

# Delegated Decision Report

Decision below £250k



<b>Subject:</b>	Children's Residential Homes Complaints Policy
<b>Decision maker: Senior Officer</b>	Steve Hughes, Assistant Director of Strategy and Performance
<b>Decision maker: Cabinet Member</b>	Cllr Peter Dean, Cabinet Member for Thriving Communities and Culture Cllr Shaid Mushtaq, Cabinet Member for Children and Young People
<b>Decision date:</b>	21.02.25
<b>Report author:</b>	Fran Lautman, Assistant Director of Customer Experience Kirsty Adderley, Complaints Manager
<b>Ward (s):</b>	All

## Reason for decision

Ensuring that Oldham Council has an effective complaints and representations procedure is one of the main ways in which we can ensure that the voices of children and young people are heard, and that they are able to contribute to the process of identifying improvements needed to the way in which our services are delivered.

This document details the way in which complaints about Children's Residential Homes will be dealt with. It is intended to replace all previous Children's Homes Complaints and Representations Policies and Procedures and has been produced in line with requirements of The Children's Homes Regulations, Regulation 39 Complaints and Representations and The Children Act 1989 Representations Procedure (England) Regulations 2006.

## Recommendation(s)

To agree and adopt the complaints policy for Children's Residential Homes included at **Appendix A** in addition to the children and young people friendly version of the policy contained in **Appendix B**.

**1. Background**

- 1.1 The Children's Residential Homes Complaints Policy provides general information regarding the handling of complaints and representations received by residential establishments and gives an account of what happens at each stage in the complaints process.
- 1.2 A review has been undertaken to ensure the Children's Residential Homes Complaints Policy is compliance with key pieces of legislation, namely, The Children's Homes Regulations, Regulation 39 Complaints and Representations and The Children Act 1989 Representations Procedure (England) Regulations 2006.
- 1.3 The policy places emphasis on resolving complaints as quickly as possible.
- 1.4 A summary of key points of the policy is outlined below:
  - Complaints will usually be accepted if they are made within 12 months of the issue arising. If complaints are not raised within this time, then they may be classed as out of time; however, discretion can be given and each case will be treated on its own merits.
  - All complaints made by children and young people should be responded to within 10 working days. For complex complaints, this can be extended to a maximum of 20 working days and the child or young person must be kept updated and provided with an explanation for any delay.
  - In the first instance, children and young people are asked to raise any concerns with the senior member of staff on duty who will try to take action to resolve the matter quickly and informally.
  - If the issue cannot be resolved informally, it will be investigated by the manager of the home; in most cases the complaint will be able to be resolved through a discussion with the child or young person but where requested, or where deemed necessary, a formal written response will be provided.
  - Where the manager has not been able to resolve the complaint and there is a request for progression, then the manager will pass the details of the complaint to the Head of Service who will review the complaint and the actions taken by the manager to try to resolve matters at stage 2.
  - Where a complaint remains unresolved and further progression is requested, the Head of Service will contact the Complaints Team to discuss progression. Some of the complaints received may fall within the remit of the statutory children's complaints process. Should an individual wish to progress their complaint, and it falls within the remit of the statutory process, the complaint will enter the statutory process at stage 2. For complaints not eligible for the statutory process, individuals will be advised of their

right to ask the Local Government and Social Care Ombudsman to review their complaint.

- Where a complaint is received from somebody other than a child or young person, this will be investigated and responded to within a maximum of 20 working days by the manager of the home or nominated staff member.
- Where the complaint is not resolved, and further progression is requested, the complaint and the initial response will be reviewed by the Head of Service who will advise regarding any further action that can be taken to resolve matters and issue a final response.

## **2. Alternative option(s) to be considered**

2.1 Option 2 – Do nothing.

2.2 Option 1 is the preferred option; this is in order to demonstrate compliance with relevant legislation. If the Council's policy is not compliant, it will likely be criticised by the Ombudsman and regulators.

## **3. Consultation**

3.1 The Complaints Manager and Head of Service Residential Care have worked together to ensure the policy is compliant with relevant legislation.

3.2 The policy has been presented for review at both the Childrens and Assistant Chief Executive Department Management Team (DMT) meetings.

3.3 The Cabinet Member for Thriving Communities and Culture and Cabinet Member for Children and Young People have had full sight of the updated policy and self-assessment and are content with the updated policy.

## **4. Risks**

4.1 The revised policy has been updated to demonstrate compliance with relevant legislation. If the Council's policy is not compliant, it will likely be criticised by the Ombudsman and regulators and impact on the quality and responsiveness to children and you

## 5. Implications

Financial	<p>There are no financial implications associated with this report.</p> <p>(Nicola Harrop, Finance Manager)</p>
Legal	<p>It is important that a complaints policy, particularly a service area that deals with vulnerable children has an effective and up to date policy in place to deal with any complaints received in a timely and effective manner.</p> <p>The policy should be compliant with the latest relevant legislation and statutory guidance. The report confirms that the policy is compliant with the relevant legislation. A failure in having an accurate and effective complaints policy in place could lead to criticism by the Ombudsman and a negative reputational finding against the Council as well as potentially leaving vulnerable children in the Borough frustrated and upset which would of course be contrary to the key objectives of the Council.</p> <p>(Alex Bougatef, Interim Borough Solicitor)</p>
Equality impact including implications for Children and Young People	N/A


Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?	Yes
Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?	Yes
Are any of the recommendations within this report contrary to the Policy Framework of the Council?	No


Background Papers under Section 100D of the Local Government Act 1972


None

Report author sign-off	Fran Lautman
Role	Assistant Director of Customer Experience

Date of sign-off	Thursday 19 December 2024
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Approval	
Officer approval sign-off	Steve Hughes 
Role	Assistant Director of Strategy and Performance
Date of sign-off	21.02.25

Approval	
Member(s) approval sign-off	Cllr Peter Dean 
Role	Cabinet Member for Thriving Communities and Culture
Date of sign-off	Thursday 19 December 2024

Approval	
Member(s) approval sign-off	Cllr Shaid Mushtaq 
Role	Cabinet Member for Children and Young People
Date of sign-off	Thursday 19 December 2024

## **Appendix A: Children's Residential Homes Complaints Policy**



**Children's Residential Homes Complaints Policy - complaints received from or on behalf of children, young people, and other eligible persons.**

**Date: 19 December 2024**

**Author: Kirsty Adderley, Complaints Manager**

## **1.0 Introduction**

- 1.1 At Oldham Council, we want to ensure that we provide a high quality service to children and young people, and those that support them but we recognise that sometimes, things can go wrong.
- 1.2 The feedback we receive from children and young people is important in helping us to uphold high standards and understanding how well our services are working. The feedback we receive can help us to identify any problems and identify opportunities to learn and improve for the future.
- 1.2 The key message from 'Every Child Matters: Change for Children', placed the focus very clearly on 'Working Together' to ensure better outcomes for children and young people. It also placed emphasis on ensuring that those children and young people who are encountering problems or facing challenges are well supported to overcome them.
- 1.3 Ensuring that we have an effective complaints and representations procedure is one of the main ways in which we can ensure that the voices of children and young people are heard, and that they are able to contribute to the process of identifying improvements needed to the way in which our services are delivered.

## **2.0 Purpose of the policy**

- 2.1 This document replaces all previous Children's Homes Complaints and Representations Policies and Procedures and has been produced in line with requirements of The Children's Homes Regulations, Regulation 39 Complaints and Representations and The Children Act 1989 Representations Procedure (England) Regulations 2006.
- 2.2 It provides general information about how we will handle complaints and representations made to our residential establishments and explains what happens at each stage in the complaints process.

## **3.0 What is a complaint?**

- 3.1 We use the term 'representation' when referring to feedback provided by children and young people or other people who may come into contact with our residential establishments.
- 3.2 Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority (Getting the Best from Complaints 2006).
- 3.3 When deciding what is a complaint, we use the definition provided by the Local Government and Social Care Ombudsman.

'A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken, or the service provided by the Council itself or a person or body acting on behalf of the Council.'

3.4 Complaints may, for example, be about:

- The actions of staff
- A failure to do something we should have done
- The quality of a service we have provided
- A failure to follow the correct policy or procedure

3.5 There may be some issues raised with us that would best be dealt with in a different way. We would not deal with the following issues under the complaints process:

- An initial request for a service (this is generally the first contact we receive asking that a service be considered or carried out)
- Requests for information (these will be dealt with by the Information Management Team according to the requirements of the Freedom of Information Act 2000 or Data Protection Act 2018 and accompanying policies, depending on the nature of the request). Where there is a crossover of issues the Complaints Team and Information Management Team will work together to resolve it.
- Employee grievances
- Matters that would more appropriately be dealt with by an insurer
- Matters relating to court proceedings, or other legal proceedings, or investigations by other appropriate bodies, for example, the Police
- Matters relating to proceedings under section 59 of the Care Standards Act
- Matters upon which a Court is in the process of considering
- Complaints that have been previously withdrawn
- A complaint that has already been investigated and a final response has been issued
- Where the issues involved are covered by the Council's disciplinary policy.
- Where the behaviour of a person making a complaint prevents us from being able to give proper and reasonable consideration of the issue.

3.5 Complaints should be made within 12 months of the person wanting to make a complaint becoming aware of the issue. However, if there is a good reason why the complaint could not have been made earlier, and we have enough evidence available to look into the complaint, we may decide to investigate.

3.6 If for any reason we decide not to deal with a complaint under this policy, we will explain this in writing.

3.7 We acknowledge that most people work positively with staff members to resolve their complaint but if a person's behaviour towards staff become unreasonable (for example, threatening behaviour towards staff, unreasonable levels of communication and/ or malicious allegations), this may change the way we deal with the complaint and we might take action in line with the Council's unreasonable behaviour policy.

#### **4.0 Anonymous complaints**

4.1 We understand that sometimes, people find it difficult to make a complaint. Where a person does not want to let us know their name or contact details but we have



information about what their concerns are, we still try to make enquiries into the problems that have been raised, where we feel this would be helpful.

- 4.2 If we are not provided with a person's name or contact details, we will not be able to let them know the outcome of the investigation.

## **5.0 Equalities and diversity and reasonable adjustments**

- 5.1 We understand that people may find it difficult to make complaints for a number of reasons. For example, they might have some communication needs which mean they find it difficult to communicate in a certain way.
- 5.2 When dealing with complaints we will make sure that we pay attention to the Equalities Act 2020 and where a person needs help to make a complaint, we do our best to support them to do so. We will discuss possible support options with the person wanting to make a complaint and make decisions about the support we can provide on an individual basis.

## **6.0 Advocacy support**

- 6.1 Where a child or young person raises a complaint or representation with us directly, we will inform them of their right to speak with an advocate. An advocate can help a child or young person to raise issues and provide them with advice and support during the complaints process. The advocacy service is independent of the Council and is confidential.
- 6.2 If a child or young person wishes to raise a complaint, we would always suggest that they speak with an advocate in the first instance as they may be able to help them to solve the problem quickly and easily.
- 6.2 Statutory guidance about advocacy provision can be found in 'Get it Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under The Children Act 1989'.
- 6.3 We will only respond to complaints and representations made by a representative/advocate if we are satisfied they are acting in the best interests of the child or young person, that they have no identified conflict of interest and we have permission for them to act on the child or young person's behalf.

## **7.0 Responding to complaints and representations made by children and young people**

- 7.1 We will always try to deal with and resolve concerns received from a child or young person as quickly and informally as possible.

- 7.2 We will aim to response to all complaints made by children and young people within 10 working days but if the problem or situation is complicated, we may need up to 20 working days.
- 7.3 If we cannot respond to the complaint within 10 working days, we will let children and young people know and explain any delays to them.

#### **Informal resolution**

- 7.4 If a child or young person has any concerns, they should speak with the senior member of staff on duty. When dealing with the concerns raised, the member of staff will:
- Speak to the child or young person about their concerns and ask how they would like the problem to be resolved.
  - Provide reassurance and make sure the child or young person feels listened to and that their concerns are being taken seriously.
  - Act quickly to resolve the problem where they are able to. If they cannot resolve the problem straight away, they will let the child or young person know what the next steps are and how long they might take.
  - Consider if there are any safeguarding issues and if there are, take appropriate action in line with safeguarding policies.
  - Update records in the complaint file.
  - Provide information to the child or young person regarding the complaint process and where appropriate, offer advocacy support.
  - If the complaint cannot be resolved at this stage, it can progress to the next stage of the process.
- 7.5 If the complaint is about the senior member of staff on duty, the child or young person is able to ask to speak to the manager instead.

#### **Stage 1 investigation**

- 7.6 If the problem cannot be resolved informally and the child or young person wants to continue with a complaint, we will suggest that they speak with an advocate so that they can decide if they would like any support.
- 7.7 If the child or young person wants to make the complaint themselves, or if their advocate does this on their behalf, the manager of the residential home will be asked to look into the issues raised (this is known at stage 1 of the complaints process).
- 7.8 Where the complaint is about the Home Manager, it will be sent to the relevant Head of Service so that they can investigate the complaint and respond to the child or young person.
- 7.9 Most of the time, the manager or Head of Service will be able to be resolve complaints by speaking with the child or young person but where it would be helpful, or if the child or young person requests it, they will explain the findings of their complaint investigation in a letter.
- 7.10 When investigating a complaint, the manager will:

- Speak with the child or young person to check they understand their concerns and how they would like them to be resolved.
- Explain to the child or young person what will happen next and ask how they would like to receive feedback from the complaint investigation (this could be in person or by letter).
- Review any actions taken to try to resolve the problem informally.
- Speak with other people to gather information (if needed).
- Look at relevant documentation, including any policies that are available about the problem being complained about.
- Update any records/ paperwork in the complaint file.
- Provide a response to the child or young person as soon as possible.

7.11 If the complaint cannot be resolved at Stage 1, the child or young person will be told of their right to take their complaint to Stage 2.

### **Stage 2 review**

7.12 If the manager has not been able to resolve the complaint at Stage 2 and the child or young person wants to take their complaint further, then the manager will pass the details of the complaint to the Head of Service.

7.13 The Head of Service will review the complaint and the actions taken by the manager to try to resolve the problem. The Head of Service may wish to meet with the child or young person to discuss their complaint and find out how they would like the problem to be resolved.

7.8 The Head of Service will send the details of the complaint to the Responsible Individual (Assistant Director) and let them know what has been done to try to resolve matters.

7.9.1 As part of the review, the Head of Service will:

- Review the actions taken at Stage 1.
- Write to the child or young person to explain the findings of their complaint investigation and let them know what action will be taken next.
- Update any records/ paperwork in the complaint file.

## **8.0 Further Progression**

8.1 If the child or young person is still unhappy with the response to their complaint, the Head of Service will contact the Complaints Team.

8.2 Some complaints might need to be looked into under the statutory children's complaints process. The Complaints Team and Head of Service will decide whether the problem being complained about needs to be considered through the statutory children's complaints process.

8.2 If the problem being complained about does need to be considered through the statutory children's complaints process, the child or young person will be told of the next steps, which will be for their complaint to enter the statutory process at stage 2.

- 8.3 For complaints that do not need to be considered through the statutory complaints process, children and young people will be told of their right to contact the Local Government and Social Care Ombudsman and ask that their complaint be reviewed.
- 8.4 If the child or young person has an advocate, they should be kept involved and updated throughout every stage of the complaint process.

## **9.0 Responding to Complaints from other eligible parties (parents, carers, and others)**

- 9.1 Complaints and representations from other eligible people may be received in the following ways:
- In person
  - By telephone
  - By letter
  - By email
  - Via the Council's website
- 9.2 Where concerns are raised by other people, efforts will be made to resolve the matter informally.
- 9.2 If the matter cannot be resolved informally, the person will be advised of their right to take their complaint to Stage 1.
- 9.2 A Stage 1 complaint will be investigated and responded to within a maximum of 20 working days by the manager of the home or nominated staff member. Upon receipt of a complaint, the manager/nominated staff member will:
- Acknowledge receipt of the complaint, confirm the details of the complaint and ask what outcome is being sought to resolve matters.
  - Meet with the complainant where this is felt to be helpful.
  - Investigate the complaint, including speaking with others involved as appropriate.
  - Provide the complainant with a written outcome within 20 working days.
  - Complete any relevant paperwork/records in the complaint file.

### **Stage 2 review**

- 9.3 Where the complaint is not resolved, and further progression is requested, the complaint and the initial response will be reviewed by the Head of Service who will advise regarding any further action that can be taken to resolve matters.
- 9.4 The Head of Service will notify the Responsible Individual (Assistant Director) and the Complaints Team regarding the complaint.
- 9.5 As part of the review, the Head of Service will:
- Review the findings and actions taken at Stage 1.
  - Provide their response in writing, outlining any further action to be taken.

- Update any records/ paperwork in the complaint file.

9.6 The response letter should advise the complainant that should they remain dissatisfied with the response, they can contact the Council's Complaints Team to discuss any next steps and advise of their right to contact the Local Government and Social Care Ombudsman.



## 10.0 Monitoring and Recording of Complaints and Representations

10.1 We want to make sure we learn from the feedback we receive and so we have monitoring and recording systems in place to capture information about the complaints received.

10.2 As well as an annual report, the Complaints Team sends a quarterly report to Senior Managers within Children's Social Care which provides relevant complaint information. To ensure that these reports contain relevant information about residential establishment complaints, managers of residential homes are asked to send details of the complaints and representations they have received. The details should include, the number of complaints and representations received, complaint themes and outcomes.


10.3 Additionally, where requested, the Registered Person of each residential establishment must send a statement containing a summary of any complaints made during the preceding twelve months, and the action that was taken in response to each complaint, to HMCI (Ofsted).

## Annex A: Complaint Forms

Complainant Report form	 complaint_report form.doc
Investigation Report Form	 COMPLAINT INVESTIGATION FOR

## Annex B: Details of appropriate services to support a child or young person.

Who	Contact Information
Oldham Council's Complaints Procedure	<a href="mailto:customer.feedback@oldham.gov.uk">customer.feedback@oldham.gov.uk</a>  The Complaints Team, Oldham Council Offices, Spindles Shopping Centre, Oldham,

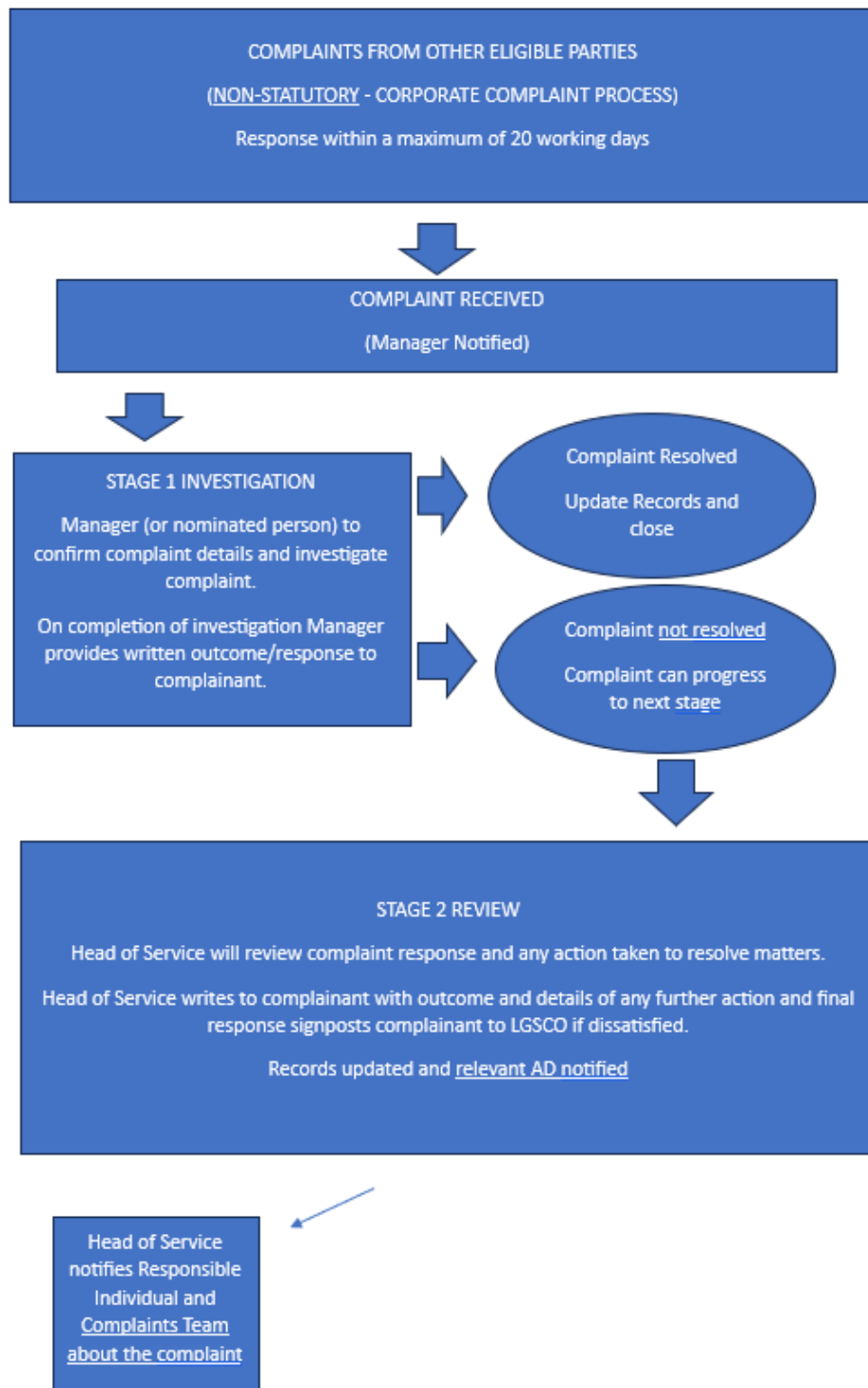
	<b>OL1 1HD</b>
<b>Children's Rights Advocacy &amp; Independent Visitor Service</b>   Independent Visitor - Leaflet.docx	<b>Empire Business Park</b>  <b>Burnley</b>  <b>Lancashire</b>  <b>BB12 6HH</b>   <b>07955 081 356</b>  <b>07871 621 613</b>
<b>Childrens Safeguarding Unit</b>  <b>Young people can also contact their Reviewing Officer (IRO)</b>	<a href="mailto:Childrens.Safeguarding@oldham.gov.uk">Childrens.Safeguarding@oldham.gov.uk</a>  <b>0161 627 0019</b>   <b>Rock Street Centre</b>  <b>Rock Street</b>  <b>OLDHAM</b>  <b>OL1 3UJ</b>
<b>Independent visitor</b>	<a href="mailto:oldhamchildrensrights@cuffeandlacey.com">oldhamchildrensrights@cuffeandlacey.com</a>
<b>Children's Commissioner for England</b>	<b>Dame Rachel Da Souza</b>  <b>Sanctuary Buildings</b>  <b>20 Great Smith Street</b>  <b>London</b>  <b>SW1P 3BT</b>   <b>020 7783 8330</b>  <b>0800 528 0731</b>
<b>Young people can contact OFSTED</b>	<b>0300 123 1231</b>   <b>National Business Unit</b>

	<b>Piccadilly Gate</b> <b>Store Street</b> <b>Manchester</b> <b>M1 2WD</b>
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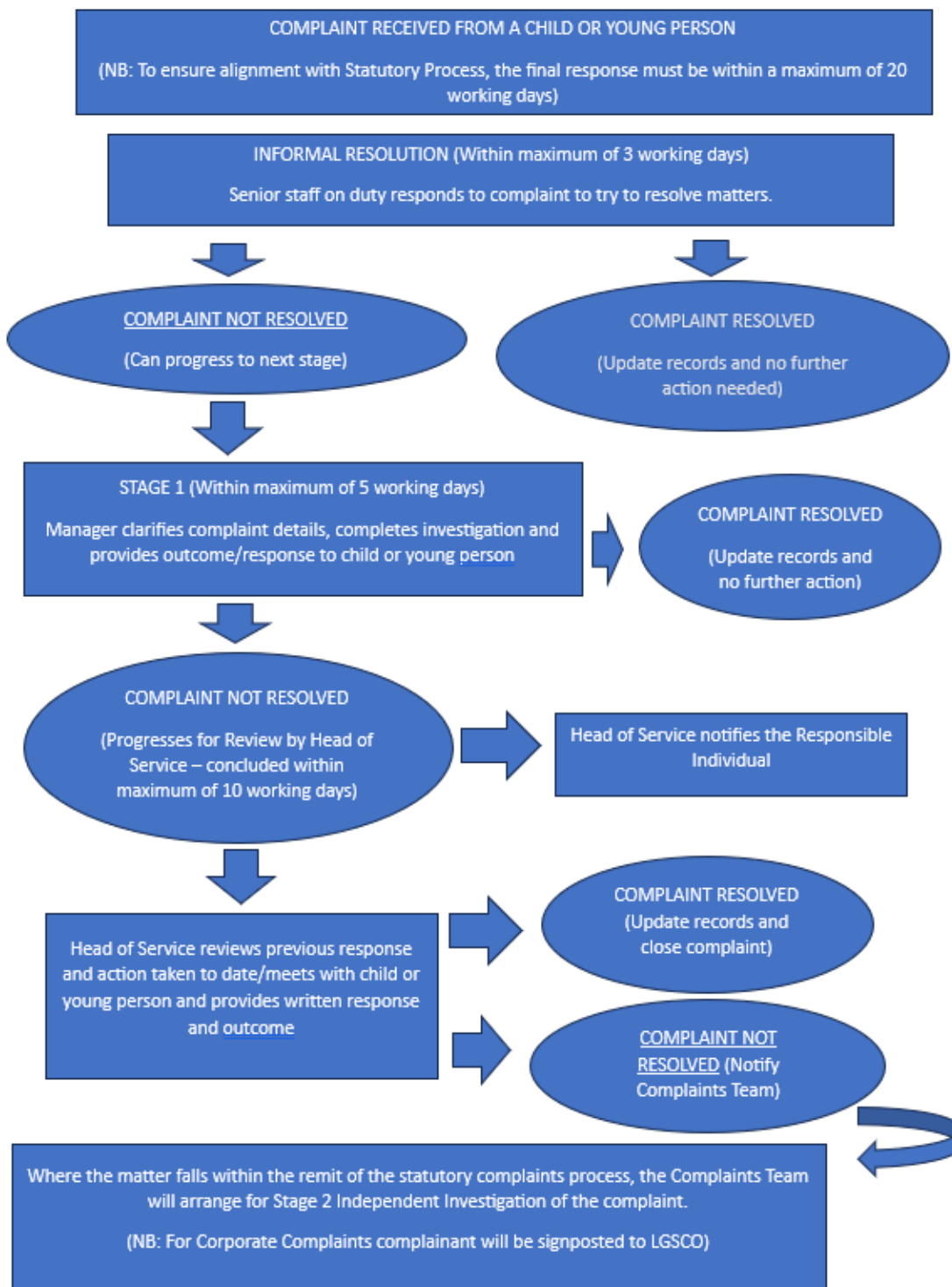
### **Annex C: Relevant Legislation**

- Children's Homes (England) Regulations 2015 including Quality care standards  
[www.gov.uk/government/publications/childrens-homes-regulations-including-quality-](http://www.gov.uk/government/publications/childrens-homes-regulations-including-quality-standards-guide)  
Standards Guide
- Children Act 1989  
[www.legislation.gov.uk/ukpga/1989/41/contents](http://www.legislation.gov.uk/ukpga/1989/41/contents)
- Complaints and Representations 2006 Getting The Best from Complaints  
[www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-](http://www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-complaints)  
complaints

## Annex D: Process Flow Charts







## Appendix B – Children and Young People Friendly Residential Homes Complaints Policy

# CHILDREN & YOUNG PEOPLE COMPLAINTS

## WHAT IS A COMPLAINT?

A complaint is when you are unhappy about something and want it to be fixed. It could be about how you are treated, something that happened in the home, or something you feel is unfair or wrong.

## WHO CAN MAKE A COMPLAINT?

You can!

- If something is bothering you, speak up!
- Your family, friends, or someone who cares about you can also help you make a complaint.
- Your family, friends or someone who cares about you can also make a complaint.

## 1 HOW TO MAKE A COMPLAINT

Talk to Someone You Trust:

1. Tell a staff member, key worker, or someone you feel comfortable with.
2. Write it Down:
  - Use a complaint form or write a note and hand it to a staff member.
3. Ask for Help:
  - If you don't want to do it alone, you can ask an adult or friend to help you.
4. Use Our Suggestion Box:
  - Put your complaint in the box if you want to stay anonymous (you don't have to give your name).

## 2 WHAT HAPPENS NEXT?

1. We Listen to You
  - Your complaint is taken seriously, and we will listen to what you have to say.
2. We Look Into It
  - A staff member will check what happened and talk to everyone involved.
3. We Fix it (if We Can)
  - We'll work with you to find a solution.
4. We Let You Know
  - We will tell you what we've done to solve the problem.

### **3** HOW LONG WILL IT TAKE?

- Small problems: We will try to sort these out in 1-2 days.
- Bigger problems: These might take up to 5-20 working days to look into properly

### **4** YOUR RIGHTS

- You won't get into trouble for making a complaint.
- We will always respect your privacy
- It's OK to speak up—your voice matters!

### **5** NEED HELP?

- Talk to Us: Any time, day or night
- Contact a trusted adult : Ask for help from your social worker, teacher, or advocate.

### **WHAT IF YOU'RE NOT HAPPY WITH THE ANSWER?**

- You can ask to talk to the manager, Head of Service or Responsible Individual
- If you're still not happy, we can help you contact someone outside the home, like:
  - Your Social Worker
  - Children's Rights Advocate
  - Ofsted (the organisation that checks we're doing a good job).

#### **We Are Here for You!**

Complaints help us make things better for you and everyone in the home. Don't be afraid to speak up—we want you to feel safe, happy, and heard!

Who	Contact Information
Oldham Complaints Procedure	<p>customer.feedback@oldham.gov.uk</p> <p>The Complaints Team, PO Box 33, Civic Centre, West Street, Oldham OL1 1UG1.</p>
Children's Rights Advocacy & Independent Visitor Service	<p>Empire Business Park Burnley Lancashire BB12 6HH 07955 081 356 07871 621 613</p>
<p>Childrens Safeguarding Unit</p> <p>Young people can also contact their Reviewing Officer (IRO)</p>	<p>Childrens.Safeguarding@oldham.gov.uk 0161 627 0019 Rock St Centre Rock St Oldham OL1 3UJ</p>
Independent visitor	<p>oldhamchildrensrights@cuffeandlacey.com</p>
Children's Commissioner for England	<p>Dame Rachel Da Souza Sanctuary Buildings 20 Great Smith Street London SW1P 3BT 020 7783 8330 0800 528 0731</p>
Young people can contact OFSTED	<p>0300 123 1231</p> <p>National Business Unit Piccadilly Gate Store Street Manchester M1 2WD</p>