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**Complaints and Representations Policy for Children’s Services**

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Policy Owner: Michelle Dougan

Distribution: Children’s Services Personnel

## **Purpose**

The Children’s Services Complaints and Representation Policy (the Complaints policy) is to be used for complaints made by, or on behalf of, service users, foster carers, adopters and supported lodgings providers. The purpose of the policy is;

* To ensure redress for service users, carers and supported lodgings providers 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 sets out the process for responding to **complaints** and **representations** made by people, or on behalf of people, receiving a service provide by Barnardo’s Children’s Services Operational and Development and Innovation Directorates, and foster cares, adopters and supported lodgings providers.

**A complaint** is an expression of dissatisfaction or disquiet about the standard of a children’s service, including associated line management, and/or the actions or lack of action by the service towards an individual child or young person or other service user, foster carer, adopter or supported lodgings provider. **A representation** 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. Representations and the response to them must be recorded locally by services.

## 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.

**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** are responsible for informing service users, foster carers, adopters or supported lodgings providers of their right to complain or make representation, including the provision of written complaintsinformation about the complaints policy and to report any complaints or expressions of dissatisfaction to their line manager immediately.

**Complaints Lead Manager** role is a **Region/Nation/Business Line ADCS or equivalent** task allocated by the relevant Director. They can delegate part of the function but overall responsibility rests with them. The **Complaints Lead Manager** has responsibility for:

* co-ordinating the management of CS/BL complaints across their Region/Nation/Business for providing training, support and advice to staff in respect of complaints,
* for ensuring that complaints are responded to within agreed time frames and to the required standard
* for seeking advice as appropriate from the Children’s Services Complaints Manager
* for providing information to the Regional/National/Business Line management team about complaints,
* For contributing to the development of organisational policy and practice in relation to complaints.

**Complaints administrator** has responsibility for maintaining the Complaints log in respect of complaints in relation to their Region/Nation/Business Line; maintain the records in relation to the complaints and providing support to the Complaints Lead Manager.

**Children’s Services Complaints Manager is** a member of the Safeguarding and Quality Team and is responsible for;

* Producing and reviewing this policy and procedure
* Providing advice and support in relation to complex complaints including those at Stages 2 and 3.
* Providing reports and other information about the Children’s Services Complaints to the appropriate bodies.

## Definitions

**A complaint** is an expression of dissatisfaction or disquiet about the standard of a children’s service including associated line management and/or 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. Representations and the response to them must be recorded locally by services.

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

* Children and young people who are, or have been within the last twelve months, users of a children’s service including children who may or have been be adopted. This includes their 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 including Adoption Support Services
* Adopted persons, their parents, natural parents and former guardians where the complaint does not fall within the remit of the [Responding to Historical Abuse Policy](http://livelink.barnardos.org.uk/livelink91/llisapi.dll?func=ll&objId=241904310&objAction=viewheader).
* 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

**Complaint Resolved without investigation:** this is where a complaint may be resolved when it is received, without any further investigation and the complainant is satisfied with the outcome reached. It must be recorded using the [CS Complaints Immediate Resolution Form.](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=329041646&objAction=viewheader)

**Stage 1 Investigation or Frontline Investigation in Scotland:** this is usually the first stage of the complaint’s investigation. It is undertaken as close to the point of the complaint being made as possible usually by the responsible manager.The investigation process must be completed within **10** working days of the complaint having been received by the responsible manager unless an extension agreed. For **regulated services in Scotland,** it must beresolved within **5** working days with an option of an agreed extension of up to **10** working days. The Children’s Services Complaints Manager and the Complaints Lead Manager can agree to start at **Stage 2/Investigation stage** if the complaint is complex, if the complainant is unwilling to participate in **Stage 1/Frontline** or if the complaint relates to serious, high-risk, or high-profile issues.

**Stage 2 Investigation or Investigation Stage in Scotland:** this is the second stage of the complaints process usually undertaken when the complainant or the Children’s Services Complaints Manager or Complaints Lead Manager are not satisfied with the outcome of the **Stage 1/Frontline investigation**. The investigation is usually undertaken by an **Investigating Officer and an Independent Person**. The investigationmust be completed within **25** working days, or **20** working days for regulated services in Scotland, unless an extension has been agreed. 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 is not satisfied with the Stage 2/ Investigation and it is agreed that they have sufficient grounds for a **Stage 3** review. It must be completed within **45** working days of the request being made. In **Scotland** it may have been determined at the contract stage if the service user has the right to the Scottish Public Services Ombudsman rather than using Barnardo’s Stage 3 if they remain dissatisfied.

**Investigating Officer** **(IO)** is the person appointed to undertake a Stage 2/Investigation Stage investigation. 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 a suitable person from outside the organisation may undertake the role.

**Independent Person (IP)** is a person not employed by Barnardo’s appointed to oversee the fairness of the process of a **Stage 2/Investigation stage** investigation. The IP is appointed by the **Complaints Lead Manager** from the relevant Region/Nation/Business Line. They must agree any Barnardo’s privacy, confidentiality requirements; receive information about who is Barnardo’s Complaints Officer. They cannot be an employee of Barnardo’s, or a person engaged in any way with furthering the objects of the organisation or a spouse, civil or other partner of either of these. The **IP is** not and must not act as an advocate for the complainant and must declare any conflict of interest.

**Independent Investigating Officer** **(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 service involved and must have sufficient seniority to ensure credibility. They can be an employee of Barnardo’s or an external appointment and are appointed by and report to the Region/Nation/Business Line Director. They must have access to all material relating to the complaint and may re interview the complainant and others involved in the complaint.

**Advocate** provides independent and confidential support to the person making a complaint or representation. The advocate should help to ensure that the complainant understands the process and they should aim to work towards a speedy and satisfactory resolution of the complaint. They cannot be a practising lawyer, the subject of the complaint or their line manager or someone involved in the management of the service.

**Natural Advocate** is a close family member, e.g. someone with parental responsibility, may act as advocate where a child or young person or adult lacks competence to act for themselves. They may make a complaint on behalf of the child, young person or adult who lacks competence. The investigating manager must ensure that the complaint is in the interest of the child, young person or adult who lacks competence and establish if the natural advocate has talked to them about the complaint and ascertained their views so far as is possible, about the complaint.

**Unreasonably Persistent Behaviour**

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.

## Policy

**Responding to Complaints and Representations**

### Service users and carers must be informed in writing of their right to make a complaint or a representation when the service engages with them and if they express dissatisfaction about the service they are receiving.

1. Complaints may be made verbally or in writing, except for complaints about non-maintained special schools which must be made in writing.
2. Complaints received by a service must be investigated by the service manager unless they are implicated or are of a serious or complex nature, in which case the Complaints Lead Manager must identify an appropriate person to undertake the investigation.
3. Complaints that are not received directly by the service must be passed to the Complaints Lead Manager, who must identify an appropriate person to undertake the investigation.

### Training and Induction - Children’s Services personnel must be given information, guidance and learning opportunities about complaints and representation processes.

1. Each Region, Nation and Business Line must have a **Complaints Lead Manager** at ADCS or equivalent level, who can advise and support staff to respond to complaints and to monitor the response to the complaint.
2. Representations must be recorded by the service in a format that is accessible to service users and includes any action taken as a result of the feedback. If there is an individual case file for the person providing the feedback it must also be recorded there.
3. A record of a complaint must be held on the service user record and a copy held in the Region/Nation/Business Line Complaints Record.
4. Unacceptable behaviour from complainants and unreasonably persistent complainants must be addressed on Section 10 of the Procedure section of this policy.
5. 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.

**Investigation of Complaints at Stage 1/Frontline Investigation**

### When a complaint is received the Complaints Lead manager, or responsible manager receiving the complaint, must identify the appropriate process for investigation of the complaint, using the [Complaints Map](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351480991&objAction=viewheader).

### Complaints which can be resolved without any further investigation should be dealt with immediately. The complainant must be given a completed copy of the [CS Complaints Immediate Resolution Form.](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=329041646&objAction=viewheader)

### Complaints not dealt with immediately must be acknowledged in writing within 2 working days and the complainant informed of next steps.

1. Complaints requiring investigation must be investigated at **Stage 1** by an appropriate manager within **10 working days** of agreeing the details of the issues to be investigated. In **Scotland** it is called the **Frontline Investigation** For **regulated services in Scotland and** it must beresolved within **5** working days with an option of an agreed extension of up to **10** working days.
2. The [Complaints Registration Form, **CR1,**](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=275648988&objAction=browse&viewType=1)must be completed by the investigating manager after agreeing the details of the complaint and the outcome wanted by the complainant.
3. The [**CR1**](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=275648988&objAction=browse&viewType=1) must be signed off by the complainant, unless there are good reasons why this cannot be achieved, and a copy sent to the complainant, the Complaints Lead Manager and the Complaints Administrator, and a copy saved to the case file or complaints folder if there is no case file.
4. The manager undertaking the investigation must interview any relevant people and review other relevant evidence and document it.
5. The manager undertaking the investigation must review the evidence and decide whether to uphold, partially uphold or not uphold the complaint and must produce an investigatory report identifying any actions required.
6. The manager must write to the complainant to inform them of the outcome of the complaint and their right to request a **Stage2/Investigation Stage** process
7. A [**CR2**](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=275650386&objAction=browse&viewType=1) form must be completed to record the outcome of the complaint and a copy must be sent to the complainant.

**Stage 2/Investigation Stage**

1. Complaints may be addressed at the Stage 2/Investigation Stage without undertaking a Stage 1/Frontline investigation if it is agreed by The Children’s Services Complaints Manager that it warrants this. It must be agreed with the complainant.
2. The Complaints Lead Manager must appoint an Investigating Officer and contract an Independent Person and brief them about the process.
3. For Non-maintained Special Schools, the Complaints Lead Manager must contract an Independent Investigating Officer; ensuring they have no conflicts of interest.
4. The investigationprocess must be completed within **25** working days (Regulated services Scotland **20** working days) of the terms of reference being agreed, unless an extension agreed by all parties.
5. The Investigating Manager and the Independent Person must produce reports which must be considered by the Lead Complaints Manager and the Children’s Services Complaints Manager.
6. The Lead Complaints Manager must produce an adjudication letter for the complainant setting out the decision of the lead Complaints Manager and the Children’s Services Complaints Manager.
7. The adjudication letter must inform the complainant, or their advocate, that they should contact the Lead Complaints Manager within **20** working days if they are dissatisfied with the investigation and wish to take complaint to Stage 3. The letter must explain the grounds for a Stage 3 investigation and that this is a review of the process and not a re-investigation of the complaint.

28. If the complainant is entitled to use the **Procedure for accommodated but not Looked After children Stage 3 Independent Panel (England) the** letter must informs the complainant or their advocate of this and that they should contact the Lead Complaints Manager if they wish Stage 3 to be considered.

**Stage 3 Review of the Complaints Process**

1. The Complaints Lead Manager, or the Manager of a non-maintained Special School, must consider requests for consideration under Stage 3 of the Complaints policy.
2. 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.
3. The Director must consider whether or not grounds for a Stage 3 Review are met in discussion with the Children’s Services Complaints Manager.
4. If the grounds are not met the Director must write to the complainant and their advocate 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.
5. If the grounds are met the Director must inform the complainant, and their advocate, in writing, outlining the process and timescales. The Stage 3 review of the complaint’s investigation should be completed within **45** working days of receipt of the request.
6. The Director must appoint a Reviewing Officer 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.
7. The Director must receive and consider the report of the Reviewing Officer.
8. The Director must discuss any actions arising from the report with the Children’s Services Complaints Manager and the Complaints Lead Manager unless they are implicated in the Stage 3 Review.
9. The Director must write to the complainant and their advocate within **45** working days of receipt of the request for a Stage 3 Review stating how the organisation will respond to the issues raised in the report.
10. The Director must arrange for any actions arising from the Stage 3 Review report to be implemented.
11. The Director must 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 inform them that Barnardo’s has no further process available to them.

### Response to complaints that are not from, or on behalf of, a service user or carer

1. The responsible manager must decide whether there is an appropriate process that should be used to manage the complaint, such as the whistleblowing or grievance processes.
2. If there is no appropriate process the complaint must be investigated by an appropriate manager. The level of investigation will depend upon the seriousness and complexity of the complaint.
3. The person undertaking the investigation must consider the elements of the complaint and the evidence gathered during the investigation in order to decide whether or not to uphold the complaint and to decide what further action, if any, is necessary.
4. The complainant must be informed of the outcome of the investigation in writing.

43. 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.

## Procedures

**Please Note** In these procedures the term Carers means foster carers, adopters and supported lodgings providers.

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### Informing service users and carers about their right to make a complaint

**Action: Service Manager**

1. Ensure that the complaints leaflets, [**Having Your Say - Short Version**](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351480977&objAction=viewheader) and the longer version for those wishing to make a Stage 2 complaint service

[**Having Your Say Full Version**](https://livelink.barnardos.org.uk/otcs/llisapi.dll/fetch/2000/7542390/12398890/180460353/262106517/239697026/351480969/04._Having_Your_Say_-_overwritable_leaflet_English_%28fuller_information_about_the_Children_s_Services_%26_Business_Line_Complaints_Process%29_and_must_be_given_if_Stage_2_Investigation_stage_requested._CS16029.pdf?nodeid=351481036&vernum=-2)has been customised to include the service specific information. Save to the Service Information folder in Content Server.

1. **Managers of services in Cymru** must also customise the leaflets that have been translated into Welsh, [**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)**](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351482193&objAction=viewheader)**& &** [**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)**](https://livelink.barnardos.org.uk/otcs/llisapi.dll/fetch/2000/7542390/12398890/180460353/262106517/239697026/351480969/05._Having_Your_Say_Dweud_eich_barn_Welsh_-_overwritable_leaflet_-_%28fuller_information_about_the_Children_s_Services%26Business_Line_Complaints_process%29_and_must_be_given_if_Stage_2_requested._CS15791.pdf?nodeid=351480970&vernum=-2)
2. Ensure that all staff are aware that they must give service users and carers a copy of the standard version of Having You Say, in English or Welsh as appropriate, at the start of the service delivery.
3. 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).
4. If the partner agency requires or the service considers essential, complaints information to be translated into languages other than Welsh, this must be undertaken by the service and costs met from ensure the service budget.
5. Ensure that service users are fully informed about their right to make a complaint; this could include posters, inclusion in service information or raising at the start of group work or other activities.
6. Agree with the team identify what could be out in place to support the making of a complaint.

**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. Give service users or carers a copy of [**Having Your Say - Short Version**](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351480977&objAction=viewheader)when you first engage with them and explain how they may make a complaint or representation.
2. Ensure that the explanation in appropriate to the age and ability of the service user or carer 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 service users and carers, how they are able to make a complaint.
5. Family placement staff must ensure prospective carers also receive a copy of [**Information for Carers about Complaints and Panel Procedures**](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351481016&objAction=viewheader)**.**

### Training and support for staff in relation to responding to complaints

**Action: Children’s Services Complaints Manager**

1. Induct new Complaints Lead Managers into their role.
2. Provide advice and support to Complaints Lead Managers in respect of complex Stage 1/Investigation Stage complaints.
3. Provide advice and support in relation to all Stage 2/ Investigation Stage complaints

**Action: Complaints Lead Manager**

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 Complaints Administrator understands their role and responsibilities.
4. Ensure they themselves receive complaints induction from the Children’s Services Complaints Manager.
5. Arrange complaints investigation training as required for Responsible Managers, Team Leaders, Assistant Directors Children’s Services and Heads of Business Lines.

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

1. Ensure regular discussions take place about complaints, representations and complements with their line managers.
2. Check that line managers fully understand their role within the Complaints Policy as part of their induction and are making new workers aware of the requirements of the policy.
3. Ensure that any regulatory requirements in respect of complaints are being met.

**Action: Responsible Manager/Line Manager**

1. Ensure that staff and volunteers understand what constitutes a complaint or representation and they know what to do if they receive one, the [Complaints Induction Leaflet for Workers re Children, Young People and Families using a Barnardo's Children's Service or Business Line](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351481040&objAction=viewheader) may be used as part of induction.
2. Ensure that briefing about complaint procedure and information to service users is a regular standing item for the team meeting agenda.
3. Ensure any learning from complaints made about the service is brought to the notice of the team.

### Complaints that can be resolved without further investigation

**3.1 Person receiving the complaint**

1. Agree the facts and desired resolution with the service user, or the person complaining on their behalf or the carer.

2. If no further investigation is required agree an outcome and implement any actions required.

3. Complete the [CS Complaints Immediate Resolution Form](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=329041646&objAction=viewheader), include the views of the complainant and ask them to sign the form.

4. Give a copy of the form to the complainant, save a copy to the case file and send a copy to Complaints Lead Manager, copying in the Complaints Administrator.

### What to do upon the receipt of a complaint requiring further investigation

### 4.1 Complaint received by the service

**Action; Person receiving the complaint**

1. If the complaint is in writing or via email forward it immediately to the manager of the service. Acknowledge receipt in writing and inform the complainant that you have passed the complaint to the manager and record in the service user file or in the confidential folder in Content server if there is no service user file, within 24 hours.
2. If the complaint is made verbally or via social media inform the CSM immediately and record the details of the complaint in the case file, or in the confidential folder in Content server if there is no service user file, within 24 hours.
3. If the complaint is about the service manager, it must be passed immediately to the ADCS or equivalent.

**Action: CSM or ADCS if the complaint concerns the CSM**

1. Identify whether the complaint meets the criteria to be investigated using the Children’s Services Complaints Policy, i.e., is from, or made on behalf of, a service user, carer or supported lodgings provider. If the complaint does not meet the criteria consult the [**Complaints Map**](https://livelink.barnardos.org.uk/otcs/llisapi.dll?func=ll&objId=351480991&objAction=viewheader)in order to identify which process should be followed.
2. If the complaint raises serious concerns or organisational risk, or potentially involves another process such as Serious Safeguarding Incident, serious Data Breach, Family Placement Panel, or internal management investigation inform the responsible ADCS, or equivalent, or the Complaints Lead Manager, immediately.
3. If investigation of the complaint is being deferred due to another process being undertaken; agree with the responsible ADCS or Complaints Lead Manager, who will inform the complainant that this is happening. This should be confirmed in writing and the complainant must be provided with a written outcome of their complaint once the other process has been completed.
4. If the complaint can be resolved to the complainant’s satisfaction without additional investigation, see section 3 of procedures.
5. If the complaint requires investigation follow the process for Investigation of a Stage 1 Complaint, see section.
6. If the complaint is made 12 months after the event being complained about consider if there are grounds to extend this, seeking advice from the complaints Lead Manager if necessary.
7. Always agree an extension if it relates to the time a child or young person was accommodated by Barnardo's. If it relates to historical abuse, follow the Historical Abuse policy on Inside Barnardo’s.
8. If the request to extend relates to a service user not accommodated by Barnardo’s discuss with the Complaints Lead Manager.

### 4.2 Complaint received by a Barnardo’s non-maintained special school

**Action: Staff working in a Barnardo’s non-maintained special school**

1. Inform pupils and parents of the fact that complaints must be made in writing.
2. If necessary, assist a pupil to put their complaint into writing.

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

1. Identify if this is a complaint requiring investigation using the Children’s Services Complaints and Representation policy or is a representation (or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011.
2. If it is a representation (or informal complaint under The Education (Non-Maintained Special Schools) (England) Regulations 2011 follow the appropriate procedure., otherwise follow the Children’s Service Complaints and representation Policy.
3. Inform the appropriate Complaints Lead and Complaints Administrator.

### 4.3 Complaint not received by the relevant service

**Action: Person receiving complaint**

1. Send the details of the complaint to the manager of the service being complained about. If the service has closed, send the details to the manager responsible for the locality or the business line where the service was located, copying in the Complaints Lead Manager and their Complaints Administrator.
2. If the manger is the subject of the complaint send the complaint to their line manager, copying in the Complaints Lead Manager and the Complaints Administrator.
3. If it is not possible to identify the appropriate service, locality, or business line, send the details of the complaint to the Complaints Lead Manager, copying in the Complaints Administrator.
4. Acknowledge the complaint within 2 days of receipt, including who you have sent their complaint to, copying in Complaints Lead Manager and the Complaints Administrator.

**Action: Complaints Lead Manager**

1. Ensure that the complaint is/was acknowledged within 2 days.
2. Identify an appropriate person to investigate the complaint.
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](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=211175093&objAction=viewheader) if necessary.

### 5. Stage 1 Investigation or Frontline Investigation in Scotland.

### 5.1 Registering the Complaint by Completing the CR1

**Action; Person completing CR1**

1. Arrange for the CR1 to be completed with the complainant. This should be done in person if possible but may be done by telephone.
2. Identify the details of the complaint and the outcome desired by the complainant Explain that we cannot guarantee that the desired outcome will be met even if the complaint is upheld.
3. Complete the CR1 and ask the complainant to sign it. If the form is sent by email an e mail response agreeing the form is sufficient.
4. Save a copy of the CR1 to the complainant’s file or folder in content server if they do not have an individual case file.
5. Send a copy of the completed CR1 to the complaints Lead Manager and the Complaints Administrator.
6. If the complainant requests that the complaint is investigated under Stage 2/ Investigation stage, discuss with the Complaints Lead Manager.

**5.2 Preparing for the investigation**

**Action: Responsible Manager**

1. If it is inappropriate for the responsible manager to investigate the ADCS must identify another suitable manager.
2. The investigation process must be completed within **10** working days of the complaint having been received by the responsible manager unless an extension has been agreed with the complainant.
3. **Regulated services in Scotland** the investigation process must be completed within **5** working days with an option of an agreed extension up to a further **10** working days.
4. Children and young people and adults without the mental capacity to act on their own behalf must be offered an advocate.
5. 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.
6. Adult complainant may arrange to use an advocate if they wish.
7. A natural advocate, such as a family member, may act on behalf of a child or young person or adult without mental capacity to act on their own behalf.
8. Explain to the advocate the process to be followed and ensure that they understand the parameters of their role, see **Definitions**. Ensure that they understand that if any safeguarding concerns are identified during the investigation appropriate action will be taken, see Safeguarding Policy.
9. Identify if any special arrangements are required to ensure that the complainant can fully participate in the process, such as provision of an interpreter or someone who can use sign language or other appropriate forms of non-verbal communication. If the complainant is disabled ensure that any reasonable adjustments are made, including agreeing appropriate times and locations to undertake any interviews.
10. Identify the format that the complainant would like to receive the outcome of the investigation.

**5.3 Undertaking the investigation**

**Action: Manager investigating the complaint**

1. Inform staff involved in the complaint early in the process unless to do so would be detrimental to the investigation. If it would be detrimental to inform them discuss with the Complaints Lead Manager.
2. Explain to the complainant how the investigation will be undertaken.
3. Ensure that advocacy has been discussed with a child or young person making a complaint that assistance has been offered to a service user who is a child or young person to find a suitable advocate.
4. Ensure 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.
5. Identify the details of the complaint and the outcome wanted by the complainant as recorded on the CR1.
6. If an advocate is being used, and the complainant has agreed, provide the advocate with a copy of the completed complaints registration form (CR1).
7. If any time during the investigation, you become aware that the complaint involves safeguarding concerns, a data breach, a serious allegation against a member/members of staff or an issues which could impact on Barnardo’s reputation, discuss with the Complaints Lead Manager immediately so that a decision can be made whether to proceed with the investigation, or whether another process needs to be followed.
8. Inform your ADCS, or equivalent, and Director, of any such concerns, unless this is being done by the Complaints Lead. If there are any serious concerns this must be done immediately and must not be delayed if the Complaints Lead is not available.
9. 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.
10. 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 the Staff Support Scheme.
11. Arrange to interview any staff members or volunteers concerned with the complaint. They may be accompanied in their interview but the person accompanying them must not speak for the staff member, cannot be a solicitor acting in their capacity as a solicitor and that the investigation cannot delayed allowing the companion’s attendance.
12. Arrange for all records of interviews to be signed as agreed, by the person interviewed and by the interviewer.
13. Ensure all people interviewed have a copy of their signed interview notes.
14. Keep the complainant informed of the progress of the investigation if timing is going to vary from what they were first told.
15. Where the complaint concerns an **Adoption Service including Adoption Support** **Service (except Adoption Support Services in Wales)**, the 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.
16. Inform the Complaints Lead Manager if the investigation of the complaint will not be completed within 10 working days, discuss the reasons for this and agree a timescale for completion.
17. Inform the complainant and their advocate where applicable, if the investigation will take more than 10 working days to complete.

**5.4 The outcome of the investigation**

**Action: Manager investigating the complaint**

1. Consider the evidence gathered during the investigation.
2. For each element of the complaint use the evidence to decide whether you uphold, partially uphold or do not uphold the complaint and the reasons for your decision.
3. Write a report of your investigation using [Template for an investigation report](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=208436900&objAction=viewheader).
4. Decide whether to send the complainant a copy of the report or a letter setting out the details of the investigation and the outcomes, including whether the elements were upheld or not and the reasons for this. This will depend on the composition of the report, such as if it includes data about third parties.
5. Write to the complainant within 5 working days of the resolution of the complaint. Send a copy of the report or a detailed letter informing them the outcome of the investigation. The complaint s may be upheld; partially upheld or not upheld or a combination of these if there was more than one issue investigated. Include any actions that will be taken as result of the complaint.
6. Inform the complainant that if they are not satisfied with the outcome of the complaint they may request a Stage 2/Investigation Stage (Scotland) investigation. They must make the request within 20 working days of receipt of the outcome of the complaint, stating why they are dissatisfied with the investigation and their grounds for a Stage 2. Include a copy of [**Having Your Say Full Version**](https://livelink.barnardos.org.uk/otcs/llisapi.dll/fetch/2000/7542390/12398890/180460353/262106517/239697026/351480969/04._Having_Your_Say_-_overwritable_leaflet_English_%28fuller_information_about_the_Children_s_Services_%26_Business_Line_Complaints_Process%29_and_must_be_given_if_Stage_2_Investigation_stage_requested._CS16029.pdf?nodeid=351481036&vernum=-2)if they have not been given one of these earlier in the investigation.
7. [Template Example 1 response letter for complaint Stage 1/Frontline or 2/Investigation stage - straightforward complaint/investigation](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=209928350&objAction=viewheader) can be used adapted appropriately.
8. [Template Example 2 response letter for complaint Stage 1/frontline or 2/ Investigation stage - complex complaint/investigation](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=209930588&objAction=viewheader) can be used adapted appropriately.
9. Complete [CS/BL Complaint signing off form (CR2) - with checkboxes](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=155656505&objAction=viewheader) [CS/BL Complaint signing off form (CR2) - with pick lists](https://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=155656509&objAction=viewheader), either with the complainant or from the information supplied by the complainant.
10. Send the completed CR2 to the complainant asking them to sign and return.
11. If complainant cannot or will not sign off of the CR2 note the reasons for this on the CR2.
12. Send copies of the completed CR2, the investigation report the adjudication letter and correspondence with the complainant to the Complaints Lead Manager and Complaints Administrator as soon as the signed copy is received, or within 20 working days of sending it out if signed copy is not returned.
13. Inform the Complaints Lead Manager and the line manager immediately if the complainant confirms that they are asking for a Stage 2/Investigation stage process.
14. Save a copy of the CR1 Complaints Registration Form, CR2 the Complaints signing off form, the investigation report, the adjudication letter and correspondence with the complainant to the service user record.
15. Send interview notes and non-service user correspondence about the complaint, are sent to the Complaints Lead Manager and Complaints Administrator.

**5.5 Role of Complaints Lead Manager and Complaints Administrator**

**Action: Complaints Lead Manager**

1. Receive and review copy of Complaints Registration and Signing off Forms (CR1 and CR2). If not completed fully, return the person completing the form stating what further information is required.
2. Check that the Children’s Services Complaints process is the correct process to be followed and if there are no other processes that need to be followed, such as safeguarding. If another process is required discuss with the investigating manager and agree action to be taken.
3. Provide advice and support at all stages to the person investigating the complaint.
4. **Complaints Lead Manager** **Family Placement** toinform the Adoption Agency Manager of complaints concerning Adoption Services.
5. 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.
6. 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.
7. 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.
8. Discuss any request for a Stage 2/ Investigation stage with Children’s Service Complaints Manager.
9. Ensure that the quality of the investigation of the complaint and the reports produced are of the standard required and, if they are not, identify with the investigating manager what further actions are required.
10. Ensure that any organisational or regulatory requirements have been met.
11. Pursue the completion of any outstanding records when informed of this by the complaint’s administrator.

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

1. Make an individual folder and enter information about the complaint in the Region/Nation/Business Line central complaints record.
2. Inform Complaints Lead Manager of new complaints and send a link to the complaints folder.
3. File emails and documents relating to the complaint scanning these if required.
4. Alert the Complaints Lead Manager if complaints documentation is not being received in a timely manner from those responsible for the investigation.

### 6. Stage 2 /Investigation Stage (Scotland)

**6.1 What to do upon receipt of a request for a Stage 2/investigation Stage**

**Action: Complaints Lead Manager**

1. A Stage 2/Investigation stage may be undertaken 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.
2. 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 ensure that the relevant members of staff in the Local Authority/Trust have been informed.
3. Ensure 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.
4. Review documentation to check that the request was received within the timescales, i.e. **20** **working days** from when the complainant received the written notification of the outcome of their complaint. If there are potential grounds to accept a request that does not meet the time criteria, discuss with the Children’s Services Complaints Manager.
5. Check that there are grounds for a Stage 2/Investigation Stage. These would be that the investigation was not properly carried out at Stage 1, there is new information that was not considered or there is a disagreement with the decision. A Stage 2/Investigation review will not be undertaken if the complaint was fully upheld.
6. Confirm in writing to the complainant that their request has been received and what action will be taken in response.
7. 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.
8. Consider whether conciliation, mediation or other services can be used instead of investigation to resolve the complaint.
9. Ensure that the relevant mangers, including the Director, are aware that a Stage 2/Investigation stage investigation is commencing and keep them informed accordingly.
10. If there are serious organisational risks arising from the complaint inform the Insurance Section, Media and Communications Manager and the Executive Director Children’s Services.
	1. **Investigation of a Stage 2/Investigation Stage Complaint**

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

1. Appoint an Investigating Officer (IO) and contract an Independent Person (IP) ensuring they have no conflicts of interest.
2. For Non-maintained Special Schools contract an Independent Investigating Officer (IIO) ensuring they have no conflicts of interest
3. Make arrangements for secure and confidential sharing of Barnardo’s information.

Personal data must not be sent by email or stored on personal IT equipment. Ensure that hard copy is store securely and returned at the end of the investigation.

1. Agree with the Investigating Officer or Independent Investigating Officer whether they or the R/N/BL Complaints Lead Manager will agree the terms of reference of the investigation with the complainant.
2. Explain to the complainant the role of IO and IP (or IIO if the complaint is about a non-maintained special school). Inform 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.
3. The terms of reference must include the complainant’s preferred outcome, which may be different from that identified at Stage 1/Frontline Investigation. Inform 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 the investigation end time might need to be extended accordingly.
4. 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.
5. 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.
6. The investigationprocess must be completed within **25** working days (Regulated services Scotland **20** working days), unless extension agreed.
7. Arrange access for the IO or IIO to relevant Barnardo’s records and staff.
8. Ensure the IP is given a comprehensive overview of the complaint and has copies of relevant documents.
9. Inform those involved in the investigation of the process to be followed and provide a copy of the complaint/s unless this would be prejudicial to the investigation.
10. Arrange with the Children’s Service Complaints Manager 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.
11. Arrange for the Investigating Officer to be given access to the service user record and any other type of record they require.
12. Provide a copy of *Investigation - Guidelines for Managers* which is available from the People Section
13. 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.
14. Receive the interview records from the IO or IIO.
15. Maintain records as set out in Section 9.

**Action: Children’s Services Complaints Manager**

1. Agree requests for Stage 2 with Complaints Lead Manager and any extension to the prescribed timescales.
2. Review the investigation report and identify any further actions required.

**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 which of you will agree the details of the complaint and terms of reference with the complainant.
3. If taking responsibility for the terms of reference, agree the details of the complaint and the terms of reference with the complainant and confirm in writing.
4. Ask the complainant to sign or confirm in writing that they agree the complaint and terms of reference. Inform the complainant that the Terms of Reference should be agreed within 10 working days from the date when it has been confirmed that a Stage 2 investigation will be undertaken, unless an extension has been agreed by the Complaints Lead Manager.
5. Agree the investigation plan with the Complaints Lead Manager 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.
6. Review all relevant documentation and any other relevant information. Discuss any queries or other issues arising with the Complaints Lead Manager.
7. Investigate the complaint fully, accessing personnel and records as necessary, using *Investigation - Guidelines for Managers* for guidance.
8. Write up interviews and get these signed as agreed with interviewees.
9. Keep the complainant informed of progress of the investigation.
10. Consider each element of the complaint, review the evidence gathered during the investigation and decide whether or decide whether each element is upheld, partially upheld or not upheld.
11. Consider the report of the Independent Person and any implications for your investigation.
12. Complete a report using as a guide [Template for an investigation report](http://livelink.barnardos.org.uk/livelink91/livelink.exe?func=ll&objId=208436900&objAction=viewheader) with a response to each of the different areas of complaint stating whether upheld, partially upheld or not upheld, the reasons for your decision, explain why your judgements are different to those made in the Stage 1 investigation, if this is the case, and make recommendations for action.
13. Send the report and interview records as soon as completed to the Complaints Lead Manager.
14. 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. Agree arrangements for the secure sharing and storage of data with the Complaints Lead Manager.
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. Send the report to the Complaints Lead Manager upon completion of the investigation.
6. Be available to the Reviewing Officer if the complaint goes to stage 3.
7. Return or securely destroy securely any documentation relevant to the investigation and confirm to the Complaints Lead Manager that this has been done.

**6.3 Outcome of Stage 2/ Investigation Stage Complaint**

**Action: Complaints Lead Manager**

1. Consider the reports from IO and IP or IIO with The Children’s Services Complaints Manager and identify any amendments or further action required.
2. Inform the IO and IP or IIO of any further work needed or that their investigation is complete.
3. Identify with the Children’s Services Complaints Manager whether there are if there are any organisational or legal implications that need to be addressed, and if so inform the appropriate mangers.
4. Draft the Adjudication Letter and agree this with the Children’s Services Complaints Manager.
5. Ensure this letter informs the complainant or their advocate that they should contact the Children’s Services Complaints Manager within **20** working days if they are dissatisfied with the investigation and wish to take complaint to Stage 3. Explain the grounds for a Stage 3 investigation and that this is a review of the process and not a re-investigation of the complaint.
6. 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 Children’s Services Complaints Manager if they wish Stage 3 to be considered.
7. Provide the locality ADCS or equivalent and the responsible Director with copies of the investigation report and adjudication letter.

### 7. Stage 3 Review of the Complaints Process

**7.1 Receipt of a request for Stage 3**

**Action: Complaints Lead Manager**

1.Inform the responsible Director Barnardo’s and Children’s Service Complaints Manager 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.

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.

**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 7.3 of this policy for pupils who are accommodated by Barnardo’s but are not Looked After Children or placed by a Local Authority.
3. 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: Director**

1. Forward any request for stage 3 to the Children’s Services Complaints Manager.
2. Acknowledge receipt of the request within 2 working days.
3. Consider whether or not grounds for a Stage 3 Review are met in discussion with the Children’s Services Lead Manager.
4. 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.
5. If the grounds are met inform the complainant, and their advocate, in writing outlining the process and timescales. The Stage 3 review of the complaint’s investigation should be completed within **45** working days of receipt of the request.
6. Appoint a Reviewing Officer (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.

**7.3 Undertaking Stage 3 Review**

1. Arrange for the Reviewing Officer to have access to all relevant documents and the people who have been party to the complaint, including the Investigating Officer or Independent Investigating Officer and the Independent Person.
2. Receive and consider the report of the Reviewing Officer.
3. Discuss any actions arising from the report with the Children’s Services Complaints Manager and the Complaints Lead Manager unless they are implicated in the Stage 3 Review.
4. Write to the complainant and their advocate within **45** working days of receipt of the request for a Stage 3 Review stating how the organisation will respond to the issues raised in the report.
5. Arrange for any actions arising from the Stage 3 Review report to be implemented.
6. 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**

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 Investigating Officer and Independent Person or Independent Investigating Officer if this is required.
3. Complete the Stage 3 Review Report according to the agreed time frame.
4. Include in the Stage 3 Review report a brief summary of the reasons for the review, the evidence considered, and the conclusion reached and the reasons for this. Also state any recommendations for resolution or further action. 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
* there is new evidence relevant to the original complaint which should be investigated by the Investigating Officer or Independent Investigating Officer at Stage 2/Investigation stage and the Stage 2/ Investigation stage report amended if necessary
* 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 Investigating Officer or Independent Investigating Officer
* the original investigation was found to be substantially flawed and it is recommended that a fresh Stage 2/Investigation stage investigation be undertaken by a different Investigating Officer and Independent Person or Independent Investigating Officer.
1. Send the report to the Director responsible for conducting the Stage 3 Review and to the Children’s Services Manager unless they are implicated in the stage 3 review.

**Action: Children’s Services Complaints Manager**

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.

### 7.3 Stage 3 Independent Panel- procedure for accommodated but not Looked After Children (England)

**Action: Responsible Manager**

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 Children’s Services Complaints Manager.

**Action: Children’s Services Complaints Manager**

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 Director that a Stage 3 Independent Panel is required.
5. Support and advise the Director responsible for convening the Stage 3 Independent Panel.

**Action: 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.
2. 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.
3. Inform the agency financially responsible for the placement that the young person has asked for a Stage 3 panel
4. 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.
5. With the Children’s Services Complaints Manager identify which of the three Independent Panel members will chair the panel.
6. Advise the Chair of their role in the Panel which is
* To explain the purpose of the panel and the roles and responsibilities of those present
* To explain the need for confidentiality
* 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 complainant’s desired outcome from the Stage 2/Investigation stage investigation
* To ensure that the 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
1. Draft the terms of reference for the panel i.e. function and reporting and agree these with the Children’ Services Complaints Manager and the Panel Chair.
2. Arrange for the Complaints Lead Manager to present the finding of Stage 2 to the panel.
3. Arrange for panel to convene, within **30** working daysof the request for Stage 3, in a location convenient for the complainant.
4. Give the complainant and their advocate at least **10** working days’ notice of the date and time of the panel and its location.
5. Write 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.
6. Consider the findings of the panel and, with the Children’s Services Complaints Manager, compose the organisation’s response, including any proposed actions and the reasons for any difference in this response to the recommendations of the panel.
7. Include in the organisational response any proposals for change.
8. In the organisational response state that there is no further remedy under the Children’s Services complaints process and provide information about any other complaints or representation procedure that the complainant could use, if any.
9. Within 15 working days of receiving panel report send the organisational response to complainant and their advocate

**Action: Complaints Lead Manager who responded to Stage 2**

1. Represent the organisation at the Stage 3 panel and provide further information to support the organisational position as appropriate

2. Consider if any other staff member should attend to address specific issues and if so request their attendance via the chair of the panel.

3. Agree with the Director how pane; recommendations will be implemented.

**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 Investigating Officer and the Complaints Lead Manager.
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 Children’s Services Complaints Manager, the complainant and their advocate, and any other person the panel considers has sufficient interest including the IP at Stage 2/Investigation stage.

### 8. Responding to and recording a Representation

**Action: CSM or other Responsible Manager**

1. Set up a book or database to record representations from service users and carers.

2. The record should state the date that representation was received, the detail of the feedback and any actions taken as a result of the representation.

3. The record must not contain personal data as it must be made accessible to service users and other third parties.

4. Discuss the representations received at team meetings and use the learning to develop and improve the service.

5. Record the outcome of the representation on the service user record as well as service book or spreadsheet.

6. 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.

7. Ensure that if the representation is not resolved the service user is aware they can access the complaints process.

**9. The recording and monitoring of complaints**

**9.1 Recording Complaints**

**Action: All Staff**

1. A record of the complaint, the correspondence with the complainant related to the complaint, the CR1 and CR2, the adjudication letter and the investigation report must be placed on the service users, carers or supported lodgings providers’ case file.

2. A record of the complaint, correspondence related to the complaint, the CR1 and CR2, the adjudication letter, notes of interviews and the investigation report must be saved to the Regional/National/Business Line Complaints folder, see section 9.2.

3. Where the subject of a complaint requiring investigation is a member of staff, the record of a complaint requiring investigation, the outcome of the investigation and any notes of interviews with the member of staff must be placed on the staff file. If the complaint results in a disciplinary or other processes, this will be recorded in line with the appropriate procedure. The records of interviews with other parties will be stored in the Regional/National/Business line complaints folder

**9.2 Regional, National Business Line Complaints Records**

**Action: Complaints Administrator**

1. Set up an area for Complaints Administration in Content server.

2. Access to the Complaints Administration area will be restricted to the Director or Head of Service, the Complaints Lead Manager, The Complaints Administrator and the Children’s Services Complaints Manager and the Business Support Assistant.

3. Set up a folder each financial year called “(name of R/N/BL) Complaints Not Requiring Further Investigation”. Save copies of the forms recording these complaints in these folders for three years after the end of the financial year.

4. Set up a folder for each individual complaint requiring investigation using following naming convention, the date of the complaint and the name of the complainant.

4. The individual complaints folder must be deleted six years from the data that the complaint is closed, unless there is no service user record and the nature of the complaint is so serious it requires retention for longer. This must be agreed with the Children’s Serves Complaints Manager.

**9.3 Maintaining a data base and monitoring complaints**

**Action: Complaints Administrator**

1. Input data about all complaints received by the region/nation/business line onto the Children’s Services Complaints Database upon receipt of the CR1 or the form reporting complaints not requiring further investigation.
2. If the complainant decides not to progress the complaint input the reason for this in the notes section and close the complaint on the Children’s Services Complaints Database.
3. If there are missing fields in the CR1 form return them to the manager submitting them for completion.
4. When the CR2 is received enter the data onto the database and close the complaint, unless the complainant submits a request for Stage 2.
5. Inform the Complaints Lead Manager if a complaint has been notified but they have not received the CR1, within **10 working days** and the CR2, and other supporting documentation within **20 working days**.
6. Enter data onto the Complaints Database when Stage 2 or 3 are completed, if appropriate.
7. Review the Central complaints folder regularly and inform the Complaints Lead Manager of any outstanding information.
8. Provide regional, national or business line reports from the complaints Data Base as required.
9. Delete personal data from the Complaints Data base three years after the end of the financial year to which it applies.

**10. Unreasonably persistent or vexatious complaints and unacceptable behaviour**

**Action: Responsible 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. If the complainant continues to make contact when the complaints process is exhausted and there are no outstanding issues, inform them in writing that the complaints process has been exhausted and no further action may be taken.
4. If there are processes outside Barnardo’s that they may pursue, such as the ICO if the complaint relates to a data protection issue, inform them of this.
5. If the content from the complainant continues discuss with the Complaints Lead Manager and agree a strategy to respond to continued contact. If there is an immediate risk to safety contact the police.
6. If the contact from the complainant is unreasonably persistent or intrusive agree a response with the Complaints Lead Manager and ensure all staff know what to do if the complainant contacts them.
7. If the behavior persists agree a plan with the Complaints Lead Manager and the Children’s Services Lead Manager 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.
8. Identify appropriate support for those dealing with unreasonably persistent complainants including reception and administrative staff.
9. Ensure that all contact from the complainant is logged and any verbal agreements with the complainant are confirmed in writing.

**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 necessary arrange for a reputational management plan to be put in place.
3. Maintain a log of contact from the complainant including dates and summary of the contact.

**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. If contact continues obtain legal advice in relation to sending a cease and desist letter or legal options.
6. Agree a plan to protect staff and communicate to relevant staff.

### 11. Response to complaints that are not from, or on behalf of, a service user or carer

* 1. **Investigation of complaint**

**Action: Person receiving complaint**

1. Inform the line manager immediately.
2. If the complaint concerns the line manager inform their manager.

**Action: Responsible manager**

1. If the complaint is from a member of staff or as and when worker, use the Grievance Resolution Policy.

2. Complaints about safeguarding children or serious misconduct should be dealt with using the appropriate Safeguarding and People policies.

3. Complaints in relation to data protection must be discussed with the Data Protection Manager for Children’s Services.

4. All other complaints should be investigated by the line manager and are referred to as a management complaint.

1. There are no “stages” for management complaints and no formal review or appeal process after the issue has had a final response.
2. A management complaint can be made to any level in the organisation.
3. The management level of the person dealing with the complaint must be commensurate with the seriousness of the complaint.
4. If the complaint is such that it could result in reputational risk it must be discussed with the responsible Director and suitable reputational management strategy agreed.
5. The complainant must be informed in writing that their complaint is being dealt with and informed who will be undertaking the investigation.
6. The details of the complaint must obtained from the complainant as well as any outcome that they would like.
7. The level of investigation will depend upon the seriousness and complexity of the complaint.
8. The person undertaking the investigation must consider the elements of the complaint and the evidence gathered during the investigation in order to decide whether or not to uphold the complaint and to decide what further action, if any, is necessary.
9. The complainant must be informed of the outcome of the investigation in writing.
10. If the complainant is not happy about the outcome of the investigation this should be discussed with the appropriate Director and any additional actions must be agreed by them. The complainant should also be informed if there are other bodies that they can complain to, such as the ICO if this issue involves data protection.

## Compliance

The Complaints Lead Manager is responsible for ensuring compliance with the policy in their Region/Nation/Business Line with the appropriate Assistant Director or equivalent.

## Document History

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| **Version** | **Date** | **Author** | **Status** | **Comment** |
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