



Complaints Policy

For Brighter Futures for Children's
Independent Fostering Agency

SUMMARY

This policy is for the use of everyone who may be involved in the application of a complaint concerning the Brighter Futures for Children's Independent Fostering Agency

OWNER

Steffi Roth – Registered Manager

VERSION

V1.0

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Brighter Futures for Children
Civic Offices, Bridge Street,
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Introduction

This policy is for the use of everyone who may be involved in the application of the statutory complaints policy for Brighter Futures for Children's Independent Fostering Agency (IFA). The aim is to provide a comprehensive and easily accessible guide to all aspects of the policy.

There are three stages of the statutory complaints policy:

Stage 1 – Local resolution

Stage 2 – Investigation with the adjudication process

Stage 3 – Review panel

The timescales in working days for the policy are:

1. 10 days at stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required)
2. 25 days at stage 2 (with maximum extension to 65 days)
3. 30 days to convene and hold the review panel at stage 3
4. 5 days for the panel to issue its findings, and
5. 15 days for the organisation to respond to the findings.

A robust and responsive complaints policy 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 policy should be read in conjunction with "Getting the Best from Complaints". This guidance sets out the changes to the children's social care representations policy as a result of The Children Act 1989, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care (Community Health and Standards) Act 2003.

Nothing in this policy should preclude either the complainant or the organisation – in this context this is Brighter Futures for Children's IFA - from suggesting Alternative Dispute Resolution (ADR). If agreed by both complainant and complaints manager, the organisation should explore this option.

The complaints manager

Regulations require independent fostering agencies to designate an officer, known as a complaint's manager, to undertake certain functions. This is the registered manager of the independent fostering agency; however, this does not mean that it is only the registered manager who carries out all actions. The registered manager will consult with the independent fostering agency's responsible individual and/or the company's own social care complaints policy and services.

The complaints manager will be sensitive in their approach and compassion 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 independent fostering agency. A training strategy is likely to include a basic introduction to the principles and working of the complaints policy along with skills development. It should also explore the relationships between the

complaints policy and related policies, including whistleblowing and the duties of staff under the parent company's code of conduct to report improper behaviour and wrongdoing.

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/representation, other key tasks will include:

1. Making sure complaints received are eligible for investigation and acknowledge/decline as appropriate
2. Ensuring that advocacy services are explained, offered and provided when required at all stages of the complaints policy
3. Appointing the stage 2 investigating team and review panellists
4. Managing the progress of the investigation
5. Making sure the complainant is kept informed
6. Working closely with the review panel chair on the organisation of the stage 3 review panels
7. Supporting staff involved in all stages of the complaints policy whilst ensuring that the policy is being followed
8. Offering advice on the response from the organisation and provide practical support to complainants
9. Maintaining a pool of people with the skills/training needed to conduct investigations and review panels
10. Overseeing the arrangements for publicity of the complaint's policy
11. Providing a quality assurance role on all communications and responses.

The complaints manager is expected to support the organisation by:

1. 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
2. Considering if the complaint is about a proposed change to a care plan, a placement or a service, and whether the decision may need to be deferred (frozen) until the complaint is reviewed
3. Ensuring that the decision to defer is normally made through detailed discussion and risk assessment between the complaints manager and the manager responsible for the service, on a case-by-case basis.

The complaints manager/registered manager can be reached via email steffi.roth@brighterfuturesforchildren.org and via phone 0118 9373740.

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:

1. Any child or young person (or a parent of his or her or someone who has parental responsibility for them) who is being looked after or is considered to be a child in need
2. Any foster carer (including those caring for children placed through independent fostering agencies)
3. Children leaving care
4. Special guardians
5. A child or young person (or parent of her/his) to whom a special guardian order is in force
6. Any person who has applied for an assessment under section 14F(3) or (4)

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7. Any child or young person who may be adopted, their parents and guardians
 8. Persons wishing to adopt a child
 9. Any other person to whom arrangements for the provision of adoption services extend
 10. Adopted persons, their parents, natural parents and former guardians, and
 11. Other persons the complaints manager considers have sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

The complaints manager, in liaison with the children's social care complaints service, has the discretion to decide whether 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/she 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.

Individuals are also able to make complaints on behalf of others if it is considered they have 'sufficient interest' to do so.

Children will be encouraged to take up issues in the most appropriate way and they will be supported to do this. If it is possible to identify a way forward with a complaint which is informal and therefore easily resolved, this should be the best way forward.

It is the responsibility of carers and staff to help children to deal with their complaints sympathetically and actively, whether the complaint is about the agency, placing authority, social worker or the foster carer/s.

Anyone making a complaint is also able to withdraw their complaint at any stage.

What can be complained about?

1. A problem
2. The quality of service
3. The delivery or non-delivery of a service
4. The way in which the agency carries out its policies and practices
5. Staff conduct.

All serious complaints will be notified to the regulatory authority - Ofsted.

If you or a child is unhappy about a change in the care plan or the placement plan this should be brought to the attention of the child's social worker and/or your supervising social worker who may be able to resolve the matter. If this isn't the case the child's independent reviewing officer may be contacted. It is the role of the independent reviewing officer to make sure that children looked after are aware of Brighter Futures for Children's IFA complaints policy or any other local authorities complaints policy, which must comply with the Children Act 1989 and associated regulations, and to assist the child to access independent support and advice to enable them to use this policy if they wish to do so.

What cannot be complained about?

The complaints policy does not apply when:

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

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):

1. Court proceedings
2. Tribunals
3. Disciplinary proceedings, or
4. Criminal proceedings
5. Complaints from staff about personal issues
6. Where an appeal process already exists (for example SEND tribunal)
7. Decisions made at child protection case conferences

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 policy 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 you, a child or young person complain by phone or in person, it is not necessary to put the complaint in writing. The complaint manager or children's social care complaints service will take your/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 you, a child or young person by or through other individuals or organisations, such as the Citizens' Advice Bureau, must be dealt with through this complaints policy. 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. This includes making available the services of an advocate or advocacy service to help them voice their concerns. Brighter Futures for Children's IFA 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. If your complaint falls outside of the 12 months, then the Children's Social Care Complaints Service will write to advise you or the complainant that their complaint

cannot be considered and explaining the reasons why they have adopted this position. This response should also advise you or the complainant of your or their right to approach the local government and 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:

1. Genuine issues of vulnerability
2. The belief that there is still benefit to the complainant in proceeding
3. 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
4. Action should be taken in light of human rights-based legislation.

Can I get help to complain

Under a service level agreement, complaints about the services provided by Brighter Futures for Children's IFA are coordinated by Reading Borough Council's customer relations manager who will provide independent advice and guidance to children, young people and parents/carers about the complaints policy. The customer relations manager will also support children and young people through the appointment of an independent advocate if required.

Customer Relations Manager (Complaints & Representations)

Customer Relations Team

Level 2

Reading Borough Council

Civic Offices

Bridge Street

Reading

RG1 2LU

Tel: 0118 9372905

E-mail: socialcare.complaints@reading.gov.uk

Complaints about the registered manager and the responsible individual can be sent to the customer relations manager for review and monitoring using the above contact details.

Other useful contacts:

Responsible Individual

Seamus Jennings

Seamus.jennings@brighterfuturesforchildren.org

Tel: 0118 9373740

Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Tel: 0300 061 0614



OFSTED:

Piccadilly Gate,
Store Street,
Manchester
M1 2WD

Tel: 0300 123 1231

Email: enquiries@ofsted.gov.uk

Website: www.ofsted.gov.uk

Regulatory Inspector - South East Region

OFSTED

Rivergate
2 Temple Quay
Bristol
BS1 6EH

Tel: 0300 123 1231

Email: enquiries@ofsted.gov.uk

www.ofsted.gov.uk

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How will your complaint be dealt with?

The regulations require Brighter Futures for Children's IFA 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, Brighter Futures for Children's IFA may arrange for conciliation, mediation or other services to help resolve matters.

The timescales in working days for the policy are:

1. 10 days at stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required)
2. 25 days at stage 2 (with maximum extension to 65 days)
3. 20 days for the complainant to request a review panel
4. 30 days to convene and hold the review panel at stage 3
5. 5 days for the panel to issue its findings, and
6. 15 days for the local authority to respond to the findings.

Stage 1 – Local resolution

Stage 1 is an informal process which can consist of a meeting between the complainant, the supervising social worker and the Registered Manager unless the complaint is about them. In which case the stage 1 should be dealt with by the Responsible Individual (RI) or another delegated senior manager. 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 under that local authority's complaints policy.

A letter of resolution or outcome will be issued in response to informal complaints by the registered 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 Brighter Futures for Children's IFA 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 daytime limit for this part of the process. Most stage 1 complaints should ideally be concluded within this time limit.

Where Brighter Futures for Children's IFA cannot provide a complete response, it can implement a further 10 days' extension (regulation 14(5)). If necessary, Brighter Futures for Children's IFA 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 wish.

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 is 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, Brighter Futures for Children's IFA must write to the complainant confirming the agreed resolution and the children's social care complaints service should be informed of the outcome as soon as possible. Otherwise, a letter should be sent by Brighter Futures for Children's IFA 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/she 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. Brighter Futures for Children's IFA 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 Brighter Futures for Children's IFA have agreed that stage 1 is not appropriate (regulation 17(1)).

The complainant will be advised that they must put their complaint in writing to the registered manager, who will then contact the complainant within five working days to advise that he/she has instructed an independent complaints investigating officer in relation to the complaint and will advise them of his/her name and the expected time frame for the investigation. The investigating officer may be employed by Brighter Futures for Children's IFA or be brought in from outside the independent fostering agency or the parent company, appointed specifically for this piece of work. The investigating officer should not, however, be in direct line management of the service or person about whom the complaint is being made.

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 the 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.

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 RI or the delegated senior management in BfC, who should inform staff of the details of the complaint through normal line management.

The investigating officer 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 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 complaint's 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's IFA, via the complaints manager, must inform you, the child or young person as soon as possible in writing of:

1. The reason for the delay, and
2. The date by which he/she 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 investigating officer should write a report on the investigation including:

1. Details of findings, conclusions and outcomes against each point of complaint (i.e. “upheld” or “not upheld”, and
2. 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.

The adjudication process

Once the investigating officer has finished the report, a senior manager should act as adjudicating officer and consider the complaints, the investigating officer’s findings, conclusions, and recommendations, any report from the independent person and the complainant’s desired outcomes.

The purpose of adjudication is for Brighter Futures for Children’s IFA to consider the reports and identify:

1. It’s response
2. It’s decision on each point of complaint, and
3. Any action to be taken (with timescales for implementation).

The adjudicating officer should normally be the responsible individual, reporting to the Director of Children’s Social Care. 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 and the investigating officer 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 you, 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’s IFA should then write to the complainant with their response containing:

1. A complete copy of the investigation report and
2. 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 Brighter Futures for Children’s IFA /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 responsible individual on what action has been taken on a regular basis.

Stage 3 – Review panels

This is the final stage of the complaints process. If the complainant is dissatisfied with the outcome of the stage 2 investigation, they must confirm this in writing, including reasons for their

dissatisfaction, to a senior manager/director who will undertake to arrange for the case to be reviewed by an independent panel within 28 days.

The panel will be made up of:

1. A fostering panel member
2. The responsible individual
3. A manager or staff member of the service
4. An independent individual of such background and experience as required
5. A chairperson, if none of the above can fulfil that role.

In any event no person implicated in a complaint, or a relative or close association of theirs may sit on the panel or be involved in any investigation, and the panel will be constituted in such a way to afford true independent appraisal of the complaint.

The panel will consider the documentation available in relation to the complaint and any further written representations that the complainant wishes to make in relation to the investigation. The panel will reach a decision within 24 hours of meeting and the complainant will be advised of the outcome in report form to include any actions in order to resolve the situation within 7 days.

Complainants should be advised of their right to make representations to the local government ombudsman if they are still not satisfied.

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:

1. Listen to all parties
2. Consider the adequacy of the stage 2 investigation
3. Obtain any further information and advice that may help resolve the complaint to all parties' satisfaction
4. Focus on achieving resolution for the complainant by addressing his/her clearly defined complaints and desired outcomes
5. Reach findings on each of the complaints being reviewed
6. Make recommendations that provide practical remedies and creative solutions to complex situations
7. Support local solutions where the opportunity for resolution between the complainant and the local authority exists
8. Identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress, and
9. Recommend any service improvements for action by Brighter Futures for Children's IFA.

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 solicitors 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:

1. Identify service problems and make improvements
2. Improve and adapt staff learning and enhance professional development.

To this aim, a learning action plan form will be forwarded to the appropriate manager or responsible individual for completion following the investigation and closure of a complaint.

Data protection

All functions of the complaints policy 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 is responsible for regulating the Data Protection Act. If a complaint is made directly to the Information Commissioner's Office regarding the way the organisation has handled or used personal information, the Information Commissioner's Office will first establish that the 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 Information Commissioner's Office will look into the matter concerned.

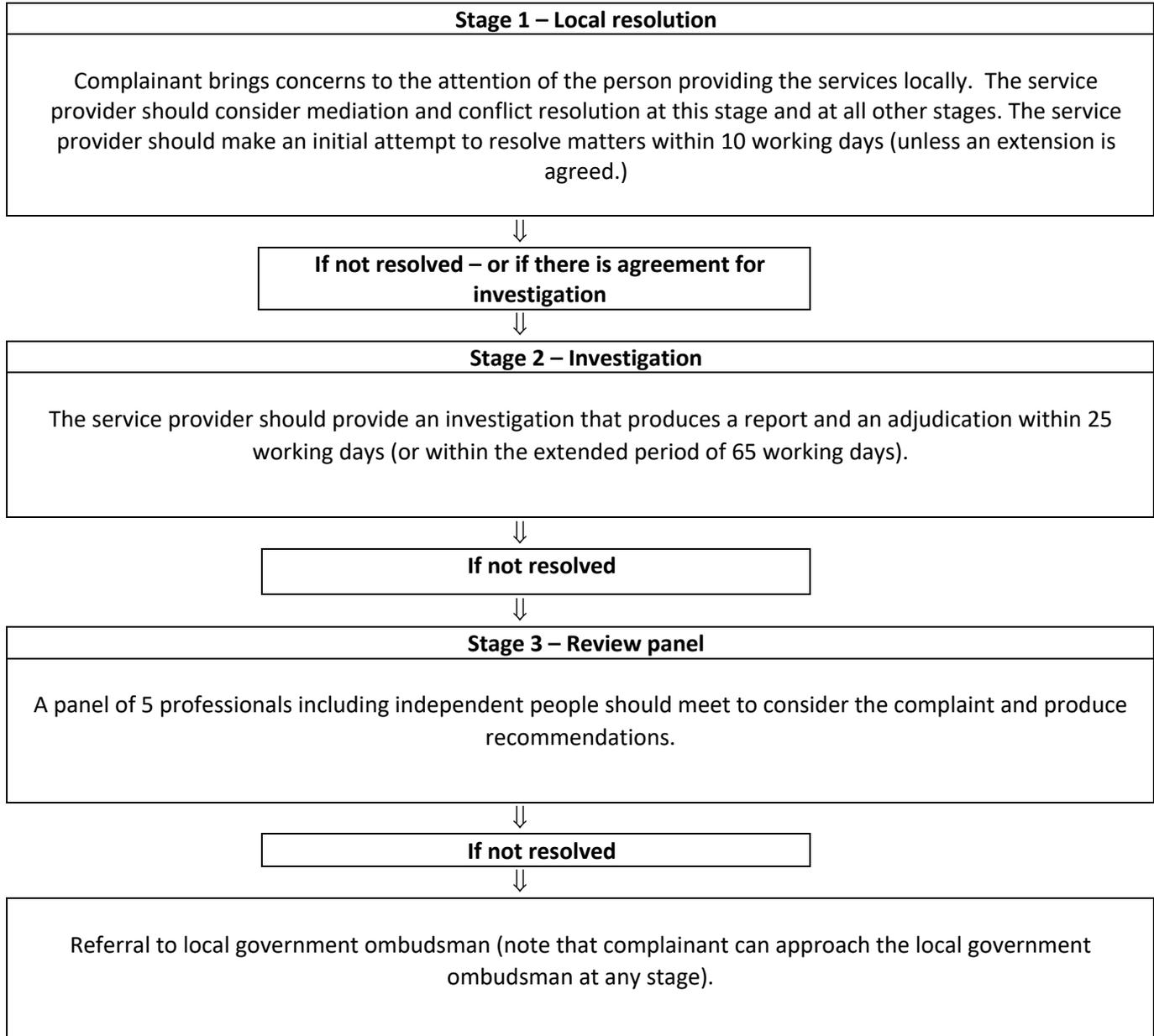
Further information can be found on the Information Commissioner's Office website:

<https://ico.org.uk/>

Appendices

Appendix A – Complaints policy flowchart

THE PROCEDURE FOR CHILDREN ACT 1989 COMPLAINTS



Appendix B – Legislative reference

- [The Fostering Services \(England\) Regulations 2011. Regulation 18](#)
- [Fostering Services: National Minimum Standards. Standard 25](#)
- [Children Act 1989, section 26](#)