



## Complaints Handling Policy

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## 1 Forward

- 1.1 This policy deals with the process of handling a complaint. In line with our core values we will handle a complaint in a manner that;
- Is Respectful – treating everyone with respect and fairness
  - Is with Integrity – taking responsibility & accountability for our actions and are open and transparent in all we do
  - Is Participative – outcomes are achieved with the active involvement and inclusion of children, young people, their families and our staff and volunteers
  - Is Excellent – striving for the highest possible standards in all areas of our work

## 2 Introduction to our Standards

- 2.1 This policy will be operated through the application of our standards which are set out in paragraphs 6 to 11 in this Policy. Their application ensures that complaints are handled in a consistently high quality manner.
- 2.2 Children 1st undertakes to answer any complaint promptly, thoroughly, efficiently and courteously. Complaints can be made by phone, letter, e-mail or face to face.
- 2.3 We are a learning organisation, committed to quality and open to receiving feedback. We seek feedback from those we work to help with our goal of continuous improvement and development.
- 2.4 Children 1st is a listening organisation and works openly and in a participatory way with everyone we work with and alongside, supporting their involvement in the design and development in what we do. Children 1st welcomes, and will act on, feedback and complaint outcomes when appropriate.
- 2.5 In many instances, when someone expresses dissatisfaction or complains, staff are easily and immediately able to resolve the matter to the person's satisfaction. While this is not the same as a formal complaint, staff are none-the-less encouraged to record the key elements which caused dissatisfaction and any remedial action taken or needed. Complaint Form parts 1 and 2 should be used, signed off by the manager and a copy held in the Complaints File and in the persons case file [if applicable].
- 2.6 Where any member of staff or volunteer is in doubt about whether or not a complaint is being made, they should discuss this with their line manager. If in doubt, it is better to treat something as a complaint, rather than risk a service user or a member of the public being left feeling unheard and under-valued.

### **3 Definitions**

- 3.1 A complaint is an expression of dissatisfaction by anyone we connect with through the work of the charity, this can be a child or family member, or a member of the public, about any aspect of Children 1st. In this Policy 'service(s)' includes all aspects of Children 1st's work – e.g. children and family services, fundraising, HR, communications, etc. – and applies across the whole organisation.

### **4 Aims**

- 4.1 The Complaints Handling Policy aims to:
- 4.1.1 Give those who are in any way dissatisfied with us a formal process for raising this
  - 4.1.2 Give anyone we connect with a way of feeding back on the quality of our work and activity
  - 4.1.3 Provide a clear process for addressing complaints
  - 4.1.4 Support the organisation to continually reflect, develop and improve

### **5 Applicability**

- 5.1 The Complaints Handling Policy applies to all Children 1st employees and volunteers. Volunteers include all unpaid workers who give their time to work on behalf of Children 1st including Trustees.
- 5.2 The Complaints Handling Procedure is the method by which complaints and concerns are listened to and addressed. Where employees or volunteers wish to complain, other procedures such as the Grievance Procedure and/or the Confidential Reporting Procedure should be used.
- 5.3 Where a complaint incorporates an allegation of abuse by a member of staff or a volunteer, consideration should initially and immediately be given to using the Child Protection and Wellbeing Standard and Child Protection and Adult Protection Procedures. The safety of any child or children is always of paramount importance and, where an allegation of abuse is made against a member of staff or volunteer, the matter should always be referred to the appropriate Assistant Director for onward referral to Police and Local Authority, as appropriate, in the same way as any other concern about possible abuse.
- 5.4 Where a complaint includes an allegation that a member of staff or volunteer has committed a criminal offence, this should normally be referred to the Police Scotland for investigation. In other situations, action under the disciplinary or other Children 1st procedures may be appropriate.
- 5.5 In such situations, consideration must be given as to whether any complaints investigation should be superseded by another investigation procedure, or suspended until the outcome is known. Where the Complaints Handling Procedure is running in parallel with a child protection or police investigation, close liaison is required, to ensure that the complaint investigation does not compromise these external investigations.

## **6 Standards**

6.1 The standards applicable to this policy are described below.

### **7 Standard 1 - Openness**

*Children 1st values, and is open to, constructive suggestions or complaints about any aspect of its work and services*

- 7.1 People who receive Children 1st's services are given appropriate, accessible information about the service, and what to do if they are unhappy about any aspect of it.
- 7.2 People who connect with Children 1st services and others if appropriate are encouraged to provide feedback about the development of our work and/or specific service.
- 7.3 There is sufficient openness, trust and goodwill for those we work alongside and support and others we connect with to communicate any concerns, to be able to express their views, and to know that these are listened to and will be treated with respect.
- 7.4 The Complaints Handling Procedure is made available to members of the public as appropriate in the context of a culture of openness.

### **8 Standard 2 – Response to Complaints**

*Children 1st responds to complaints promptly, thoroughly, efficiently and courteously*

- 8.1 Anyone, including children and young people, who wish to make a complaint will:
  - 8.1.1 Be listened to
  - 8.1.2 Be offered a solution or explanation
  - 8.1.3 Have their experience acknowledged
- 8.2 Complaints are addressed within the given time scales.
- 8.3 Every effort is made by Children 1st to resolve any dissatisfaction at the earliest opportunity and as close to the point of origin as possible.
- 8.4 Where a complainant is dissatisfied with the initial response to her or his complaint, Children 1st is committed to progressing the complaint by initiating a formal investigation, by an appropriate officer in the organisation.

### **9 Standard 3 – Confidentiality and Information Sharing**

*Throughout every stage of the Complaints Handling Procedure, confidentiality will be respected and maintained, and information shared only on a 'need to know' basis*

- 9.1 Details of individual complaints are shared only with those involved in resolving them, to protect the rights of complainants, staff and volunteers.
- 9.2 Details and outcomes of complaints are passed on only on a 'need to know' basis. Details will be changed and complaints anonymised to allow for learning from complaints.

- 9.3 Notes of interviews conducted as part of a complaint's investigation will be securely kept for 3 months from the date of letter of resolution. Thereafter they will be destroyed, as confidential waste.
- 9.4 Other records pertaining to complaints will be retained and destroyed in accordance with Children 1st's policies on the retention, storage and destruction of files.
- 9.5 Recording and storing of complaint information is consistent with the Data Protection Act 2018 and with Children 1st's Information Management Standards.

## **10 Standard 4 – Supporting Complaints and Staff**

*Children, young people, other complainants and staff and volunteers are supported through complaint investigations*

- 10.1 The Service[s] or other Manager and his/her line manager share responsibility for ensuring that staff, volunteers, children and other complainants are appropriately supported throughout any investigation.
- 10.2 When a child or young person is involved, consideration needs to be given as to who should support the child or young person through the investigation. This may be a member of the child's family, a member of staff or volunteer [unless there might be a conflict of interest] or it may more appropriately be an independent source.
- 10.3 Staff and volunteers who are mentioned in complaints should be treated fairly and honestly, and should be provided with support throughout the investigation process. They should be helped to understand the concerns expressed and the processes being undertaken.
- 10.4 Consideration also needs to be given to any additional support required by members of the staff and/or volunteer team during, and subsequent to, any complaint investigation.
- 10.5 On completion of any complaint investigation, including a complaint resolved locally under stage 1 of the Complaints Handling Procedures set out in this Policy, the complainant is informed in writing of the outcome.
- 10.6 Any staff members or volunteers involved in the complaint are also informed of the outcome.
- 10.7 The provision of information and advice given to staff, volunteers, families and other complainants must not interfere with the process of any child protection enquiry, criminal, disciplinary or other investigation processes.

## **11 Standard 5 – Complaints Recording, Monitoring and Review**

*Complaints are recorded, monitored and reviewed and any learning is used to inform future practice.*

- 11.1 Where staff are easily and immediately able to resolve an expression of dissatisfaction without reference to stage 1 of the Complaints Handling Procedure, they record the key elements and any remedial action taken or needed.
- 11.2 Managers are responsible for completing Complaint Form part 1 **within 24 hours** of receiving a complaint, and for copying this to their Assistant Director/Director.
- 11.3 Managers are responsible for completing Complaint Form part 2, once the local resolution stage of a complaint is completed, and for copying this to their Assistant Director/Director.
- 11.4 A review will follow a complaint with learning shared as appropriate.
- 11.5 Wherever possible, staff teams will be involved in this review.
- 11.6 Assistant Directors/Directors are responsible for reviewing and signing off Complaints Form parts 1 and 2 in relation to complaints dealt with under stage 1 of the Complaints Handling Procedures.
- 11.7 If the Assistant Director/Director has any concerns about how the complaint has been dealt with or documented, these should be addressed with the manager as soon as possible.
- 11.8 Once an Assistant Director/Director has signed off the Complaints Form, copies of both parts 1 and 2 should be sent to the Chief Executive and to the relevant Director.
- 11.9 Assistant Directors/Directors will monitor the incidence of complaints within each service, section or department.
- 11.10 Any patterns which give cause for concern or identify good practice or learning should be discussed with the Service[s] Manager/Manager and/or the staff team and raised for discussion at appropriate management meetings, including ELT.

## **12 The Complaints Handling Procedure - Receiving a Complaint**

- 12.1 If an individual, group of individuals or a representative of an individual or group, wishes to make or is thinking about making a complaint and indicates this to a member of staff, or a volunteer, s/he should:
- 12.1.1 Ensure the complainant knows to whom s/he is speaking [i.e. give your name and job title]
  - 12.1.2 Provide a copy of the leaflet “Your Views Count”
  - 12.1.3 Offer to explain any aspect of the Complaints Handling Procedure about which the person is unclear
  - 12.1.4 Offer to ask the Service[s] Manager/Manager to take the complaint if necessary
  - 12.1.5 Listen carefully to what the complainant is saying and take notes.
  - 12.1.6 Help the complainant to write down the points they want to make, if they want this
  - 12.1.7 Try to find an immediate resolution to the satisfaction of the complainant, if that is possible
  - 12.1.8 If this is not possible encourage them to make the complaint formal by putting it in writing. The staff member should at some stage ask the question: “Would you like to make a formal complaint?”
  - 12.1.9 Relate back to the complainant in your own words:
    - The substance of the complaint
    - What you will do about it
    - The likely timescales involved
  - 12.1.10 Record the discussion
  - 12.1.11 Inform your line manager immediately, giving them the record of the discussion together with the complaint, if it is written.
- 12.2 A formal complaint should be made in writing. Representations made orally are not formal complaints. However, if the person chooses to make the complaint orally due to literacy or language barriers the person recording the complaint must record this verbatim and check that the person making the complaint is content with this record and must make a note of this agreement.
- 12.3 Stage 2 of the Complaints Handling Procedures [investigation] can only proceed with a formal complaint. Stage 1 of the Complaints Handling Policy [local resolution] should be used even when the complaint has not been put in writing by the complainant. Even where staff are easily and immediately able to resolve the matter to the person’s satisfaction, the concern and any action taken or needed should be recorded, using Complaint Form parts 1 and 2, signed off by the manager and filed in the service user’s file [if appropriate] and in the Complaints File.

## **13 The Complaints Handling Procedure – Stage 1 - Local Resolution**

- 13.1 On receipt of a complaint, the Service[s] Manager/Manager should be notified immediately. S/he must then complete a written note of the complaint using Complaint Form part 1, The content of the account should be checked for accuracy with the person making the complaint and s/he should also be informed:
- 13.1.1 About the purpose of the form and who will read it

- 13.1.2 That the form need not identify anyone by name
- 13.1.3 That Children 1st monitors numbers and types of complaints being made, but that this information is anonymised
- 13.1.4 That once the complaint has been dealt with the form will be kept in their file with their other records.
  
- 13.2 Copies of Complaint Form part 1 should be:
  - 13.2.1 Filed in the service user's file [if appropriate]
  - 13.2.2 Filed in the confidential Complaints File
  - 13.2.3 Sent to the Assistant Director/Director
  
- 13.3 Dependant on the nature and seriousness of the complaint the Service[s] Manager/Manager should immediately discuss the situation with their line manager, with a view to identifying who should appropriately be identified to work with the service user/member of the public towards a resolution of the complaint.
  
- 13.4 It is not appropriate for anyone to be responsible for resolving a complaint of which they are the subject – it should be passed on to the next line manager.
  
- 13.5 Any member of staff mentioned by the complainant should be informed by their line manager of the nature of the complaint and provided with support as necessary.
  
- 13.6 Where appropriate [and always when the complainant is a child] s/he should be advised that they have a right to have someone to support them to understand and participate fully in the complaint process. This may be a friend, family member, or another worker or professional [including a member of project staff, as long as this does not risk a conflict of interest] – staff should help to identify a suitable person.
  
- 13.7 Either the Service[s] Manager/Manager or the assigned member of staff should work with the complainant towards a resolution of the complaint. Throughout this process advice and support should always be available from the line manager. The involvement of a more senior manager at this stage does not escalate the complaint, or move it into stage 2.
  
- 13.8 Detailed guidelines for Service[s] Managers and other staff involved in managing and resolving complaints at the local stage are included within these standards and procedures. S/he will normally be expected to:
  - 13.8.1 Speak with and/or meet with the complainant and fully discuss the concern/complaint with them:- check that you have understood and accurately recorded their concerns; ask what remedy the person would like; assure them that the issue will be taken seriously but be cautious about predicting outcomes
  - 13.8.2 In some circumstances it may be inappropriate or impractical to meet with the complainant. The reasons for the decision not to meet should be clearly recorded and an alternative method of exploring the issues with the complainant agreed.
  - 13.8.3 Assess the situation:- consider whether issues of criminal law, staff discipline or child protection are involved – if so take appropriate action; you may need to reflect or seek advice; to check facts and gather basic information, remembering that you are not carrying out a formal investigation.



- 13.8.4 Take a restorative approach:- aim for a realistic solution which is acceptable to the complainant and which is deliverable
- 13.8.5 Agree any further action that can or will be taken
- 13.9 The Service[s] Manager/Manager should give to the complainant, a written outline of their complaint and what has been agreed/done to resolve the situation.
- 13.10 If the person is satisfied with the outcome, the Service[s] Manager/Manager should:
- 13.10.1 Complete Complaint Form part 2 – retaining one copy in the complainant’s file [if a service user]; one in the complaints file. One copy should be sent to the Assistant Director/Director
- 13.10.2 Instigate a plan to implement and monitor any agreed actions
- 13.11 If the person is still unhappy and wishes to pursue the complaint further, the Service[s] Manager/Manager should advise them of their right to ask for an investigation and help them to do so if they wish.
- 13.12 The Service[s] Manager/Manager should share and use any learning from the process to review and improve practice.

## **14 The Complaints Handling Procedure – Stage 2 - Investigation**

- 14.1 The investigation stage of the Complaints Handling Procedure can be instigated in a number of circumstances:
- 14.1.1 the complainant makes an explicit request for their complaint to be formally investigated
- 14.1.2 stage 1 has been unsuccessful in obtaining a local resolution and the complainant wishes the situation to be pursued
- 14.1.3 the nature of the complaint suggests that a formal investigation would be appropriate
- 14.2 On receipt of a complaint in one of the circumstances noted in 14.1.1 to 14.1.3, the relevant Director will discuss the complaint with the Chief Executive and – if appropriate - HR.
- 14.3 They will agree whether the investigation should be undertaken internally by a senior member of Children 1st staff or externally, by someone from outwith the organisation. Factors which will influence this decision will include:
- 14.3.1 the nature of the complaint
- 14.3.2 the perceived need for external scrutiny
- 14.3.3 the availability of suitable resources
- 14.4 The Director, will identify an investigator and a named support person.
- 14.5 In the case of an external investigator, they will also identify a senior member of Children 1st staff to act as the Link Manager. This may be the same person as the named support person.
- 14.6 The Director will negotiate the terms of reference for the investigation, including:
- 14.6.1 the remit of the investigation

- 14.6.2 the timescales of the investigation [normally **within 20 working days of receipt of the complaint**]
- 14.6.3 the composition of the investigation team
- 14.6.4 the methods of investigation
- 14.7 The Link Manager will facilitate access to information in the case of an external investigation.
- 14.8 The named support person – normally a senior manager independent of the subject of the complaint – will be available as a ‘sounding board’ for the investigator. S/he should be given a copy of the terms of reference for the investigation.
- 14.9 The investigator will be given access to any relevant information and will investigate the complaint in accordance with:
- 14.9.1 the agreed terms of reference
- 14.9.2 the guidance for investigations [Section 19]
- 14.10 The complainant will usually be contacted and visited at an early stage, to discuss the complaint with them. Problem solving should still be attempted at this stage, if possible.
- 14.11 When conducting the investigation, the investigator will send each person who has been interviewed a copy of the notes of their interview and ask them to check for accuracy.
- 14.12 The investigator will submit a report on their completed investigation to the Director, normally within **20 working days of being appointed as investigator**. Notes of interviews will be attached to the report.
- 14.13 The Director should consider the report and decide:
- 14.13.1 How the information in the report is to be shared with the members of staff involved. The principle will be to share as much as possible whilst maintaining confidentiality
- 14.13.2 The formal response that is to be made to the complainant
- 14.13.3 Whether the entire report may be sent to the complainant, whether amendments need to be made to protect third party confidential information, or whether a summary would be more appropriate
- 14.14 The Director will write to the complainant – **within 5 working days** of receiving the report of the investigator- with Children 1st’s formal response to their complaint and the recommendations of the investigator.
- 14.15 The Director will also initiate action to ensure that:
- 14.15.1 Involved staff are informed of the outcomes of the investigation
- 14.15.2 Action plans are developed to address any recommendations
- 14.15.3 Any learning is shared [across the organisation] as appropriate
- 14.16 A copy of the complaint and the written response to the complainant will be retained in the complainant’s file if they are a service user.

14.17 A copy of the complaint, the investigation report and the letter of resolution to the complainant will be retained in:

14.17.1 A confidential 'Complaints File' held by the Director

14.17.2 A confidential 'Complaints File' kept in secure storage by the Chief Executive's Department

14.18 The Director will ensure that any notes of interviews conducted as part of the complaint's investigation are appropriately destroyed three months after the date of the letter of resolution.

14.19 Other records pertaining to complaints will be retained and destroyed in accordance with Children 1st's policies on the retention, storage and destruction of files.

### **15 The Complaints Handling Procedure – Stage 3 – Complaints Review**

15.1 If the complainant is not satisfied with the letter of resolution and wishes to have the matter referred to Children 1st's Stage 3 Complaints Review, s/he should write to the Chief Executive **within 28 days** of receiving the letter of resolution. A Complaints Review Panel will be set up to further review the complaint.

15.2 The Complaints Review Panel will include:

15.2.1 The Chief Executive of Children 1st or Deputising Director

15.3 The Children 1st Complaints Review Panel will be convened within **15 working days** of receiving written notification.

15.4 The Director will inform all staff involved in the complaint.

15.5 The Director will provide to the Panel:

15.5.1 The letter of complaint

15.5.2 The investigation report

15.5.3 The letter of resolution

15.6 The Panel will consider relevant documentation and oral and written submissions from any of the following:

15.6.1 The complainant and/or their advocate or supporter

15.6.2 The Director

15.6.3 The investigator

15.6.4 Any other relevant person

15.7 The Panel should record its conclusions and recommendations within **24 hours** of the end of the meeting. Having reached a resolution, the Chairperson of the Panel will respond in writing to the complainant within **5 working days**.

15.8 On receipt of the resolution of the Panel, the Director will notify all relevant staff members.

## **16 Guidance on Complaints Filing**

16.1 Complaints information needs to be kept in a number of different places:

16.1.1 Service user[s] files

16.1.2 Complaint File held in services

16.1.3 Complaint File held by Directors

16.1.4 Complaint File held by Chief Executive's Department

### **Within Children and Family Services**

16.2 Every children or family member file should have a discreet section for Complaints. This should contain:

16.2.1 Completed Complaint Forms for any complaint which is either easily and immediately resolved or is dealt with using stage 1 of the procedures

16.2.2 Any concern put in writing by the complainant

16.2.3 Any correspondence from or to the complainant, in relation to the complaint. In particular it must contain a copy of:

- any written outline of their complaint and what has been done to resolve the situation [if dealt with under stage 1]
- the letter or resolution sent to the complainant by the Director [if dealt with under stage 2]
- the formal response sent to the complainant by the Chair of the Panel [if dealt with under stage 3]

16.3 Every service should also have a Complaints File, stored securely and with restricted access. This should contain information [as detailed above] relating to all complaints and expressions of dissatisfaction.

### **Complaint Files held by Directors**

16.4 Every Director should also have a Complaints File, stored securely and with restricted access. This should contain information as detailed above relating to all complaints and all expressions of dissatisfaction, related to their section or department. In addition, where appropriate, the file will contain:

16.4.1 any decisions made [and reasons for them] in relation to instigating a complaints investigation

16.4.2 the terms of reference for any investigation

16.4.3 the investigation report

16.4.4 any additional documentation related to the complaint. Where an investigator identifies issues wider than the original complaint, these should NOT be retained in the complaints file.

## Complaints File held by Chief Executive's Department

16.5 The Chief Executive's Department should have a Complaints File, stored securely and with restricted access. This should include information on all complaints, other than easily and immediately resolved concerns – i.e. information related to:

16.5.1 any complaint resolved at stage 1

16.5.2 any complaint where an investigation has been considered or undertaken

16.5.3 any complaint considered by a Review Panel

## 17 Guidance - for Staff mentioned in a complaint

17.1 It is the responsibility of all members of staff and volunteers to facilitate access to the Complaints Handling Procedure for users of Children 1st. However it is also important that staff members or volunteers mentioned in a complaint are offered support. In such situations, the following guidelines apply.

17.2 Your line manager should inform you, as soon as possible, about the nature of the complaint and how it relates to you.

17.3 From the start, you can get support from any of the following sources:

17.3.1 line manager

17.3.2 friend or colleague

17.3.3 trade union or professional association

17.4 You can have a person giving you support accompany you to any interview directly connected with the complaint you are required to attend. The role is a supporting one and the person may not speak instead of you, or on your behalf. You do not have the right to be accompanied by a solicitor.

17.5 If you are not happy with the support arrangements, you should inform a senior manager. You should tell the Investigator when s/he first makes contact with you if you are not happy with the support arrangements. S/he will not proceed with interviewing you until satisfied that you have been offered appropriate support.

17.6 During the investigation, the Investigator should give you at least **two working days notice** of their intention to interview you.[Note: should this timescale also be added in to the section on investigations so it's not missed as an obligation on the part of the investigator?] S/he should explain their role to you and also tell you how you can contact them during the investigation.

17.7 The notes of your interview will be written up by the Investigator and a copy sent to you to check for accuracy. This will then be included as a separate appendix to the Investigator's report. The only people who have access to the written record of your interview are the Investigator and senior line managers. If the complaint goes to a Review Panel, the panel members will also see it. No other members of staff have access to your interview record, nor does the complainant.

- 17.8 The final investigation report is sent to the Director and the complainant then receives a formal response from Children 1st.
- 17.9 Information within the report will be shared on a 'need to know' basis, to protect confidentiality, but at the same time to ensure that the relevant information is passed on to the staff concerned.
- 17.10 You may be asked to attend a Panel hearing if the complaint is reviewed. If asked, you must attend but you can have another person with you to provide support and advice.
- 17.11 Information relating to complaints is not recorded on your personal file, unless it results in the Disciplinary Procedure being used. Your line manager will be able to give you more information about this.
- 17.12 Senior managers have the responsibility to ensure that staff and/or volunteers are given adequate debriefing, following a complaint.
- 17.13 You can also make use of the confidential Staff Counselling Service.

## **18 Guidance – For Services and Managers involved in managing complaints (Local Stage)**

### 18.1 Immediate response to a complaint:

- 18.1.1 make the space and time to listen properly to what the person has to say
- 18.1.2 if the person is angry, you may need to allow them to calm down first
- 18.1.3 be prepared to take responsibility for hearing and resolving the complaint

### 18.2 Listen, clarify and record:

- 18.2.1 give the person time to tell their story at their own pace
- 18.2.2 ask questions to check that you have understood properly
- 18.2.3 ask what remedy the person wants
- 18.2.4 assure the person that the issue will be taken seriously, but be cautious about predicting outcomes
- 18.2.5 keep a record of the complaint, having checked for accuracy with the complainant
- 18.2.6 fill in Complaint Form part 1 – copies of which should be:
- filed in the service user's file [if appropriate]
  - filed in the Complaints File
  - sent to the line manager

### 18.3 Assess the situation:

- 18.3.1 if you need to reflect or seek advice, tell the person this and arrange to speak to them again in the near future
- 18.3.2 make sure you are the right person to be dealing with the complaint:
- is it essentially about you?
  - are issues of criminal law, staff discipline or child protection involved

- is the nature or seriousness of the complaint such that a formal investigation might be more appropriate

18.4 If you have any concerns you should seek advice from your line manager

18.4.1 what other basic information do you need [remember, you are not required to carry out a formal investigation]:

- are the facts in dispute
- what information or records do you need to gather or check
- do you need to check events with staff?

18.4.2 what will it take for the complainant to be satisfied

18.5 Support needs:

18.5.1 seek advice and support from your line manager at any point

18.5.2 ensure any staff/volunteers mentioned in the complaint are informed about this, given a copy of the Guidance for Staff, and have access to any support they need

18.5.3 consider whether the complainant needs or wants support and [particularly when the person is a child or young person] if necessary, try to facilitate this

18.6 Attempting local resolution:

18.6.1 take a restorative approach

18.6.2 aim for a realistic solution which is acceptable to the complainant and which you can deliver

18.6.3 assure the person that you are following procedure and that you will do your best to resolve their complaint as quickly and as close to the point of service delivery as possible

18.6.4 be clear with the person about the timescale

18.7 Reaching a resolution:

18.7.1 own and apologise for any mistake that has been made

18.7.2 apology is only appropriate if the project/service/organisation was responsible in any way – but still acknowledge and regret any distress suffered by the person

18.7.3 put the agreed resolution in writing to the complainant, including any actions to be taken to put the situation right or ensure that it will not happen again

18.7.4 make sure the person is left feeling it was right for them to complain

18.7.5 fill in Complaint Form part 2 – copies of which should be:

- filed in the service user's file [if appropriate]
- filed in the Complaints File
- sent to the line manager

18.8 Follow-up

18.8.1 allow the person to decide if they are satisfied with the resolution, or if they wish to ask for a formal investigation

18.8.2 check that any agreed actions or changes have been implemented

18.8.3 ensure all staff involved have the opportunity to fully debrief

18.8.4 review your handling of the complaint

18.8.5 share any lessons learned within the service and with other services

- use complaints and any learning from them as part of service review and development

## **19 Guidance – For those undertaking formal investigations**

19.1 Discuss the complaint with the Director with a view to agreeing Terms of Reference, including:

19.1.1 a plan for the way the investigation will be conducted

19.1.2 who will be interviewed

19.1.3 what written information relating to the complaint needs to be read

19.1.4 who will provide support [the Named Support Person]

19.1.5 who will act as a link to the organisation, if the investigation is to be undertaken externally [the Link Manager]

19.2 Agree with the Director:

- the ground rules for keeping in touch during the investigation, contacting interviewees etc
- how and where interviews will be arranged and recorded

19.3 The same person may be both the named support person and the link manager.

19.4 Liaise with the identified Link Manager to ensure that access to relevant documentation, information and staff will be available.

19.5 Throughout the investigation, the named support person should be available for you to use as a 'sounding board'.

19.6 Interview the complainant to:

19.6.1 clarify the complaint [if not already done, the complainant should sign a full written statement of the complaint, to avoid any doubt and prevent the complaint being changed during or after the investigation]

19.6.2 check what is expected in terms of solution or outcome

19.6.3 explain the investigation procedure

19.6.4 obtain the complainant's consent to read the information held about them by Children 1st

19.7 Read the relevant records, background papers and any pertinent legislation, regulation, guidance and Children 1st policies, standards and procedures.

19.8 Assess at this stage, and throughout the investigation, whether the Complaints Handling Procedure is the most appropriate way of handling this complaint and advise the Director if you consider there are matters more appropriately addressed by Disciplinary, Child Protection or other procedures.

19.9 Consider whether there is a possibility of the complaint being resolved without further investigation and advise the Director accordingly.

19.10 Analyse the complaint into its different elements for further action or decision.



19.11 Interview relevant staff, giving at least **two working days notice** and confirming that they are aware of their right of access to union support:

- 19.11.1 advise interviewee that information they provide may be included in your report
- 19.11.2 use open questions
- 19.11.3 ask single – not multiple - questions
- 19.11.4 do not express opinion in words or attitude
- 19.11.5 at the end of the interview, summarise the main points covered and ask if the interviewee has anything to add
- 19.11.6 make notes of the interview [not a verbatim record] and send it to the interviewee for their comments as to accuracy

19.12 Write the investigation report in clear and accessible language, bearing in mind that the complainant has the right to read it.

19.13 While the content and structure may vary, dependent on the nature of the complaint, it will normally include:

- 19.13.1 a summary of the complaint, breaking down a complex complaint into its different elements
- 19.13.2 what resolution is sought by the complainant
- 19.13.3 a list of persons interviewed and papers read
- 19.13.4 an analysis of each element of the complaint, distinguishing clearly between fact and opinion
- 19.13.5 an unambiguous statement about whether each element of the complaint is upheld
- 19.13.6 recommendations specific to the complaint and the complainant's wishes for resolution

19.14 Send a copy of the report to the Director, with notes of interviews appended.

19.15 Sometimes an investigation can identify issues wider than the original complaint. These should not be addressed in the complaint investigation report, but should be reported separately the Director, along with any recommendations or proposals for further action.

## **20 Guidance - for Link Manager**

20.1 The role of the Link Manager is to enable an independent investigator to carry out the tasks necessary in order for an investigation under stage 2 of the Complaints Handling Procedure to be undertaken swiftly and efficiently. In the main this will be achieved through the provision of contextual information and guidance.

20.2 Once appointed, liaise with the independent investigator to ensure that s/he has access to:

- 20.2.1 the necessary general information about Children 1st
- 20.2.2 the relevant policy documents
- 20.2.3 any pertinent legislation, regulation or guidance

- 20.3 Ensure that s/he has access to specific records and background papers relevant to the complaint being investigated.
- 20.4 Resolve any difficulties that may arise in the making of appointments to interview relevant members of Children 1st staff.
- 20.5 Be available for contact from the independent investigator should any local logistical problems arise in relation to the investigation.

## **21 Guidance – for named support person**

- 21.1 The role of the Named Support Person [normally a senior manager independent of the subject of the complaint] is to act as a sounding board for the person undertaking an investigation under stage 2 of the Complaints Handling Procedure.
- 21.2 The exact amount and nature of support required is likely to be variable – dependant on the background and experience of the investigator, and the nature and complexity of the complaint.
- 21.3 Once appointed the named support person should:
  - 21.3.1 familiarise themselves with the terms of reference for the investigation
  - 21.3.2 make themselves available to the investigator as and when required
  - 21.3.3 feel able to explore, question and challenge – as well as support
  - 21.3.4 identify any gaps they perceive in the work of the investigator
- 21.4 The role is not one of line management and the named support person is not responsible for the work or output of the investigator. However, if the named support person has concerns about this, s/he should raise them with the Director who commissioned the investigation.

21.5 Appendix 1 – Procedure – Local Resolution

	Service user expresses dissatisfaction/ makes complaint		
Staff are easily and immediately able to resolve the matter to the person's satisfaction	←	↓	→
Staff are not able to easily and immediately resolve the matter to the person's satisfaction			
↓			↓
Staff record complaint and outcome on Complaint Form part1 and 2 and give to the Service[s] Manager or line manager, who should sign them off, if they are satisfied that the situation has been appropriately resolved, key elements of dissatisfaction and any remedial action taken or needed – <b>within 24 hours</b> END			Service[s] manager or other senior member of staff: <ul style="list-style-type: none"> <li>▪ Completes Complaint Form part1 – <b>within 24 hours</b></li> <li>▪ Meets with complainant and fully discusses the concern/complaint with them [if a decision is made not to meet with the complainant, the reasons for this should be recorded]</li> <li>▪ Takes a problem solving approach</li> <li>▪ Agrees any further action that can/will be taken</li> </ul>
			↓
		The person is satisfied with outcome Complaint Form part 2 is completed – <b>within 15 working days</b>  END	<div style="text-align: center;">↓</div> <div style="text-align: center;">←</div> The person is given a written outline of their complaint and what has been agreed/done to resolve the situation
			<div style="text-align: center;">↓</div> The person is still unhappy and wishes to pursue the complaint further. Advised of their right to ask for an investigation and helped to do so if they wish.

## 22 Appendix 2 – Complaints Form

Parts 1 and 2 of the Complaint Form should be used to record any ‘expressions of dissatisfaction which require a response’.

### **Easily and immediately resolved:**

Where staff are easily and immediately able to resolve the matter to the person’s satisfaction, the member of staff should complete parts 1 and 2 and give to the Service[s] Manager or line manager, who should sign them off, if they are satisfied that the situation has been appropriately resolved. The completed form should then be retained:

- in the service user’s file [if appropriate]
- in the confidential Complaints File held in the service or department.

### **Formal complaint:**

Where staff are not easily able to resolve the matter, or the complainant wishes to make a formal complaint, part 1 of the form should be completed by the Manager **within 24 hours of receiving the complaint**. The completed part 1 should be sent to their line manager [either Assistant Director/Director].

Once the local resolution stage of the complaint is completed, the Manager should complete part 2 of the form and send it to their line manager. If satisfied that the complaint has been appropriately addressed, the line manager should sign it and forward a copy of both parts of the form to the Chief Executive and to the relevant Director.

Parts 1 and 2 of the completed form should be retained, together:

- in the service user’s file [if appropriate]
- in the confidential Complaints File held at the service [Children and Family Services]
- in a confidential Complaints File held by each Director
- in a confidential Complaints File held by the Chief Executives Department

## COMPLAINT FORM – Part 1

### Registering a Complaint – “an expression of dissatisfaction which requires a response”

Part 1 of the Complaints Form should be used to register any ‘expressions of dissatisfaction which require a response’.

Name of project/service/office base/department:	Date:	
Name of complainant [or, if a service user, their referral number]:		
Contact details for complainant [if not held elsewhere]:		
Complainant’s relationship with Children 1 <sup>st</sup> : <b>service user:</b> young person under 12 <input type="checkbox"/> young person 12 – 17 <input type="checkbox"/> adult <input type="checkbox"/> <b>other:</b> <input type="checkbox"/> [please specify]		<b>on behalf of service user:</b> parent or carer <input type="checkbox"/> friend <input type="checkbox"/> other [please specify] <input type="checkbox"/>
Nature of Complaint [please tick one]:  <input type="radio"/> easily and immediately resolved <input type="checkbox"/> <input type="radio"/> stage 1: local resolution <input type="checkbox"/> <input type="radio"/> stage 2: investigation <input type="checkbox"/>		
Has the complainant put their concern in writing:      yes <input type="checkbox"/> no <input type="checkbox"/> [if yes, please attach to form]		
Give a brief description of the problem, as seen by the person making the complaint [e.g. quality of service, unfair treatment, withdrawal of service etc.]		

What would the person like done to put things right?

Name:

Signature:

Role:

Date:

Forwarded to Manager/Assistant Director/Director:

Name:

Date:

COMPLAINT FORM part 2  
Resolution Stage

Part 2 of the Complaints Form should be completed when a complaint [already recorded on part 1] has been resolved, or when no further progress can be made.

Name of complainant [or their referral number]

What description best fits the outcome of the complaint so far?

- |                              |                          |                       |
|------------------------------|--------------------------|-----------------------|
| Wholly resolved              | <input type="checkbox"/> |                       |
| partly resolved              | <input type="checkbox"/> |                       |
| another procedure instigated | <input type="checkbox"/> | please indicate which |
| withdrawn                    | <input type="checkbox"/> |                       |
| no resolution can be reached | <input type="checkbox"/> |                       |

What process was used to resolve the complaint?  
[please attach relevant papers if necessary]

How are any outstanding issues to be addressed? By whom?

What, if any, further action is required? By whom?

What has been learned from the complaint?

If the complainant is still dissatisfied, have you informed them of their right to ask for the complaint to be formally investigated?      Yes       No

Date informed:

Name:	Signature:
Role:	Date:
Forwarded to Manager/Assistant Director/Director:	
Name:	Date:
Any additional comments by Manager/Assistant Director/Director:	
Signature:	Date:
Date passed to Chief Executive and the relevant Director: [only applicable for copies of paperwork related to complaints dealt with under stages 1 or 2]	



## 23 Appendix 3 – Complaints Paperwork Checklist

### Easily and immediately resolved:

Action:	Timescale	Completed	
		Initials	Date
Staff member who resolved issue, completes parts 1 and 2 of complaint form	within 24 hours of receiving complaint		
Form passed to Service[s] or line manager	within 24 hours of receiving complaint		
Form signed off by manager	as soon as possible		
Form copied and filed in: Service user's file: Complaints File:			

### Stage 1: local resolution:

Action:	Timescale	Completed	
		Initials	Date
Service[s] or other manager completes part 1 of complaint form	within 24 hours of receiving complaint		
Completed part 1 sent to line manager	within 24 hours of receiving complaint		
Service[s] or other manager writes to complainant with resolution	within 15 days of receiving complaint		
Service[s] or other manager completes part 2 of complaint form	within 15 days of receiving complaint		
Copies of Complaint form parts 1 and 2 filed in: Service user[s] file: Complaints File:			
Completed part 2 sent to Assistant Director/Director	as soon as possible		
Complaint form signed off by Assistant Director/Director			
Parts 1 and 2 sent to: Chief Executive Director [in the case of Children and Family Services]			

**Stage 2: investigation:**

Action:	Timescale	Completed	
		Initials	Date
Investigation initiated by Director	within 5 working days of the investigation stage being instigated		
Investigator appointed	Within 5 das of the investigation stage being instigated?		
Investigation report submitted to Director	within 20 working days of the investigator being appointed		
Formal response sent to complainant	within 5 working days of the investigation report being submitted		
Copies of complaint and formal response sent to service [if applicable]			
Copies of complaint, investigation report and formal response sent to Chief Executive			
Investigation interview notes retained in Director's complaints file			
Director ensures secure disposal of interview notes	3 months after date of letter of resolution		