



## **Residential Policy**

### 40. Complaints Procedure



## **Policy Number 40**

### **Complaints Procedure**

#### **40.1 Introduction**

Each parent or guardian, or any other person receiving services from Midway Transitional Solutions Ltd, has the right to make representations by way of comments, compliments, or complaints. This procedure is designed to be used for both minor and major complaints.

This procedure would be paused subject to Police or Child Protection investigations.

If a complaint is made, a record is maintained at the home of all such complaints, including the name of the complainant, the date of the complaint, the nature of the complaint, the action taken and outcome of the complaint.

Each complainant has access to the following procedures.

1. Midway Transitional Solutions Ltd internal complaints procedures and the services of an independent representative.
2. The complaints procedure of the responsible local authority.
3. The contact details and office address of CIW.
4. The Public Services Ombudsman for Wales
5. The Children's Commissioner for Wales
6. Organisations representing the interests of children being looked after e.g. Childline, Voice for the Child in Care and an independent advocacy service.

Additionally, each complainant is encouraged to express any concerns regarding the quality of the care provided directly to the home's Manager, Directors & RI and in meetings to discuss the children's progress. Each complainant is provided with a copy of the complaint's procedure on admission to the home. There is no restriction on the issues they may complain about.

Any person who is the subject of a formal complaint is precluded from taking any responsibility for the consideration of or a response to that complaint.

It is explicit within this procedure that any reprisals against the children will not be tolerated and will be an act of gross misconduct in the Midway Transitional Solutions Ltd Disciplinary procedure.

## **40.2 The Midway Transitional Solutions Ltd Procedure**

This procedure is designed to allow a complaint to be fully addressed seriously and without delay. All complaints can be made either verbally or in writing to staff and will be acknowledged unless the complaint is made anonymously.

Consent must be gained, and confidentiality maintained throughout the complaints process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.

The complaint will be fully responded to within a maximum of 28 days. The complainant will be kept informed throughout the process. No individual will suffer discrimination, disadvantage, or the withdrawal or reduction of a service because of representations or complaints. A record of all complaints will be kept and maintained regularly by the registered manager.

A written report will be provided to the complainant setting out the outcome of the complaint and any action to be taken.

All staff will receive full training on how to deal with complaints

## **40.3 Receiving a Complaint**

Any member of staff receiving a verbal complaint should establish whether the matter is one that they or the Line Manager can respond to immediately. If the complaint is of minor severity and a member of staff or the manager is able to resolve the issue to the service user's satisfaction within one working day, then the issue need not be recorded as a formal complaint. If the complaint cannot be fully resolved within this timescale then the manager must record the information accurately and treat it as outlined below.

Written complaints must be acknowledged within three working days; this can be done verbally, face to face with the service user/relative involved, via a phone call from the line manager, or in writing. In all cases the acknowledgement should be recorded and should include the name of the person who will investigate. Staff will endeavour to deal with the matter of concern in an informal manner, helping the complainant to negotiate a positive outcome.

Staff will support the individual to make the complaint, including providing information about accessing independent advocacy where available and explaining the complaints process in detail. This will also include the stages and timescales for the process and if the complainant does not feel satisfied with the outcome then the option to escalate a concern/complaint to a commissioner or Public Service Ombudsman for Wales will be made available.

#### **40.4 Complaint Severity**

**Complaint of minor severity:** A complaint relating to unsatisfactory service or experience not directly related to care.

Or:

A complaint relating to unsatisfactory service or experience related to care, usually a single resolvable issue.

**Complaint of medium severity:** A complaint where the service or experience is below reasonable expectation in several ways but is not causing lasting problems.

**Complaint of high severity:** Significant issues regarding standards, quality of support and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation and so require full investigation. Possibility of litigation and adverse local publicity.

Or:

Serious issues that may cause long term damage such as grossly substandard care, professional misconduct, or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.

#### **40.5 Responsibilities**

It is the responsibility of the Registered Manager to ensure the relevant actions are taken on receipt of a complaint, and that appropriate investigations are completed.

It is the responsibility of all staff working in Midway Transitional Solutions Ltd to adhere to this policy, and provide timely responses to any investigations they may be involved in.

#### **40.6 Investigating the Complaint**

The way the complaint is to be handled depends on the severity of the complaint. In all cases the complaint must be investigated by a person with sufficient seniority to resolve the issues. In most instances, for complaints of minor severity and often medium severity, a meeting or phone call to the complainant from the Registered Manager should resolve the issue. Complaints of high severity always require a full investigation and a written response.

If there is any doubt about the seriousness of a complaint the Registered Manager should contact the Responsible Individual for advice. High severity complaints must in all cases be reported to the Responsible Individual and Head Office, and to any appropriate external bodies – e.g. Social Services, CIW, the CQC and/or the police.

The objective of any investigation into a complaint is to listen, respond and improve the service. The Registered Manager should listen carefully to the complainant to understand their concerns and what they wish to achieve; summarise their understanding of the complaint and objectively review the circumstances of the complaint. Where a member of staff has been named in a complaint, they should be requested to provide a statement in response to the complaint.

The Registered Manager should then prepare a written response to include:

- ❖ The answers to any specific questions that have been raised.
- ❖ A detailed explanation regarding questions raised in the complaint from any staff involved.
- ❖ Conclusions reached in relation to the complaint including appropriate remedial action.
- ❖ An apology.

During the investigation, the complainant should be kept informed of progress at weekly intervals.

#### **40.7 Monitoring and Learning from Complaints**

The number of complaints received must be recorded in a complaint log and reported to the Responsible Individual monthly. The log should record:

- ❖ Each complaint received.
- ❖ The subject matter and outcome of each complaint.
- ❖ Details of reasons for delay if an investigation took longer than the agreed response period.
- ❖ The date the report of the outcome of the investigation was sent to the complainant.

Any complaints of medium or high severity should be discussed at the Residential Managers meeting, so learning can be shared. In addition to this, detailed information on complaints should be included in the monthly manager house reports provided to all directors. The Responsible Individual will then include this information in their quality care review identifying:

- ❖ The number and type of complaints together with response times.
- ❖ Trends.
- ❖ Action taken.
- ❖ The Public Service Ombudsman Wales
- ❖ The Childrens Commissioner for Wales
- ❖ Details of any complaints referred to other bodies.

#### **40.8 Recording Complaints**

All documentation pertaining to the complaint, including letters, email correspondence and statements should be contained in a complaints file, not the resident's notes. A record must be kept of all complaints whatever their severity, along with details of the subsequent investigations and any action taken. Minutes should be taken of any formal meetings held to discuss the complaint, and these should be shared with the complainant.

#### **40.9 Linking with other procedures**

The commencement of the Midway Transitional Solutions Ltd complaints procedure will not affect a complainant's right to use all or any other complaints procedures open to them.

If during the investigative stage (or any other stage) it is felt that external agencies should be involved, including the police and Local Safeguarding Childrens Board (L.S.C.B.), the matter will be referred without delay and these agencies offered every assistance..

If a complaint is made about the registered person, the complaint will be investigated by the RI at stage one with another Director representing the organisation at Stage Two.

If the complaint relates to the Director/ RI, the investigation will be conducted by an external body.

### **Conclusion**

This policy is in its first operational format and will be reviewed each year (or sooner if necessary) to ensure that it meets CIW standards, Children's Homes Regulation Standard 64, and any future new legislation.

### **Whistleblowing hotline**

There may be times when staff working with children will want to report to CIW concerns about practices and procedures for the safeguarding of children.

You can contact the hotline in three ways.

Call us on 0300 790 0126.

Email us at [ciw.southeast@wales.gsi.gov.uk](mailto:ciw.southeast@wales.gsi.gov.uk).

Write to us at:

Welsh Government  
Rhydycar Business Park  
Merthyr Tydfil  
CF48 1UZ

### **Monitoring and review**

Midway Transitional Solutions reserves the right to regularly review the operation of this policy at any point and as they see fit.