



BFfC Complaints Procedure

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Introduction

This procedure is for the use of everyone who may be involved in the application of the Statutory Complaints Procedure for Reading Children's Services (Brighter Futures for Children). The aim is to provide a comprehensive and easily accessible guide to all aspects of the process.

There are three stages of the statutory complaints procedure:

- Stage 1 – Local Resolution
- Stage 2 – Investigation with the adjudication process
- Stage 3 – Review Panel

The timescales, in working days, for the procedure are:

- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required)
- 25 days at Stage 2 (with maximum extension to 65 days)
- 30 days to convene and hold the Review Panel at Stage 3
- 5 days for the Panel to issue its findings and
- 15 days for the organisation to respond to the findings.

A robust and responsive complaints procedure is a key factor in demonstrating that professionals working with children, young people and families are open to challenge, are able to communicate effectively and demonstrate that they make decisions in a transparent, open and honest way.

This procedure should be read in conjunction with [Getting the Best from Complaints](#). This statutory guidance for local authority children's services on representations and complaints sets out changes as a result of Local Authority Social Services Act (1970), The Children Act (1989), The Children Act (2004), The Human Rights Act (1998), Children (Leaving Care) Act (2000), Adoption and Children Act (2002), the Health and Social Care (Community Health and Standards) Act (2003). and The Children Act 1989 Representations Procedure (2006).

Nothing in this complaints procedure should preclude either the complainant or the Complaints Manager from suggesting Alternative Dispute Resolution (ADR). If agreed by both, the organisation should always explore this option.

Legislation:

As per the [Children Act 1989 section 17](#)

Provision of services for children in need, their families and others:

1. It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)
 - a) to safeguard and promote the welfare of children within their area who are in need; and
 - b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.
2. For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.

3. Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.

The Complaints Manager

The Regulations require local authorities to designate an officer, known as a Complaints Manager, to undertake certain functions. However, this does not mean that one person is responsible for carrying out all actions.

Every provider of children's services should ensure that the Complaints Manager has sufficient clarity of purpose and authority to enable complaints to be dealt with swiftly and effectively. It is recognised that the variety and level of responsibilities for Complaints Managers may differ depending upon local structures.

Annex 1 of the statutory document [Getting the Best from Complaints](#) sets out key tasks which a Complaints Manager might be given responsibility for.

The Complaints Manager is independent of operational line management and of Brighter Futures for Children (BFfC.)

The Complaints Manager will be sensitive to the particular challenge of regular involvement with children and young people who are likely to be distressed or angry. The Complaints Manager will take an active role in facilitating resolution of complaints by identifying appropriate company colleagues and external people (including Investigating Officers and Advocates) to contribute to complaints work. The Complaints Manager will also foster good working relationships with key bodies and partner agencies.

The Complaints Manager will tailor training to staff at all levels of the company. A training strategy is likely to include a basic introduction to the principles and working of the complaints procedure along with skills development. It should also explore the relationships between the complaints procedures and related policies, including whistle blowing and the duties of staff under the organisation's Code of Conduct to report improper behaviour and wrong-doing.

Training should also include raising understanding of the cultural and special needs of individual complainants so that practice can be tailored to suit their needs.

Upon receipt of the complaint, other key tasks will include:

- Ensure complaints received are eligible for investigation and acknowledge/decline as appropriate.
- That Advocacy services are explained, offered and provided when required at all stages of the complaints procedure.
- Appoint the Stage 2 investigating team and Review Panellists.
- Manage the progress of the investigation.
- Ensure the complainant is kept informed.
- Work closely with the Review Panel Chair on the organisation of the Stage 3 Review Panels.

The Complaints Manager is also expected to support the organisation by:

- Providing advice and guidance to staff on the management of complaints, act as critical friend to provide appropriate challenges to staff and managers in the process.

- If the complaint is about a proposed change to a care plan, a placement or a service, the decision may need to be deferred (frozen) until the complaint is considered.
- The decision to defer should normally be made through detailed discussion and risk assessment between the Complaints Manager and the manager responsible for the service, on a case-by-case basis.
- Supporting staff involved in all stages of the complaints procedure whilst ensuring that the procedure is being followed.
- Offering advice on the response from the organisation and provide practical support to complainants.
- Maintaining a pool of people with the skills/training needed to conduct investigations and Review Panels.
- Overseeing the arrangements for publicity of the complaints procedure.
- Providing a quality assurance role on all communications and responses.

Who can complain?

Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require the organisation to consider representations including complaints made to it by:

- any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after or is considered to be a child in need;
- any foster carer (including those caring for children placed through independent fostering agencies);
- children leaving care;
- Special Guardians;
- a child or young person (or parent of her/his) to whom a Special Guardian order is in force;
- any person who has applied for an assessment under section 14F(3) or (4);
- any child or young person who may be adopted, their parents and guardians;
- persons wishing to adopt a child;
- any other person to whom arrangements for the provision of adoption services extend;
- adopted persons, their parents, natural parents and former guardians; and
- other persons the Complaints Manager consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

The Complaints Manager has the discretion to decide whether or not the complainant is appropriate to act on behalf of the child or young person or has sufficient interest in their welfare.

In reaching this decision, the Complaints Manager should, whenever possible, check with the child or young person that he is happy with the person making the complaint on their behalf and that the complaint submitted reflects their views.

If the decision is made to decline the complaint, the author of the complaint should be provided with an explanation in writing.

What cannot be complained about?

The complaints procedure does not apply when:

- the person wishing to complain does not meet the requirements of "who may complain" and is not acting on behalf of such an individual;
- the complaint is not in regard of the actions or decisions of the organisation complained to, or of anybody acting on its behalf; or
- the same complaint has already been dealt with at all stages of the procedure.

Regulation 8 provides the Complaints Manager with discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations (this is not an exhaustive list):

- Court proceedings;
- Tribunals;
- Disciplinary proceedings; or
- Criminal proceedings.
- Complaints from staff about personal issues
- Where an appeals process already exist (for example SEN Tribunal)
- Decisions made at Child Protection Case Conferences (this is covered by a separate procedure which is laid out in Chapter 9 of the Berkshire West Children’s Safeguarding Partnership’s [Child Protection Procedures](#))

If the Complaints Manager decides not to consider or further consider complaints subject to these concurrent investigations, he/she must write to the complainant explaining the reason for their decision and specifying the relevant concurrent investigation (regulation 8(3)).

Once the concurrent investigation has been concluded the complainant may resubmit their complaint as long as it is within one year of the conclusion of the concurrent investigation.

How can a complaint be made?

The complaints procedure should be accessible to everyone. People can complain in person, in writing, by telephone, or by sending an email. Complaints can also be made through a representative, such as a friend or advocate. If necessary, arrangements should be made for individuals to make a complaint in a format that is accessible to them: for example, braille, spoken word, or in another language.

If a service user complains by phone or in person, it is not necessary to ask them to put their complaint in writing. The complaints service will take their details and note down the relevant points of the complaint on their behalf. A face-to-face meeting with the complainant will be offered if necessary.

Complaints made on behalf of service users by or through other individuals or organisations, such as the Citizens’ Advice Bureau, must be dealt with through this complaints procedure. It is important to establish that the representative has the ‘authority to act’ on behalf of the complainant.

If a child or young person wishes to make a complaint, it is important that they are fully supported to make their complaint. There is information aimed specifically at young people on the Brighter Futures for Children website page [‘Your Voice Matters’](#) and in the BFFC leaflet [‘Let us Know’](#). Further support is offered through the services of an advocate or advocacy service to help them voice their concerns. Brighter Futures for Children has a contract with a professional advocacy service, [Reconstruct](#), specifically for this purpose.

Time limit for making a complaint

There is a time limit of 12 months from when the issue being complained about occurred, to when a complaint may be accepted. In these cases, the Complaints Manager should write to advise the complainant that their complaint cannot be considered and explaining the reasons why they have adopted this position. This response should also advise the complainant of their right to approach the Local Government & Social Care Ombudsman.

However, decisions need to be made on a case by case basis and there should generally be a presumption in favour of accepting the complaint unless there is good reason against it.

The time limit can be extended if it is still possible to consider the representations effectively and efficiently. Though not exclusive, possible grounds for accepting a complaint made after one year are:

- genuine issues of vulnerability;
- the belief that there is still benefit to the complainant in proceeding;
- there is likely to be sufficient access to information or individuals involved at the time, to enable an effective and fair investigation to be carried out; and
- action should be taken in light of human rights-based legislation.

Who to contact to make a complaint

Contact Us:

Customer Relations Team

Call: 0118 937 2905

Write: Freepost RTLS-CKGX-RKLL

Reading Borough Council, Customer Relations Team, Bridge Street. Reading RG1 2LU

Email: Socialcare.Complaints@reading.gov.uk

Text: type SPKUP & your message to 81722

Please note: If your complaint is about a residential service you may also complain to Ofsted (Tel: 0300 123 4666)

To lodge a complaint directly, please follow this link: [Children's Social Care Complaints](#) or, if your complaint is about other services within BFFC, use the [corporate complaints](#)

How will your complaint be dealt with?

The regulations require Brighter Futures for Children (BFFC) to attempt to resolve complaints and address representations as soon as reasonably practicable and within specific timescales. Where appropriate and with agreement from the child or young person making the complaint, BFFC may arrange for conciliation, mediation or other services to help resolve matters.

The timescales in working days for the procedure are:

- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required);

- 25 days at Stage 2 (with maximum extension to 65 days);
- 20 days for the complainant to request a Review Panel;
- 30 days to convene and hold the Review Panel at Stage 3;
- 5 days for the Panel to issue its findings; and
- 15 days for the local authority to respond to the findings.

Stage 1 – Local Resolution

Stage One is an informal process which can consist of a meeting between the complainant, the supervising social worker and the team manager unless the complaint is about them, in which case they should proceed straight to Stage Two. This meeting will be scheduled once a complaint has been received in writing or recorded by means of other communication.

Part of this discussion may cover whether it would be more appropriate for the complaint to be directed to the local authority with responsibility for the child's placement under the local authority's Complaints Procedure.

A letter of resolution or outcome will be issued in response to informal complaints by the Fostering Manager, including details of how the matter was investigated, by whom and with the relevant facts to support the outcome.

The expectation is that the majority of complaints should be considered (and resolved) at Stage 1. However, if BfFC or the complainant believes that it would not be appropriate to consider the complaint at Stage 1, they should discuss this together. Where both parties agree, the complaint can move directly to Stage 2.

At Stage 1, staff at the point of service delivery – including the Independent Reviewing Officer where appropriate – and the child or young person should discuss and attempt to address the complaint as quickly as possible. They should discuss the issue and exchange information and thinking behind decisions and try to agree a way forward.

Regulation 14(1) places a 10 working day time limit for this part of the process. Most Stage 1 complaints should ideally be concluded within this time limit.

Where BfFC cannot provide a complete response it can implement a further 10 days' extension (regulation 14(5)). If necessary, BfFC may also suspend Stage 1 until an advocate has been appointed (regulation 14(3)). The maximum amount of time that Stage 1 should take is 20 working days. After this deadline the complainant can request consideration at Stage 2 if they so wishes.

The Complaints Manager should inform the complainant that they have the right to move on to Stage 2 if the time scale has elapsed for Stage 1 and the complainant has not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person being off sick or on leave), so this period can be extended with the complainant's agreement or request.

If the matter is resolved, BfFC must write to the complainant confirming the agreed resolution and the Complaints Manager should be informed of the outcome as soon as possible. Otherwise, a letter should be sent by BfFC to the complainant (or a meeting offered, if this is more appropriate) responding to the complaint.

Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. There is no time-limit within which he must request this, but the

complaints service may wish to recommend that the complainant does this within 20 working days so that momentum in resolving the complaint is not lost. BfFC is under a duty to operate expeditiously throughout the complaints handling process (regulation 10).

Stage 2 – Investigation

Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an investigating officer and an independent person. Stage 2 commences either when the complainant requests it or where the complainant and BfFC have agreed that Stage 1 is not appropriate (regulation 17(1)).

If the complaint has been submitted orally, the Complaints Manager must ensure that the details of the complaint and the complainant's desired outcome are recorded in writing and agreed with the complainant. This may be achieved either by correspondence or by meeting the complainant to discuss, followed by a written record of what was agreed. They may wish to do this in conjunction with the Investigating Officer and Independent Person appointed to conduct Stage 2 (see Annex 1 of the document Getting the Best from Complaints). Should the complainant amend the written record of his complaint, the Stage 2 timescale will start from the date that the complaint is finalised.

The Complaints Manager should arrange for a full and considered investigation of the complaint to take place without delay. They may also request (in writing) any person or body to produce information or documents to facilitate investigation, and consideration should be given to matters of disclosure and confidentiality. Consideration of the complaint at Stage 2 should be fair, thorough and transparent with clear and logical outcomes.

The Complaints Manager should ensure that BfFC appoints an Investigating Officer (IO) to lead the investigation of the complaint and prepare a written report for adjudication by a senior manager. The IO may be employed by BfFC or be brought in from outside the company, appointed specifically for this piece of work. The IO should not, however, be in direct line management of the service or person about whom the complaint is being made.

An Independent Person (IP) must be appointed to the investigation (regulation 17(2)) (see Annex 1 on Definition of Roles within the document Getting the Best from Complaints). This person should be in addition to the IO and must be involved in all aspects of consideration of the complaint including any discussions in the company about the action to be taken in relation to the child

A copy of the complaint should be sent to any person who is involved in the complaint, unless doing so would prejudice the consideration of the complaint. Where this may be the case, the Complaints Manager should advise senior management, who should inform staff of the details of the complaint through normal line management.

The IO should have access to all relevant records and staff. These should be released within the bounds of normal confidentiality and with regard to relevant legislation in the Freedom of Information Act, 2000 and the Data Protection Act, 2018.

The investigation should be completed and the response sent to the child or young person via their parent, carer or advocate within 25 working days (regulation 17(3)). Should the young person require any further support this should be explored by the Complaints Manager and provided as necessary through discussions with the young person's social worker. However, this may be impractical in some cases, e.g. where the complaint involves several agencies, all or some of the

matters are the subject of a concurrent investigation (such as a disciplinary process), if the complaint is particularly complicated or if a key witness is unavailable for part of the time.

Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days (regulation 17(6)). All extensions should be agreed by the Complaints Manager. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

Brighter Futures for Children via the Complaints Manager must inform the child or young person as soon as possible in writing of:

- the reason for the delay; and
- the date by which he should receive a response (regulation 17(6)).

Where one or more agencies are involved in considering the complaint, it would be good practice for these bodies to aim for whichever is the shorter of the timescales to produce their final responses.

Stage 2 investigation report

On completion of their consideration of the complaint, the IO should write a report on the investigations including:

- details of findings, conclusions and outcomes are against each point of complaint (i.e. “upheld” or “not upheld”); and
- recommendations on how to remedy any injustice to the complainant as appropriate.

The report should be written in plain language, avoiding jargon, so that everyone can understand it. It should distinguish between fact, feelings and opinion. For further guidance on this report see Annex 2 of the document, Getting the Best from Complaints.

Good practice suggests that the IP should also provide a report to the Complaints Service once they have read the IO’s final report. They may wish to comment on:

- whether he thinks the investigation has been conducted entirely in an impartial, comprehensive and effective manner;
- whether all those concerned have been able to express their views fully and fairly;
- whether the IO’s report provides an accurate and complete picture of the investigation; and
- the nature of the recommendations or make their own recommendations as necessary.

The adjudication process

Once the IO has finished the report, a senior manager should act as Adjudicating Officer and consider the complaints, the IO’s findings, conclusions, and recommendations, any report from the IP and the complainant’s desired outcomes.

The purpose of adjudication is for BFFC to consider the reports and identify:

- its response;
- its decision on each point of complaint; and
- any action to be taken (with timescales for implementation).

The Adjudicating Officer should normally be a senior manager, reporting to the Director responsible for Children’s Services. The Adjudicating Officer will prepare a response to the reports, with their

decision on the complaint, actions they will be taking with timescales for implementation – this is the adjudication.

The Adjudicating Officer may wish to meet the Complaints Manager, IO and IP, to clarify any aspects of the reports. The Adjudicating Officer should also consider liaising with the Complaints Manager in drafting the adjudication.

The Adjudicating Officer may wish to meet the child or young person as part of the adjudication process or afterwards to explain the details of the adjudication i.e. the outcome of the complaint and any actions that he proposes.

Brighter Futures for Children should then write to the complainant with their response containing:

- a complete copy of the investigation report;
- any report from the IP; and
- the adjudication.

This response must contain details of the complainant's right to have the complaint submitted to a Review Panel if they are dissatisfied and that they have 20 working days to make this request to the local authority / Complaints Manager (regulation 17(8)).

The Adjudicating Officer should ensure that any recommendations contained in the response are implemented. The Complaints Manager should monitor implementation and report to the Director on what action has been taken on a regular basis.

Stage 3 – Review Panels

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by a Review Panel (regulation 18). As it is not possible to review a complaint that has not yet been fully considered at Stage 2 (including providing the report(s) and adjudication to the complainant), it is essential that the company does not unnecessarily delay the conclusion of Stage 2.


Further consideration of the complaint can include, in a limited number of cases, early referral to the Local Government Ombudsman (see Annex 3 of the document Getting the Best of Complaints). Otherwise, the complainant retains the right to proceed to a Review Panel.

The Complaints Manager should assess requests for the Review Panel as they are presented on a case-by-case basis. The Complaints Manager should also confer with the Chair, following the Chair's appointment, regarding arrangements for the Panel.

Purpose of Review Panels

Review Panels are designed to:

- listen to all parties;
- consider the adequacy of the Stage 2 investigation;
- obtain any further information and advice that may help resolve the complaint to all parties' satisfaction;
- focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;
- reach findings on each of the complaints being reviewed;

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- make recommendations that provide practical remedies and creative solutions to complex situations;
 - support local solutions where the opportunity for resolution between the complainant and the local authority exists;
 - to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and
 - recommend any service improvements for action by the authority.

As a general rule, the Review Panel should not reinvestigate the complaints, nor should it be able to consider any substantively new complaints that have not been first considered at Stage 2.

Ideally, no party should feel the need to be represented by lawyers at the Review Panel. The purpose of the Panel is to consider the complaint and wherever possible, work towards a resolution. It is not a quasi-judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, the complainant has the right to bring a representative to speak on their behalf.

Learning from complaints

The formal complaint investigation process is not to find fault but to look at the practice followed in relation to the complaint issues at hand. This can also provide an insightful valuable source of information and these experiences will be used to:

- Identify service problems and make improvements
- Improve and adapt staff learning and enhance professional development

To this aim, a Learning Action Plan form will be forwarded to the appropriate Director or Manager for completion following the investigation and closure of a complaint.

Data Protection

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 2018 and the Freedom of Information Act, 2000.

Under the Data Protection Act 2018, those who collect and use personal information need to follow rules of good practice for handling information and ensure particular attention is drawn to the need to ensure that any personal information obtained in relation to a complaint is only used for that purpose.

The Information Commissioner's Office (ICO) is responsible for regulating the Data protection Act. If a complaint is made directly to the ICO regarding the way the organisation has handled or used personal information, the ICO will first establish that organisation has been given the opportunity to put things right. If the organisation has been unsuccessful in resolving the situation to the satisfaction of the complainant, then the ICO will look into the matter concerned.

Further information can be found on the ICO website: <https://ico.org.uk/>

THE PROCEDURE FOR CHILDREN ACT 1989 COMPLAINTS

