for the translation of the Complaints leaflet.
9. Arrange for copies of translated information to be accessible to the HoBS, Safeguarding and Planning Team to make available to other services.

#### **Action: School Principal**

1. Ensure those eligible to complain know that stage one complaints about a non-maintained special school must be made in writing.
2. Ensure their members of staff know they should facilitate this for pupils and parents by either confirming in writing a complaint made verbally by a pupil or parent or assisting a pupil to put their complaint into writing.

#### **Action: Service Staff**

1. Ensure service users receive and have explained information (one or both of the Barnardo's complaints leaflets) about Barnardo's Children's Services and Business Line Complaints and Representation Procedure and how to make a complaint, including information about the Complaints contact card.
2. Ensure that the explanation is appropriate to the age and ability of the service user or complainant and this is recorded.
3. Explain to the service user that they have a right to be supported by an advocate if they wish to make a complaint.
4. Review regularly with young people, how they are able to make a complaint including making the on line Complaints Contact Card available if they want it.
5. Family placement staff must ensure prospective carers receive a copy of the Carers Complaints Leaflet as well as the Barnardo's complaints leaflets.

### **3. Deciding if it is a Complaint or Representation and taking a complaint**

#### **Action: All staff and volunteers must**

1. Check definition of representation and complaint in this policy.
2. Maintain awareness of the possibility that a complaint is being made: a complaint can be made orally or in writing to any member of staff or volunteer. Consider the age and abilities of the service user as they may express unhappiness or disquiet but not know they are or be able to say they are making a complaint or representation. The service user may be very young or with a learning difficulty or have difficulties in expressing themselves verbally or in writing.
3. Pass any expressions of unhappiness or disquiet, complaint or representation to their line manager or to the available manager of the service or to the manager of a person being complained about, unless the circumstances are such that the person receiving the information considers that it meets the criteria for Whistleblowing ([b-hive - Whistleblowing policy](#)).
4. Record verbal complaints on the service user's record within 24 hours. If the subject of the complaint does not have a record pass the record of the complaint to the line manager who will ensure that is recorded appropriately.

#### **Action: Staff working in a Barnardo's non-maintained special school must**

1. Inform pupils and parents of the fact that Stage 1 complaints have to be made in writing by either confirming in writing a complaint made verbally by a pupil or parent or assisting a pupil to put their complaint into writing.

**Action: CSM/School Principal or other Line Manager must**

1. Identify if this is a complaint requiring investigation using the Children's Services and Business Line Complaints and Representation policy, using the [Complaints Map](#) if necessary, or is a representation (or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011. If the CS & BL C&R policy does not apply, follow the appropriate procedure.
2. If the complaint is about a safeguarding matter this takes precedence and [b-hive - Safeguarding](#) policies must be followed.
3. Consider the seriousness of the matter and if necessary inform your line manager and seek advice from the R/N/BL Complaints Lead Manager immediately. Discuss whether there is a potential reputational risk and if so inform the Media and Communications Manager.
4. Ensure the service user's preferred option is followed if they can legitimately make a complaint about their Barnardo's service to more than one agency.
5. Ensure complainant is aware they can withdraw their complaint at any time but that Barnardo's reserves right to continue investigation if we think the concern warrants this.
6. Address complaints made anonymously if the seriousness of the concern warrants this.
7. Check that the time limit to make a complaint which is 12 months from the event being complained about is followed.
8. If there is a request to extend this time limit, always agree if it is a complaint which relates to the time a child or young person was accommodated by Barnardo's and the complaint does not fall into [b-hive - Historical abuse/Responding to Historical Abuse Policy.doc 011114.doc \(copy of b-hive\)](#).
9. Otherwise, if there is a request to extend, discuss with the R/N/BL Complaints Lead Manager who will consult with Business Support Unit HoBS/BSO as this is at their discretion.
10. If a procedural process – examples might be a Family Placement Panel or carer review - coincide with a complaint being raised by the same individual/s agree with complainant if one matter should be completed before the other commences and if so which matter takes precedence. Inform the Complaints Lead Manager in writing.
11. If a management process is in train about the same matter, inform the complainant in writing that a different process is taking precedence and, that once this process has been completed, if it is still necessary to investigate the complaint will be discussed with them. A complaint cannot proceed if a management process on the same matter is in train.
12. Ensure the complainant is informed that if another management process is in train about the same matter that they the complainant do not have the right to know the outcome of this process.
13. Ensure that their R/N/BL Complaints Lead Manager is informed of a complaint as soon as possible. This can be before the Complaints Registration (CR1) form is agreed with the complainant.
14. If agreeing the CR1 with the complainant presents difficulties, discuss with the R/N/BL Complaints Lead Manager.
15. Discuss with the R/N/BL Complaints Lead Manager if the investigation of the complaint needs to be undertaken by someone outside the line management of the service. (This can be useful if the complaint is complex and is essential if the line managers are implicated in some way in the complaint).
16. If decision is that it is a complaint, complete or arrange to be completed a complaints registration form (CR1) with the complainant in person or over the phone, using [B-hive Complaints Forms/Complaints Forms](#). N.B. It is alright to send the complainant a completed form for agreement and signature but do not send a blank form for their completion.

17. If the complaint is very serious, discuss with the R/N/BL Complaints Lead Manager whether it requires investigation under Stage 2/Investigation stage of the policy, by-passing Stage 1/Frontline.
18. If the complainant requests that the complaint is investigated under Stage 2/ Investigation stage, discuss with the R/N/BL Complaints Lead Manager.

**Action: Region/Nation/Business Line Complaints Lead Manager**

1. Discuss with the Business Support Officer any complaints that are sufficiently serious to require consideration at Stage 2/Investigation stage or are likely to have a reputational risk or are likely to lead to litigation.
2. Ensure that the Region/Nation/Business Line Director is aware of any complaints that are sufficiently serious to require consideration at Stage 2/Investigation stage, or are likely to have a reputational risk or are likely to lead to litigation.

**4. Responding to a Representation**

**Action: CSM or other Responsible Manager**

1. Address the issue locally, resolving with the service user through normal day to day good practice.
2. Record the outcome of the representation on the service user record.
3. Ensure any learning from the representation is communicated and any resultant changes in practice are implemented.
4. Ensure service users know they have recourse to Stage 1/Frontline of the complaints process if they do not want to use the representation, or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011, process, even if staff think the latter are appropriate.
5. Ensure that if the representation is not resolved the service user is aware they can access the complaints process.
6. Keep a service record of representations from which names and other identifying information has been removed.

**5. When a Children’s Services/Business Line Complaint is received in a Region or Nation or Business Line Office**

**Action: Staff receiving a complaint**

1. Acknowledge the complaint within 2 days of receipt, whether received orally or in writing.
2. Send the details of the complaint to the manager of the service being complained about and if the service has closed, send the details to the manager responsible for the locality or the business line where the service was, copying in the R/N/BL Complaints Lead Manager and their Complaints Administrator.
3. If a manager is the subject of the complaint send the complaint to their line manager, copying in the R/N/BL Complaints Lead Manager and the Complaints Administrator.
4. If it is not possible to identify the appropriate service, locality or business line, send the details of the complaint to the R/N/BL Complaints Lead Manager, copying in the Complaints Administrator.
5. Inform the complainant in writing who you have sent their complaint to, copying in the R/N/BL Complaints Lead Manager and their Complaints Administrator.

**Action: Region/Nation/Business Complaints Lead Manager**

1. Ensure that the complaint is/was acknowledged within 2 days.
2. Identify an appropriate person to investigate the complaint if not by the responsible manager.

3. Ensure that the letter of acknowledgment to a complainant on receipt of a complaint or another letter early in the process to the complainant sets out the parameters of the process, the expectations on the organisation and the expectations of the complainant adapting [Template for complaints acknowledgement letter if necessary](#).
- 6 **Stage 1/Frontline Investigation** (use the complaints registration form (CR1) and complaints signing-off form (CR2) to register and then to sign off the Stage 1/ Frontline investigation).

### **Action: Manager investigating the complaint**

1. Inform your line manager and the R/N/BL Complaints Lead Manager of the complaint.
2. If you are unclear about the complaints investigation process, ask for advice from the R/L/BL Complaints Lead Manager and in their absence from the Business Support Officer or Business Support Assistant or HoBS.
3. Inform implicated staff early in the process unless to do so would be detrimental to the investigation: seek line management advice on this.
4. Explain to the complainant how the investigation will be undertaken.
5. Obtain the details of the complaint from the complainant and discuss and include the outcome they want from the investigation of their complaint, saying if the outcomes are unlikely to be achieved via the complaints process.
6. Report any complaint about an Adoption Service to the Barnardo's Adoption Agency Manager copying in the FP BL Complaints Lead Manager and the Business Support Officer.
7. Report any complaint about infringement of the Data Protection Act to the HoBS, copying to the R/N/BL Complaints Lead Manager and the Business Support Officer.
8. Ensure that advocacy has been discussed with a child or young person making a complaint. Advocacy is a statutory entitlement for Looked After Children (LAC), Child in Need (CIN) and Children and Young People entitled under their Nation's Care Leavers legislation, regulation and statutory guidance. The responsible Local Authority/Trust should make provision for an advocate for the child or young person but not to those complaining on behalf of the child or young person. Contact the child's/young person's Local Authority/Trust to arrange an advocate if an arrangement is not already in place and the child or young person wants this.
9. Other children and young people and adult service users can have an advocate. Ensure that the service assists a service user who is a child or young person to find a suitable advocate. Service users can use a natural advocate, usually a family member if they prefer.
10. Ensure that the complainant knows who cannot be an advocate see **Definitions**.
11. Inform the service user, if they want to use an advocate, that the Stage 1/Frontline investigation will be suspended until an advocate is appointed and that you can only involve the advocate in the investigation if you know that the advocate is acting with the informed consent of the service user, or the person with parental responsibility if the service user is not of age and/ or understanding to consent, and the advocate can meet any special communication needs of a child or young person.
12. Fully complete and sign the complaints registration form (CR1), [b-hive - Complaints forms/Complaints Forms](#): if this has already been completed check with the complainant that the details are correct.
13. Give the complainant, and the advocate if being used and the complainant has authorised the advocate to receive it, a copy of the completed complaints registration form (CR1) and ask them to sign it. Note on the complaints registration form if there are extenuating circumstance which prevent the form being signed by the complainant.
14. Distribute the complaints registration form - the CR1 as stated on the form as soon as it is completed.

15. Arrange for a service user record to be opened if service user making the complaint does not already have one. Inform the complainant that the record is being held and obtain written consent as detailed in [Data Protection and Information Management/ Children's Services Data Protection Policy](#)
16. Follow the Management Investigation Guidelines as appropriate (adapt as appropriate). A copy of *Investigation - Guidelines for Managers* is available from the People Section.
17. If Barnardo's personnel involved require support advise them of the options, i.e. this could be via line management, a friend or colleague, any counselling system operated by the Region/Nation/Business Line, Trade Union or Professional Association or [Barnardo's Employee Assistance Programme](#)
18. Arrange to interview any staff members or volunteers concerned with the complaint. Ensure if they wish to be accompanied in their interview that they and the person accompanying them understand that the companion must not speak for the staff member, cannot be a solicitor acting in their capacity as a solicitor and that the investigation cannot be delayed to allow the companion's attendance.
19. Complete the investigation within 10 working days unless an extension has been agreed with the complainant and by the R/N/BL Complaints Lead Manager.
20. Arrange for records of interviews to be signed as agreed, by the person interviewed and by the interviewer.
21. Ensure electronic copies of non-service user/complainant interviews are sent to the R/N/BL Complaints Lead Manager or their administrator to be filed in *Management of complaint* section in the individual's complaints folder in the Region/Nation/Business Line Central Complaints Record.
22. Ensure interviews with the complainant are filed on their Service User record and copies sent to the R/N/BL Complaints Lead Manager or their administrator to be filed in *CR1, CR2, Correspondence and Investigation Report* section in the individual complaints file in the Region/Nation Complaints/Business Line Central Complaints Record.
23. Ensure all people interviewed have a copy of their signed interview notes.
24. Keep complainant informed of the progress of the investigation if timing is going to vary from what they were first told.
25. Where the complaint concerns an Adoption Service including Adoption Support Service, except Adoption Support Services in Wales, be aware that Stage 1/Frontline and Stage 2/Investigation stage [formal and informal stages] should be completed within 28 calendar days where reasonably practical, which means it is essential for the manager investigating Stage 1/Frontline does this in a timely way to allow time for Stage 2/Investigation stage if necessary.
26. Be mindful of own and others safety and discuss unacceptable behaviour/unreasonably persistent complainants with line manager and the R/N/BL Complaints Lead Manager if necessary.
27. Write a report of their investigation: if the Stage 1/Frontline is complex use [Template for an investigation report](#) to set out the report.
28. Write to the complainant within 5 working days of the resolution of the complaint telling them the result of the investigation: this may be upheld; partially upheld or not upheld or a combination of these if there was more than one issue investigated.
29. [Template Example 1 response letter for complaint Stage 1/Frontline or 2/Investigation stage - straightforward complaint/investigation can be used adapted appropriately.](#)
30. [Template Example 2 response letter for complaint Stage 1/frontline or 2/ Investigation stage - complex complaint/investigation](#) can be used adapted appropriately.
31. Complete [CS/BL Complaint signing off form \(CR2\) - with checkboxes CS/BL Complaint signing off form \(CR2\) - with pick lists](#), either with the complainant or from the information supplied by the complainant.

32. Ensure the Complaints signing off form is signed by the person making the complaint or their advocate. This [Template for a letter asking for Complaints signing off form \(CR2\) to be signed for a straightforward Stage 1/Frontline investigation can be used if not incorporated in the response letter](#).
33. If complainant sign off of the CR2 is not possible be clear by correspondence that the form has been agreed either with the complainant or by the responsible manager because it is inappropriate to be in touch with the complainant. Note also on the complaints signing-off form (CR2) the extenuating circumstance which prevent the form being completed with/signed by the complainant and that it has been completed with available information.
34. Ensure the complainant knows that if they wish to request Stage 2/Investigation stage they have 20 working days from the date of the response letter to Stage 1/ Frontline to ask for this, unless they are, or the complaint is on behalf of, a child or young person accommodated by Barnardo's but not Looked After by the Local Authority, where there is an indefinite time limit but a strong recommendation to stay within 20 working days. Ensure that complainant has a copy of the [Having your say - fuller version](#) / [Dweud eich barn fuller version](#) Complaints Leaflet, which explains the Stage 2/Investigation stage process.
35. Alert your R/N/BL Complaints Lead Manager promptly if it seems that the complainant is going to ask for a Stage 2 /Investigation stage process.
36. Tell your R/N/BL Complaints Lead Manager immediately if the complainant confirms either on the complaints signing off form or by other means that they are asking for a Stage 2/Investigation stage process.
37. Inform line manager/s of a request for Stage 2/Investigation stage.
38. Distribute the Complaints signing off Form, CR2, as stated on the form as soon as it is completed.
39. Ensure copy of the CR1 Complaints Registration Form, CR2 the Complaints signing off form, the investigation report, the adjudication letter and correspondence with the complainant are placed on the service user record.
40. Ensure these records have been sent to the R/N/BL Complaints Lead Manager.
41. Ensure interview notes and non-service user correspondence about the complaint, are sent to the R/N/BL Complaints Lead Manager.
42. Inform Business Support if a 3<sup>rd</sup> Party section required in the complainant's folder in the Central Complaint record for information to copy or transfer to 3<sup>rd</sup> party section in the Service user record and identify material to be filled there.
43. Follow **Section 10. Recording of Representations and Complaints**

**Action: R/N/BL Complaints Lead Manager**

1. Receive and review copy of Complaints Registration and Signing off Forms (CR1 and CR2).
2. Provide advice and support at all stages to the person investigating the complaint.
3. Complaints Lead Manager BL FP to inform the Adoption Agency Manager of complaints concerning Adoption Services.
4. If a complaint is made by a Looked after Child liaise with the Local Authority/Trust complaints manager and Local Authority/Trust Independent Reviewing Officer to identify options for resolution. The Protocol established with the Partner Agency should say whether the identifying options for resolution function, is delegated wholly to R/N/BL Complaints Lead Manager where there is minimal LA SW involvement e.g. short break care.
5. Consider any requests to extend the investigation period in order to give time to resolve the complaint at Stage 1/Frontline: agree extension date where appropriate.
6. Review the information received about the investigation of the complaint and recommend to the investigating manager any other action required following their investigation: highlight any learning to the Region/Nation/Business Line Director.

7. Discuss any request for a Stage 2/ Investigation stage with the Business Support Officer.
8. Follow **Section 10. Recording of Representations and Complaints**

**Action: Assistant Director Children's Services/Head of Business Line**

1. Review the outcome of an investigation that has taken place in a service they have responsibility for and ensure that any required action, including any disciplinary action, is implemented.
2. Ensure that regulatory requirements with regard to complaints are being fulfilled.

**Action: Business Support Officer/Assistant Head of Business**

(Unless specifically stated that it should be the Head of Business Support (HoBS), the Business Support Officer based within Children's Services HO is the contact).

1. Provide advice and support to the R/N/BL Complaints Lead Manager as required on Stage 1/Frontline investigation.
2. Ensure that organisational learning from the complaints is highlighted.
3. Ensure the HoBS is kept informed including about complaints with significant organisational risks.
4. BSO or HoBS agree a request for a Stage 2/Investigation stage investigation with the R/N/BL Complaints Lead Manager.

**Action: Region/Nation/Business Line Complaints Administrator**

1. If agreed with HO complaints administration that it is their responsibility make an individual folder and enter information about the complaint in the Region/Nation/Business Line central complaints record.
2. Inform HO Business Support Assistant and Business Support Officer of new complaints and send a link to the complaints folder if they have set this up.
3. File emails and documents relating to the complaint scanning these if required.
4. Alert the R/N/BL Complaints Lead Manager if complaints documentation is not being received in a timely manner from those responsible for the investigation.

**Action: Data Protection Officer (Company Secretary)**

1. Inform Business Support Team if a complaint is received that relates to Children's Services or Business Lines.
2. Receive information from Children's Services or Business Lines or Business Support or a Complaints Lead Manager about a Children's Service or Business Line complaint which concern Data Protection.
3. Decide with CS Data Protection Manager (HoBS) if the ICO should be informed.

**Action: Barnardo's Insurance Officer**

1. Consider information received about complaints and advise on any action required.
2. Inform the Business Support if a matter being dealt with by their office might be dealt with as a CS/BL complaint.

**7. Stage 2/ Investigation stage investigation of a Complaint**

**Action: R/N/BL Complaints Lead Manager or responsible Director if the complaint concerns an ADCS/Head of Business Line**

1. Inform the Business Support Officer and in their absence HoBS as soon as it is known that there is a possibility of a request for a Stage 2/Investigation stage investigation.
2. Check if the complaint is from or concerns a child or young person accommodated by Barnardo's and Looked After or placed by a Local Authority/Trust. If it is, ensure that the relevant members of staff in the Local Authority/Trust are aware of the

complaint and that the child or young person and/or their advocate or natural advocate, have been advised of their right to use the LA Stage 2/Investigation stage process which would give recourse to the LA Independent Panel Procedure at Stage 3.

3. Review documentation and that the complainant's request for Stage 2/Investigation stage seems reasonable.
4. Confirm to Business Support Officer that Stage 2/Investigation stage seems a reasonable request: give them details and seek advice as necessary.
5. Ensure that the responsible manager/s of service is aware of Stage 2/ Investigation stage request.
6. Identify budget for the Stage 2/Investigation stage i.e. for payment of Independent Person and other expenses (in Scotland this eventuality should have been worked out as part of a contract agreement).
7. Confirm to complainant that their request has been received and what action will be taken in response.
8. If the decision is that a Stage 2/Investigation stage investigation will be undertaken note date of decision as that constitutes the start of the Stage 2/Investigation stage investigation and the time scales are calculated from that date. N.B. the start date does not have to be finalised at this point. It may be necessary to wait until after discussion with the complainant, perhaps about terms of reference.
9. Appoint an Investigating Officer (IO) and contract an Independent Person (IP) ensuring they have no conflicts of interest and that arrangements are made for secure and confidential sharing of Barnardo's information and for return hard copy and secure deletion of on line material at conclusion of the IP's involvement with the complaint (this might be after a Stage 3).
10. For Non-maintained Special Schools contract an Independent Investigating Officer (IIO) ensuring they have no conflicts of interest and that arrangements are made for secure and confidential sharing of Barnardo's information and for return hard copy and secure deletion of on line material at conclusion of the IIO's involvement with the complaint (this might be after a Stage 3).
11. Ensure that the Responsible Director is aware that a Stage 2/Investigation stage investigation is commencing and keep them informed accordingly.
12. Assess if there risks arising from the complaint and inform the Insurance Section, Media and Communications Manager and where necessary, where there may be serious organisational implications, inform the responsible Director or Executive Director Children's Services of these risks.
13. Explain to the complainant the role of IO and IP (or IIO if the complaint is about a non-maintained special school). Explain to the complainant that terms of reference should be agreed within 10 working days from the date when it was confirmed that this is a valid Stage 2/Investigation stage request (unless there are extenuating circumstances such as sickness or leave) and inform them that the investigation can commence when the terms of reference and areas of complaint have been agreed and signed by both parties.
14. Agree with the Investigating Officer or Independent Investigating Officer whether they or the R/N/BL Complaints Lead Manager will take and agree details of the complaint and the terms of reference.
15. Ensure the details of the complaint and the terms of reference, if these are necessary, are agreed and confirmed in writing with the complainant. The details of the complaint/terms of reference must include the complainant's preferred outcome, which may be different from that identified at Stage 1/Frontline.
16. Explain that conciliation, mediation or other services can be used instead of investigation to resolve the complaint.
17. If the complainant has new areas of complaint, consider if these should be investigated at Stage 1/Frontline or joined with the Stage 2/Investigation stage investigation. If it is a major new complaint then Stage 1/Frontline should be used:

if the matters are minor they might be incorporated into Stage 2/Investigation stage.

18. Explain to the complainant that if it has taken longer than 10 days to agree the details of the complaint/terms of reference because of extenuating circumstances (see 13) then the investigation end time might be extended accordingly.
19. Agree investigation plan with the IO or IIO, including who should be interviewed, which might include people external to Barnardo's, and the time frame for the submission of the investigation report and subsequent adjudication letter.
20. Give or arrange access to or enable the IO or IIO to have access to relevant Barnardo's records and staff.
21. Ensure the IP is given a comprehensive overview of the complaint and has copies of relevant documents and is informed about using Barnardo's encryption.
22. Ensure relevant interviewees including Barnardo's workers, the complainant (and their advocate) and any relevant family/associates and staff from other agencies are aware the IO accompanied by the IP or IIO will be in touch to interview them.
23. Arrange for those involved in the investigation of the complaint to have a copy of the actual complaint/s unless this would be prejudicial to the investigation.
24. Ensure all documentation is either filed by you or you send to your complaints administrator to be filed as it is generated
25. Forward to the responsible manager at the service to be placed on the service user record, correspondence with the complainant, interviews with the complainant, the investigation reports and any other items which should form part of the service user record saying if an item should go into the 3<sup>rd</sup> Party section. N.B. this might include the investigation report if there has been a recorded decision not to share in its entirety with the service user.
26. If documents contain allegations/personal information/sensitive information about identifiable staff members these should be stored in the Central Complaints Record - Region/Nation/Business Line on the individual complaint folder in the 3<sup>rd</sup> Party or Management of complaints section during the investigation. At the end of the investigation a decision needs to be made by Responsible Manager/s on appropriate place to file, bearing in mind relevant information must form part of the service user record, and/or the personnel record if management action has been taken (People section decision).
27. File other documentation in the individual's complaints file in the Region/Nation/Business Line Complaints Folder in the Central Complaints Record.
28. Arrange with the Business Support Officer or Business Support Assistant appropriate access to the individual's complaints file in the Region/Nation/Business Line Complaints Folder, to be given to named people e.g. Investigating Officer, for the duration of the investigation.
29. Arrange for the Investigating Officer to be given access to the service user record and any other type of record they require.
30. Provide a copy of *Investigation - Guidelines for Managers* which is available from the People Section
31. Keep note of the timescale and be alert to whether agreement is going to be needed to extend the 25 working days, or the 28 days for both Stage 1/Frontline and Stage 2/Investigation stage for Complaints about Adoption Services including Adoption Support Services (Except Adoption Support Services in Wales 25 working days), for completion of the investigation and agree with Business Support Officer any extension.
32. Receive the interview records from the IO or IIO.
33. Ensure any material generated by the IP is passed to Barnardo's on completion of the Stage 2/Investigation stage investigation ensuring that the IP has access to this if the complaint goes to stage 3.

34. Ensure the IP or IIO knows their responsibility to securely and confidentially destroy or delete electronic versions and their own notes and check they have done this.
35. Receive reports from IO and IP or IIO.
36. Assess with Business Support Officer whether these are of acceptable quality or if any amendments are required.
37. Identify with Business Support Officer if there are any legal implications that need to be addressed.
38. Draft the Adjudication Letter and agree this with Business Support Officer or in their absence the HoBS.
39. Ensure this letter informs the complainant or their advocate that they should contact the Business Support Officer within **20** working days if they are dissatisfied with the investigation and wish to take complaint to Stage 3.
40. If the complainant is entitled to use the **Procedure for accommodated but not Looked After children Stage 3 Independent Panel (England)** see Section 9, ensure this letter informs the complainant or their advocate of this and that they should contact the Business Support Officer if they wish Stage 3 to be considered.
41. Ensure that complainant knows they can get help in understanding the formal response which will be made to their complaint and agree who will provide this.
42. When the above has been agreed send the adjudication letter.
43. Ensure the locality ADCS or equivalent and the responsible Director/Executive Director have copies of the investigation report and adjudication letter.

**Action: Investigating Officer (IO) and for non-maintained special schools in England Independent Investigating Officer (IIO)**

1. Inform the Complaints Lead Manager (R/N/BL) or person conducting the Stage 2/ Investigation stage if you have or are likely to have any conflict of interest which would affect your investigation of this complaint.
2. Decide with the Complaints Lead Manager (R/N/BL) which of you will agree the details of the complaint and terms of reference with the complainant.
3. If taking responsibility to do this, agree the details of the complaint and the terms of reference with the complainant and confirm in writing. Ask the complainant to sign or confirm in writing that they agree the complaint and terms of reference. Explain to the complainant that the Terms of Reference should be agreed within 10 working days from the date when it has been confirmed that this is a valid request unless there are extenuating circumstances such as sickness or leave. Explain that conciliation, mediation or other services can be used instead of investigation to resolve the complaint.
4. Agree the investigation plan with the Complaints Lead Manager (R/N/BL) including who should be interviewed, which might include people external to Barnardo's, and the time frame for the submission of the investigation report and subsequent adjudication letter.
5. Review all relevant documentation and any other relevant information. Discuss any queries or other issues arising with the Complaints Lead Manager (R/N/BL).
6. Investigate, accessing personnel and records as necessary, using *Investigation - Guidelines for Managers* for guidance.
7. Ensure that the complainant is kept informed of progress of investigation.
8. Write up interviews and get these signed as agreed with interviewees.
9. Complete a report using as a guide [Template for an investigation report](#) with a response to each of the different areas of complaint stating whether upheld, partially upheld or not upheld and make recommendations for action.
10. Send the report and interview records as soon as completed to the Complaints Lead Manager (R/N/BL) you are working with and the Business Support Officer so they can be checked for legal implications.
11. Be available to the Reviewing Officer if the process goes to Stage 3.

### **Action: Independent Person (IP)**

1. Ensure you have received a comprehensive overview of the complaint and copies of documentation deemed necessary from the Complaints Lead Manager (R/N/BL).
2. Ensure you use Barnardo's encryption for email correspondence if you have not been given access to a secure Barnardo's portal.
3. Accompany the IO to the interviews undertaken to investigate the complaint.
4. Write a report, within the agreed time scale, which comments on what happened in interviews, the fairness and conduct of the investigation and on the conclusions and recommendations of the Investigating Officer's report.
5. Ensure that your report is sent to the Complaints Lead Manager (R/N/BL) and to the Business Support Officer upon completion of the investigation.
6. Be available to the Reviewing Officer if the complaint goes to stage 3. **All** note that the IP must not be a stage 3 panel member.
7. Ensure you return securely any documentation you have received from Barnardo's and any which you have generated from the complaint.
8. Ensure you delete any electronic identifiable documentation and securely and confidentially destroy your notes when known that complaint is concluded i.e. they will not be required for stage 3 and let the Complaints Lead Manager (R/N/BL) know you have done this.

### **Action: Business Support Officer**

1. Decide with Complaints Lead Manager to agree that request for stage 2/ Investigation stage is valid or not with recorded reasons for decision.
2. Respond to request for advice and assistance including on terms of reference, drafting of report and adjudication letter.
3. Agree with Complaints Lead Manager (R/N/BL) any extension to the time in which a Stage 2/Investigation stage request is considered and any extension of the period for investigation.
4. Receiving the Stage 2/Investigation stage reports and interview notes; check these for accuracy and legal compliance with specialist advice if necessary.
5. Ensure the Insurance Officer is kept informed of Stage 2/Investigation stage investigations if there is potentiality for litigation and insurance risk.
6. Remind Region/Nation/Business Line Director of need to brief their Media Officer if there is a risk of publicity about the complaint.
7. Ensure the Adoption Agency Manager is aware of and receives appropriate information about Stage 2/Investigation stage investigations concerning Adoption services.
8. Ensure the Company Secretary and HoBS are kept informed of Stage 2/ Investigation stage investigations concerning data protection.
9. Advise on managing situations where there is unacceptable behaviour or the complainant is unreasonably persistent.
10. Advise the HoBS and Head of Business Line/R/N Director Children's Services if a complainant requests Stage 3 and seek advice if necessary to ensure legal compliance.

### **Action: Assistant Director Children's Services or equivalent/Responsible Director**

1. Review outcome of Stage 2/Investigation stage investigation and ensure that any required action, including any management action e.g. Disciplinary, is undertaken.
2. Ensure that regulatory requirements with regard to complaints are being fulfilled.

### **Action: Barnardo's Insurance Officer**

1. Provide advice if a complaint might be an Insurance/Litigation risk.

## **8. Stage 3 Review of the Complaint Process**

### **Action: Complaints Lead Manager**

1. Inform the responsible Head of Business Line/Region/Nation Director Barnardo's and Business Support Officer if the complainants indicate they are considering Stage 3.
2. Advise the complainant of the grounds for Stage 3. Examples are that not all the available evidence was considered by the Investigating Officer and/or the complainant can demonstrate evidence of fault in the Stage 2/Investigation stage investigation.
3. Inform the responsible Head of Business Line/Region/Nation Director Barnardo's and Business Support Officer of a request for a Stage 3 review within 24 hours of receipt and acknowledge the request to complainant within 2 working days of receipt.

### **Action: Complaints Lead Manager or Manager of a non-maintained Special School**

1. Consider requests for consideration under Stage 3 of the Complaints policy made by pupils or on behalf of pupils. (The Education (Non-Maintained Special Schools) (England) Regulations 2011 do not allow for this process: however the review of complaints made by pupils or on behalf of pupils will be undertaken at the Responsible Director's discretion).
2. Follow the procedure set out in Section 9 of this policy for pupils who are accommodated by Barnardo's but are not Looked After Children or placed by a Local Authority. If pupils are Looked After Children or placed by a Local Authority they should have been advised about using their own Local Authority complaints procedure at Stage 2 which would then give them recourse to their Local Authority's Stage 3 process.

### **Action: Region/Nation/Business Line Director or Executive Director, Children's Services/Director of Commercial Services and Innovation**

1. The Executive Director of Children's Services/Director of Commercial Services and Innovation must adjudicate at Stage 3, if the Stage 2/Investigation stage complaint was adjudicated by a Region/Nation/Business Line Director.
2. Manage the request for Stage 3.
3. Forward any request for stage 3 to the Head of Business Support, Safeguarding and Planning Team.
4. Acknowledge receipt of the request within 2 working days.
5. Consider whether or not grounds for a Stage 3 Review are met.
6. If the grounds are not met write to the complainant and their advocate if there is one, explaining why the grounds are not met and referring them to the complaints leaflet which gives details of other bodies which might consider their complaint.
7. If the grounds are met inform the complainant and their advocate, in writing outlining the process and timescales. The Stage 3 review of the complaints investigation should be completed within **45** working days of receipt of the request.
8. Appoint a Reviewing Officer (RO) within **10** working days. The person appointed must be independent of the management structure of the locality or business line involved: they can be an employee of Barnardo's or an external appointment and must have sufficient seniority to ensure credibility.
9. Arrange for the RO to have access to all relevant documents and the people who have been party to the complaint, including the Investigating Officer (IO) or Independent Investigating Officer (IIO) and the Independent Person (IP).
10. Receive and consider the report of the RO.
11. Discuss any actions arising from the report with the Head of Business Support or Business Support Officer and the Complaints Lead Manager (R, N, and BL) unless they are implicated in the Stage 3 Review.

12. Write to the complainant and their advocate within **45** working days of receipt of the request for a Stage 3 Review, enclosing a copy of the report of the Reviewing Officer and stating how the organisation will respond to the issues raised in the report.
13. Arrange for any actions arising from the report to be implemented.
14. Inform the complainant if they indicate they are not satisfied with the outcome of the Stage 3 Review, of any appropriate external bodies to which they might refer and that Barnardo's has no further process available to them.

#### **Action: Reviewing Officer (RO)**

1. Agree with the Director responsible for managing/conducting the Stage 3 Review, a time frame for the completion of the review. Agree who will be interviewed as part of the investigation.
2. Read all of the relevant documents and interview any participants including IO and IP or IIO if this is required.
3. Complete the review report according to the agreed time frame.
4. Include in the review report a brief summary of the representations and the conclusion reached and recommendations for resolution. The conclusion could be one of the following;
  - the Stage 2/Investigation stage investigation was sound with a fair outcome, which would conclude the process for Barnardo's or
  - there is new evidence relevant to the original complaint which should be investigated by the IO or IIO at Stage 2/Investigation stage and the Stage 2/Investigation stage report amended if necessary or
  - all available evidence was not considered at Stage 2/Investigation stage and it is recommended that it now be considered and the Stage 2/Investigation stage report reviewed by the IO or IIO or
  - the original investigation was found to be substantially flawed and it is recommended that a fresh Stage 2/Investigation stage investigation by a different IO or IIO and/or IP be undertaken.
5. Send the report to the Director responsible for conducting the Stage 3 Review and to the Head of Business Support and to Complaints Lead Manager (R, N, BL) unless they are implicated in the stage 3 review.

#### **Action: Business Support Officer**

1. Monitor the progress of the Stage 3 and provide advice as required.
2. Review report of Reviewing Officer and agree with the responsible Director the action to be taken as a result of the report, including the response to the complainant and actions required to mitigate any organisational risk.
3. Inform the Adoption Agency Manager of outcome of a Stage 3 investigation involving an adoption service.

#### **9. Stage 3 Procedure for accommodated but not Looked After Children - Independent Panel (England)**

**This procedure should be used when a child or young person is accommodated by Barnardo's and they have not had recourse to a Local Authority complaints procedure at Stage 2. This will include children who are not Looked After by a local authority and might include some of the pupils of residential special schools or short breaks services or supported housing. The Stage 2 Independent Person cannot be a Stage 3 panel member. Panel members cannot be employees nor have a current interest in Barnardo's.**

**Action: Any member of staff**

1. Within one working day of receipt of a request for a Stage 3 by or on behalf of a young person who meets the criteria forward the request to the responsible Director and to the Complaints Officer (HoBS or Business Support Officer).

**Action: Complaints Officer (HoBS or Business Support Officer)**

1. Assess request for Stage 3 Independent Panel. If insufficient supporting evidence has been given, write to the complainant or their advocate within 2 working days, advising them that the grounds that must be met are that all available evidence had not been considered by the Investigating Officer *and/or* there is evidence that the process was flawed at Stage 2/Investigation stage and asking them to state which applies to their complaint.
2. If the complainant does not have the required grounds but a review of process might help to move an intractable position, discuss this option with the responsible Director.
3. If the request for Stage 3 was not made within **20** working days of receipt of the written response to Stage 2/Investigation stage, either orally or in writing, consider whether there are reasonable grounds for delay and allow consideration of the request if there are.
4. Inform the Executive Director of Children's Services/Director of Commercial Services and Innovation that a Stage 3 Independent Panel is required.
5. Support and advise the Director responsible for convening the Stage 3 Independent Panel.

**Action: Responsible Region/Nation/Business Line Director or the Director responsible for conducting the Stage 3 Independent Panel**

1. Inform the complainant and their advocate of the decision, with reasons, about whether or not a Stage 3 Independent Panel will be convened. If the panel is to be convened inform the complainant they can be accompanied by a person of their choice if they do not have an advocate and that this person must not be a legal professional acting in their professional capacity.
2. Inform the agency responsible for the placement i.e. the agency or individual responsible for paying for the placement, that the young person has asked for a Stage 3 panel
3. Work with the Complaints Officer (HoBS or Business Support Officer) to identify three Independent Panel members whose areas of expertise should reflect the complaint and address diversity issues in their selection. Panel members must not be employees or trustees of Barnardo's or be the spouse or civil partner of a Barnardo's employee or trustee.
4. With the Complaints Officer (HoBS or Business Support Officer) identify which of the three Independent Panel members will chair the panel.
5. Advise the Chair of their role in the Panel which is
  - To explain its purpose and the need for confidentiality
  - To explain the roles and responsibilities of those present
  - To address any questions and concerns that the complainant may have about the process
  - To ensure the Panel's focus on the agreed complaint and the complaints desired outcome from the Stage 2/Investigation stage investigation
  - To ensure complainant's and other presentations are reasonable, relevant and to exercise discretion in limiting their scope, substance or duration
  - To give sufficient opportunity to Panellists to ask questions of all present and to seek clarification on the issues being discussed so they are in a position to make recommendations regarding the outcome
  - To ensure that if there is an issue of staff confidentiality that the submission is heard only by the panel

6. Identify a budget for the Independent Panel, for payment of panel members and other expenses.
7. Draft the terms of reference for the panel i.e. function and reporting and agree these with the Complaints Officer (HoBS or Business Support Officer) and the Panel Chair.
8. Arrange the organisational representation to the panel if this representation is not by the person who acted as Adjudication Officer (AO) at Stage 2/Investigation stage bearing in mind it must be the AO unless they rejected any of the IO's findings at Stage 2/Investigation stage or did not agree with all or part of the IO's investigation report.
9. Arrange for panel to convene, within **30** working days of the request for Stage 3, in a location convenient for the complainant.
10. Give the complainant and their advocate at least **10** working days' notice of the date and time of the panel and its location.
11. Draft a letter to send to the complainant outlining the panel process including membership and function, and which includes that they can make a written submission relevant to their complaint as well as speaking to their complaint and that their submission will be first and that their submission should expand relevant themes to aid the panel's deliberation.
12. Receive the panel report.
13. Receive information about the panel's consideration from the organisational representative.
14. With the Complaints Officer (HoBS or Business Support Officer) compose the organisation's response, developing this with the organisational representative and those considered having sufficient interest who attended the panel including the IP.
15. Include in the organisational response any proposals for change.
16. Include in the organisational response clearly stated reasons for any difference in this response from the panel's recommendations.
17. Include in the organisational response information about any other complaints or representation procedure that the complainant could use
18. Within 15 working days of receiving panel report send the organisational response to complainant and their advocate

**Action: Person who acted as Adjudication Officer at Stage 2/Investigation stage or person appointed to act as Organisational Representative**

1. Represent the organisation at the Stage 3 panel.
2. Provide further information to support the organisational position as appropriate
3. Consider if any other staff member should attend to address specific issues and if so request their attendance via the chair of the panel.
4. Prepare the organisation's presentation to the panel.
5. Keep relevant workers if they are not attending the panel, informed of the proceedings.
6. Arrange for any panel recommendations to be acted on as directed by the Executive Director Children's Services or Director of Commercial Services and Innovation.
7. The Adjudication Officer may be called to give evidence by the panel if they are not the organisational representative.

**Action: Independent Panel Members**

1. Consider the oral and written submissions from the complainant and/or their advocate and if the complainant does not have an advocate but is accompanied and has asked their companion to speak for them, that person's oral submission.
2. Consider the oral and written submissions from Barnardo's workers including IO and AO.

3. Consider the oral and written submissions from the Independent Person or Independent Investigating Officer and from anyone else the panel members think have sufficient interest in the complaint.
4. Consider recommendations and within **5** days of the panel meeting produce a written report, which must include a brief summary of the representations made by the complainant and recommendation for resolution of issues made in the representations.
5. Send the report via the panel chair to the Responsible Director and the Complaints Officer (HoBS or Business Support Officer), the complainant and their advocate, and any other person the panel considers has sufficient interest including the IP at Stage 2/Investigation stage.

## **10. Recording Representations and Complaints**

**A Representation is part of the service user record. A Children's and Business Line Service complaint is part of the service user record. A copy of a complaint is held for 3 years only in the Central Complaints Record by HO Children's Services, for management purposes.**

### **Action: Responsible Manager**

1. Ensure representations are recorded on the service user record where there is one.
2. Ensure the service keeps a record of all representations holding these securely and confidentially.
3. If required by regulation, keep an anonymised list of complaints, enabling an individual complaint to be cross referenced with the service user's record where the actual details of the complaint are. Hold this list securely and confidentially.
4. Ensure a complaint is recorded on the Service User record as it is part of that record for as long as the life of the record.
5. Set up a service user record if someone makes a complaint if they do not already have one e.g. a group work participant.
6. Check that correct folder name (Complaints) is used in the SU record.
7. Ensure the record of the complaint in SUR comprises at minimum the complaint, the CS/BL complaints registration form (CR1), the CS/BL complaints signing off form (CR2), correspondence with the complainant and advocate if there is one and complaints investigation reports.
8. Decide if it is necessary if the required SUR record of the complaint includes confidential individual Barnardo's personnel information, for this information to be held outside the SUR record for the duration of the complaint investigation e.g. in the relevant folder in the Central Complaints Record managed by Business Support Unit, rather than on the SUR.
9. At the end of the investigation arrange with the Complaints Lead Manager (R/N/BL) for all relevant complaints documentation to be on the Service User record. If this means getting copies of documentation held on the Central Complaints Record arrange this, if necessary asking the Complaints Lead Manager to arrange access to the relevant folder in the Central Complaints Record.
10. Make the decision if any part of the complaints documentation should be placed in the 3<sup>rd</sup> party section the Service User Record and ensure this happens.
11. If the complaint is about an individual member of Barnardo's personnel, ensure that the complaint and outcome are recorded in their supervision record.
12. If the complaint results in a formal management procedure involving a member of staff, which will be on their personnel record, ensure that the SUR 3<sup>rd</sup> party section has a reference to this.

### **Action: Manager/s completing CR1 and CR2 (complaint registration and signing off forms)**

1. Ensure forms are completed fully and signed.

2. Follow instructions on forms for distribution and filing.
3. Ensure any attachments accompany the forms.
4. Ensure any reasons for forms not being signed are in writing, have been agreed by their Complaints Lead Manager (R/N/BL) and Business Support and accompany the relevant CR1/2.

**Action: Manager undertaking complaints investigation (may be the same as the manager completing CR1 and CR2)**

1. Ensure the CR1 and CR2 have been completed as above.
2. Ensure final versions of letters and reports and emails generated in the course of their investigation are available to the region/nation/business line complaints administrator for filing.
3. Ensure their correspondence with the complainant and their advocate if there is one, is available to the region/nation/business line complaints administrator for filing.
4. If appropriate obtain permission from region/nation/business line Complaints Lead Manager and Business Support to access an individual folder in the central complaints record in order to file directly.
5. Ensure required complaints documentation is on the service user record or made available to the manager of the service to put on the service user record.
6. Ensure interview notes and other correspondence about the complaint, are made available to the Complaints Lead Manager.

**Action: Investigating Officer and Independent Person or Independent Investigation Officer at Stage 2/Investigation stage**

1. Ensure all material generated by the complaint and its investigation, which they hold, is sent to the manager responsible for overseeing the Stage 2/Investigation stage investigation.

**Action: Manager responsible for overseeing Stage 2/Investigation stage**

1. If the manager responsible is not the R/N/BL Complaints Lead Manager ensure they have been given permission to access the relevant complaints folder in the Central Complaints Record.
2. Ensure complaints material they receive is either filed by them or sent to the region/nation/business line complaints administrator to be filed.
3. If complaints material is confidential whilst the complaint is being investigated and held by the region/nation/business or service, ensure this complaints material is sent to HO Business Support Assistant to be filed on the Central Complaints Record at the conclusion of the investigation.
4. Similarly ensure that material which should be on the SUR is sent to service responsible manager to be filed.
5. If a chronology grid concerning Barnardo's involvement is being used, complete anything relating to their activity in the investigation.

**Action: Director responsible for overseeing stage 3 (could be R/N/BL Complaints Lead Manager or another Director)**

1. Ensure they are given permissions to the relevant complaints folder if not Complaints Lead Manager
2. Ensure complaints material they receive is either filed by themselves or sent to the region/nation complaints administrator to be filed
3. If complaints material is confidential for the duration of the complaints investigation ensure this complaints material is sent to HO Children's Services complaints administrator or BSO to be held in the central complaints record.
4. Complete or arrange to be inputted anything relating to their contact with the complainant or other action on the chronology grid where one has been set up.

**Action: Region/Nation/Business Line Complaints Lead Manager**

1. Ensure that a file has been set up in the R/N/BL Central Complaints Record to hold information about an individual complaint, including information about the management of the complaint; third party information.
2. Arrange with their complaints administrator which of them will be responsible for filing complaints material in the R/N/BL Central Complaints Record.
3. Ensure copies of complaints documentation required to be recorded on the Service User Record are sent to the responsible manager.
4. If the region/nation/business line central complaints record is not complete request that responsible managers and investigators for the complaint provide documentation.
5. Ensure manager responsible for overseeing Stage 2/Investigation stage (if it is not them) is given access to the relevant complaints folder in the Central Complaints Record.
6. If an investigation is complex set up a chronology grid or arrange with Business Support for this to be done and complete their input [CS&BL Services Complaints - Management of Complaint event chronology and email record](#).
7. Otherwise log emails generated in the investigation, which are not correspondence with the complainant, [CS&BL Services Complaints - Management of Complaint event chronology and email record](#).

**Action: Region/Nation/Business Line Complaints Administrator**

1. Discuss with Business Support Assistant which of them will be responsible for setting up individual complaints folders in the appropriate section of the Central Complaints Record.
2. On receipt of information about a fresh complaint notify the Business Support Assistant (BSA) copying in the Business Support Officer.
3. If their responsibility to, set up an individual file in the appropriate section of the Central Complaints Record and file complaints documentation in the appropriate section.
4. Inform the R/N/BL Complaints Lead Manager if a complaint has been notified but they have not received the CS/BL Complaints Registration Form, CR1, Complaints signing off form, CR2, and other supporting documentation within **10** working days.
5. Check completion signature and consistency of CS/BL complaints forms e.g. if someone asks for Stage 2/Investigation stage then this box should have been checked on the CS/BL complaints signing off form and relevant additional supporting information supplied.
6. Inform Complaints Lead Manager (R/N/BL) and manager responsible for the completion of the forms of missing information and discrepancies, asking for amended forms to be sent.
7. Check that complaints material generated by the region/nation/business line service including information about the management of the complaint and third party information is filed in the Central Complaints Record in the folder set up for the individual complaint, in the appropriate subfolder.

**Action: Business Support Assistant**

1. For the start of each financial year set up a folder named for the financial year in each region/nation/business line sub-folder within the Central Complaints Record following the existing naming convention. Create sub folders for Business Lines reflecting their geographical cover.
2. Using Permissions allocate access to the HoBS, Business Support Officer and self to all folders for all activities. Allocate access to R/N/BL Complaints Lead Managers and administrator to their Region/Nation/Business Line folder for all activities except

Delete and Edit Permissions. Ask them who else will need access or allocate access as for previous year.

3. Agree with R/N/BL complaints administrator which of them will be responsible for setting up individual complaints folders in the appropriate section of the Central Complaints Record.
4. Add or delete access to region/nation/business line folders or individual files as agreed by the Business Support Officer and the HoBS.
5. For the start of each financial year set up a Data base for complaints, named for the financial year in the Complaints folder for the year in the Children's Services Safeguarding and Planning Team Confidential area. Set up a similar data base for Family Placement complaints in the FP Head of Business Management area of the Family Placement Central Complaints Record. Make a short cut from this to the year folder for complaints in the Safeguarding and Children's Services Safeguarding and Planning Team Confidential area.
6. If their responsibility, on receipt of information about a new complaint, set up an individual file within the appropriate region/nation/business line area, within the Central Complaints Record.
7. Allocate a complaint reference number. Reference number consists of date of receipt (year/month/day), region/nation/business line initials, last 2 digits of the complaints year, the region/nation number, the name of the person making the complaint and the name of the person on whose behalf the complaint has been made. The date of receipt is the date that the complaint was first notified to Head office. In each individual file set up folders called "Initials of complainant, CR1, CR2, Correspondence with complainant and Investigation report" and the other "Initials of complainant, Management of complaint". Set up an email folder in each folder with the same name as the folder preceded by "Email". If necessary set up a 3<sup>rd</sup> party folder for documentation which is not direct contact with the service user/complainant but should be on the service user record in due course.
8. If complaint has been received via an electronic contact card, file this.
9. File other complaints material as received or generated.
10. Send link to new complaints folder to region/nation/business line Complaints Administrator; Complaints Lead Manager (R/N/BL) and Business Support Officer.
11. Complete data base as information is received. This may not always be via the CR1 and CR2: check with Business Support Officer whether to input into the data base information not received via the complaints registration forms.
12. Check completion of CS/BL complaints registration form (CR1) and CS/BL complaints signing off form (CR2) and that any attachments described are attached.
13. Request any information missing from CS/BL complaints registration form (CR1) and CS/BL complaints signing off form (CR2) and other complaints paperwork from region/nation/business line Complaints Administrators responsible, Complaints Lead Managers (R/N/BL) and CSM or responsible manager involved in a complaint.
14. Alert Business Support Officer to new complaints and to significant documentation received on existing complaints
15. Monitor submission of CS/BL complaints registration forms (CR1) and CS/BL complaints signing off forms (CR2) and contact Complaints Lead Manager (R/N/BL) if not sent directly or filed by the region/ nation/business line.
16. Manage Central Complaints Record checking that individual files are set up correctly if set up has been done by the region/nation/business line administrator.
17. Advise Business Support officer when it is 3 years since last activity on an individual file in the Central Complaints Record.
18. Unless advised by the Business Support Officer that there is a reason to retain, advise Complaints Lead Manager (R/N/BL) giving 10 working days' notice, that an individual complaints folder has reached 3 years from last activity and will be deleted.

19. Before deleting, check that the individual case is recorded on the complaints data base for the correct year.
20. Complete anything relating to their contact with the complainant or other action on the chronology grid where one has been set up.

**Action: Business Support Officer and/or Business Support Assistant**

1. Routinely check complaints data base and discuss any issues about the administration of complaints in HO.
2. Regularly review the annual complaints data base and adjust if there is information supplementary to the registration and signing off forms.
3. File BSU generated material in relevant individual's complaints file.
4. If the investigator at Stage 1/Frontline is not a manager of the service under complaint, ensure that BSU generated material which should be on the Service User Record is made available to the service responsible manager.
5. Check that locally generated information has been placed on the individual's complaints folder.
6. Arrange for individual complaints folders in the Central Complaint Record to be deleted 3 years after the last activity unless there is an evidenced decision (this may be from the region/nation/business line) with a retention date / period for the folder to be retained for longer.
7. Complete anything relating to their contact with the complainant or other action on the chronology grid where one has been set up.

**11. Unreasonably Persistent complainants and unacceptable behaviour**

**Action: Any member of staff involved in a complaint where unreasonably persistent behaviour is being or has been identified**

1. Inform line manager and the R/N/BL Complaints Lead Manager.

**Action: Responsible Manager and R/N/BL Complaints Lead Manager**

1. Consider the reasons for persistence making the distinction between those who make a number of complaints because they have not got a proper response and those making unreasonably persistent complaints.
2. Arrange fresh investigation if complainant is making valid points about initial investigation.
3. Inform the complainant what is unacceptable about their behaviour is and ask them to change it.
4. If the behavior persists develop a plan to limit or cease contact about the complaint. It should identify the limit to behavior which will be tolerated, if the complainant will be asked to communicate via a third party e.g. our legal advisor and consider assessing risk of the impact of ceasing contact, on staff and on organisational vulnerability to legal action and complaints to other organisations/agencies.
5. Inform Insurance Section if there is the possibility of legal action.
6. Identify appropriate support for those dealing with unreasonably persistent complainants including reception and administrative staff.

**Where the behaviour of a complainant threatens the safety and welfare of staff**

**Action: Line manager/responsible manager/Complaint Lead Manager**

1. Inform the Region/Nation/Business Line Director of the risk and the events that have lead up to the threat.
2. If there is an immediate risk to safety contact the police.

**Action: Region/Nation/Business Line Director and Line Manager/s of any staff vulnerable to the actions of the complainant**

1. Assess whether the matter should be reported to the police and do this if necessary.
2. Decide whether or not to restrict the complainant's access to the service and the form of the restriction. The restriction may include requesting contact only in writing; requiring all contact to take place with a named officer or other person e.g. legal representative; restricting telephone calls to specified days and times; asking the complainant to enter into an agreement about their conduct; asking the complainant to refrain from any contact.
3. Inform complainant in writing why their current behaviour is unacceptable and the restriction that are being implemented.
4. If unacceptable behaviour continues consider further actions and if necessary inform the complainant that the organisation will terminate contact with them and discontinue any investigation into their complaint.
5. Inform other managers e.g. for Barnardo House Facilities Management, so that receptionists and security are made aware of restrictions/termination of contact.
6. Assess if legal advice should be taken e.g. to consider an injunction against the complainant.
7. Agree a plan to protect staff and communicate to relevant staff.
8. Keep the Complaints Lead Manager and Business Support Officer informed.
9. Inform managers in other Directorates if necessary e.g. for Barnardo House, Facilities Management, so that receptionists and security can be made aware.
10. Consider whether to inform the complainant if they have been reported to police or legal advice taken.

## **Appendix A - Management Complaint**

### **Management Complaint about a Children's Service or Business Line**

Definition of a Management Complaint: a complaint about a Children's Service or Business Line or Children's Service or Business Line personnel from someone not entitled to make a complaint under the Complaints and Representations Policy for Children's Services and Business Lines.

#### **1. Who might complain?**

- 1.1 Complainants could be neighbours, those contacted in relation to a carer assessment if their complaint is not considered a Children's Service/Business Line complaint, contractor or a supplier e.g. a GP providing medicals or a member of a fostering or adoption panel, or a consultant, trainer or investigator. They could also be a non-service user in relation to a service message board.
- 1.2 Complaints made by partner agencies may also be called management complaints if they are not about the service provided to an individual service user. When contracts are entered into a process for dealing with such issues should have been agreed between the partner agency and the Barnardo's service or region or nation or business line.

#### **2. What might they complain about?**

- 2.1 Complaints could concern the conduct of a member of Barnardo's personnel or management of a service.
- 2.2 Complaints about safeguarding children or serious misconduct should be dealt with by [b-hive - Safeguarding](#), [b-hive - Whistleblowing](#) and/or [b-hive - Discipline](#) Policy. If the issue is not recent then consideration should be given to [b-hive - Historical abuse](#) Policy.

#### **3. Procedure**

- 3.1 There are no "stages" for management complaints and no formal review or appeal process after the issue has had a final response.
- 3.2 A management complaint can be made to any level in the organisation.

- 3.3 If what seems to be a management complaint is received and advice is needed on how to deal with it contact your responsible manager or the Complaints Lead Manager (R/N/BL) or the responsible Director or the Children's Services Complaints Officer at Head Office.
- 3.4 Normally the complaint will be dealt with by the responsible Assistant Director Children's Service or equivalent.
- 3.5 The complaint might be about line management in which case the Responsible Director must be involved as appropriate.
- 3.6 The complainant should be told, if the issue is being dealt with but not given information which compromises confidentiality or data subject rights of personnel involved.
- 3.7 The manager should obtain advice where necessary and judge how to respond to the complainant to resolve the issue.
- 3.8 The complainant should be informed of the outcome of the investigation. If they are not happy about the outcome whether further action is required should be discussed and agreed with the Director. They should also be informed if there are other bodies that they can complain to, such as the ICO if this issue involves data protection.
- 3.9 Otherwise Assistant Director Children's Services or equivalent must keep their responsible Director informed.
- 3.10 Local decisions should be taken about if and when to alert Media Officers.

#### **4. Recording and Learning**

- 4.1 The organisation could decide in its own interest to review to contribute to organisational learning.
- 4.2 If the complaint is about an individual, it will not be recorded on their personnel file unless the matter is dealt with by a Barnardo's management process and comes under that process's policy including possible notification to relevant social care worker registration body.
- 4.3 The responsible Assistant Director Children's Service or equivalent must keep a record of Management Complaints on the Children's service or Business Line file and be alert for patterns i.e. complaints from different people about the same problem, multiple complaints from a single person, which could be considered as unreasonably persistent.
- 4.4 If advice and information about a Management complaint is via Business Support, Children's Services, Barnardo House this information will be retained for 12 months from last date and then deleted. It will not be added to the R/N/BL Central Complaints Record or the Complaints data base.

#### **5. Worker registration bodies**

- 5.1 Complaints could be made about a Barnardo's employee to that social care worker's registering body and initially by pass Barnardo's. The employer Barnardo's should be notified by the registration body and a decision made about which if any organisational process is used. The worker must notify their manager if they know that a complaint has been made about them to their registering body.

### **Associated guidance and documents**

#### **Complaints Information**

#### **Information for Staff / Service Users/Family Placement Carers**

[B-hive - Complaints Forms](#)

[B-hive - Children & Business Line services complaints leaflets, contact card & complaints map](#)

[B-hive - Children's Services Complaints Posters](#)

[Complaints Letters Templates](#)

[B-hive - Fostering policies](#)

[B-hive - Adoption policies](#)

[Information for Adopters Independent Review Mechanism - Children and young people](#)

[About the IRM | The Independent Review Mechanism](#) has information about how to apply to the IRM

## References

[Children Act 1989](#) Section 59 and Schedule 7

[The Advocacy Services and Representations Procedure \(Children\) \(Amendment\) Regulations 2004](#)

[The Children Act 1989 Representations Procedure \(England\) Regulations 2006 July 2006](#)

[Children's social care: getting the best from complaints - Publications - GOV.UK](#)

[Welsh Government | Complaints](#) (for local authority handling of complaints)

[The Social Services Complaints Procedure \(Wales\) Regulations 2014](#)

[The Representations Procedure \(Wales\) Regulations 2014](#)

[The Care Standards Act 2000 and the Children Act 1989 \(Regulatory Reform and Complaints\) \(Wales\) Regulations 2006](#)

[The Advocacy Services and Representations Procedure \(Wales\) \(Children\) Regulations 2004](#)

[The Charity Commission - GOV.UK](#)

[HSC Complaints - Standards and Guidelines | Department of Health](#)

**Scotland** The Social Work Model CHP and Implementation Guide:

<http://www.valuingcomplaints.org.uk/sites/valuingcomplaints/files/resources/SW-Model-CHP.pdf>

<http://www.valuingcomplaints.org.uk/sites/valuingcomplaints/files/SW-Model-CHP-Implementation-Guide.pdf>

[The Social Care and Social Work Improvement Scotland \(Requirements for Care Services\) Regulations 2011](#)

[Procedure for Handling Complaints about regulated Services Care Inspectorate Scotland July 2014](#)

[We are Scotland's Ombudsman | SPSO](#)

[OSCR | About OSCR](#)

[Regulation and Quality Improvement Authority - RQIA](#)

[The CC for NI - About us](#)

## Compliance

Region/Nation/Business Line Complaints Lead Manager local reporting

Complaints Officer and Business Support scrutiny of complaints

Responsible Children's Services Assistant Director or equivalent scrutiny of complaints in their services

Report to CAIU for inclusion in Audit and Risk Management report to Trustees

## Reviewing

Policy to be reviewed annually by Business Support Unit

## Document History

Version	Date	Author	Status	Comment
4	1/8/18	Pat Greene	Final	Reviewed, no changes made.
3	05/10/2017	Jane Berkin	Final	For HoBS Sign off
2	01/12/2016	Jane Berkin	Final	
1	01/03/2016	Jane Berkin	Final	