



# JUVENTAS

Residential Children's Homes (November 2019)

## Complaints Policy

This policy aims to provide clarity about how to make a complaint. It is designed for children and young people. However, it can be applied to anyone outside our organisation.



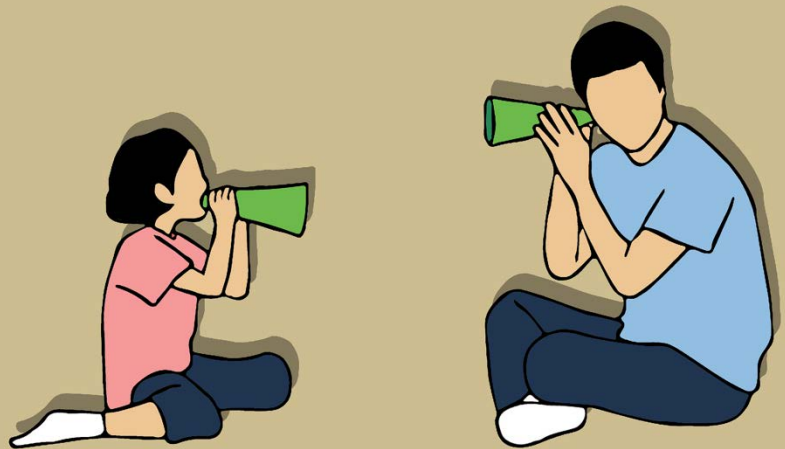
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## Introduction

We encourage openness and transparency. We expect that complaints will be appropriately administered (in terms of confidentiality and information sharing) and aim to respond, rectify and resolve any concerns as/if they arise.

This complaints policy is for children and young people, as well as anyone who has contact with any aspect of Juventas Services.



## Regulatory Requirements

*Regulation 7, Children's Views, Wishes and Feelings. Specifically:*

- 7.—(1) The children's views, wishes and feelings standard is that children receive care from staff who—
- (a) Develop positive relationships with them;
  - (b) Engage with them; and
  - (c) Take their views, wishes and feelings into account in relation to matters affecting the children's care and welfare and their lives.

*Regulation 39, Complaints & Representations*

- 39.—(1) Subject to paragraph (6), the registered person must establish a procedure for considering complaints made by or on behalf of children.
- (2) In particular, the procedure must provide that no person who is the subject of a complaint takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.
  - (3) The registered person must ensure that a record is made of any complaint, the action taken in response, and the outcome of any investigation.
  - (4) The registered person must ensure that no child is subject to any reprisal for making a complaint or representation.
  - (5) The registered person must supply to HMCI, at HMCI's request, 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.
  - (6) This regulation (apart from paragraph (4)) does not apply to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006 apply.



# Problem Solution

## Purpose

Our complaints procedure has been implemented to:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling with established time-limits for action and keep people informed of progress;
- Ensure a full and fair investigation by an independent person where necessary;
- Respect people's desire for confidentiality;
- Address all the points at issue and provide an effective response and appropriate redress;
- Provide information to the leadership team so that services can be improved.

Anyone can make a complaint and we need to know if things go wrong. This is important because it will help us to develop and learn in order to provide the best possible services and support.



## Aims

Our aims are to:

- Seek positive resolution of problems by informal means;
- Provide a transparent and informative service to all children and young people and adult stakeholders;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Promote and maintain good working relationships between all people involved with Juventas and the community within which services are located.

## Who can complain?

This policy is in place for children and young people. However, it may be used by anyone who has a concern or complaint about any aspect of our services.

Juventas wish to make clear from the onset that anyone who wishes to make a complaint is entitled to be accompanied by an advocate or supportive individual. A complainant (i.e. the person who makes a complaint) may be accompanied at any stage of the procedures outlined in this policy.

We want children and young people to be confident and assured in the knowledge that their views and feelings will be taken seriously. Juventas are committed to this principle and any attempt by staff to “cover up” concerns or ignore complaints will be taken extremely seriously.

The complaints procedure must be reviewed on a regular basis and at least annually.

## Helping Children to Express Their Views and Feelings

It is essential that children and young people are provided with every reasonable opportunity to express their views, wishes and feelings about the quality of care they receive.

Before a child moves into one of our homes or on the day of admission, they must be provided with:

- A Children’s Guide;
- A copy of the complaints’ procedure (which must be explained to ensure the child has sufficient understanding of what to do, as required);
- Information about advocacy support or related services (such as representation) and how these may be accessed.

It is responsibility of the manager to ensure that each child or young person can demonstrate an appropriate understanding of how to make a complaint and how complaints will be handled.



## Staff Procedures

Staff must ensure that:

- The views, wishes and feelings of children must be considered (and recorded) in relation to matters affecting their general support, safety, welfare and their lives;
- They help each child to express their views, wishes and feelings;
- They help each child to understand how their views, wishes and feelings have been duly acknowledged, with an explanation of why certain decisions are made;
- They help each child to understand how their privacy will be respected;
- Each child is actively encouraged to provide feedback to, and raise issues with, staff;
- Each child has access to the Children's Guide and the complaints procedure (included in this policy);
- Each child is given and fully supported to use advocacy support (using the Independent Advocacy Service for example), as required.

Staff have a duty to be proactive in securing each child's views, wishes and feelings. This should be considered and balanced against what is judged to be in the child's best interests. All such matters must be recorded and retained within the children's case files.

## Supporting Children to Raise any Concerns or Worries

All children are clearly informed, before they move into our care, that they can use a wide range of means to let us know that they are feeling unhappy or wish to complain. This is important because all children are different and as such, staff should adopt an approach that "best fits" with the child's personality, individual needs' and character, as well as the context of their concern. For example, some children or young people may require a peaceful and structured 1:1 meeting (such as Keyworker meeting), whereas others may prefer to discuss openly.

Some children may prefer to speak with their social worker, another member of staff or an independent advocate. It is therefore essential that Juventas maintains a flexible structure for handling worries and concerns that may escalate to an official complaint.



All individual children and young people will be advised that “if they are unhappy about anything” they can:

- Raise any concerns, at any time, with staff;
- Speak with any member of the Senior Management Team (SMT) or a Director
- Speak with the Regulation 44 Independent Visitor;
- Speak with their social worker or an Independent Advocate (see below).

Children and young people will also be informed that they can call:

#### CHILDLINE

0800 1111

#### NYAS

0808 808 1001 or 0151 649 8700

#### THE WHO CARES TRUST

0207 251 3117

#### NSPCC

0808 800 5000 or (TEXT) 88858

#### CORAM VOICE

0808 800 5792

#### CHILDREN'S RIGHTS DIRECTOR

0800 528 0731

Children and young people can also seek further advice by going to:

<http://www.childrenscommissioner.gov>

If a child wishes to raise an official complaint, this will be responded to and recorded through the following four stage complaints process (See Over).

This process is for children and anyone who has contact with any aspect of Juventas. It is to be used when it is not possible to resolve concerns through solution-focused discussion.

## Circumstances Where This Policy Does Not Apply

Issues related to child protection or whistleblowing, criminal investigations, as well as staff grievances must all be handled separately from this policy.

Please refer to our Safeguarding Policy, which includes guidance upon raising concerns about the conduct and behaviour of staff. If in any doubt, contact the manager who will be happy to advise.

This complaints policy is distinct from formal disciplinary proceedings and this should be made clear to all concerned.

There may be occasions where a complaint gives rise to disciplinary procedures, which put the complaints process on hold. If this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the complaint procedure.



## FOUR STAGE COMPLAINTS PROCESS

## Introduction

There are four stages of action. An initial informal stage and three formal stages.


This is outlined in the right insert (How to make a Complaint) and must be made available to all children and young people. It should be displayed in the staff office and will be available to download via the Juventas website.

Within the Informal Stage, primary responsibility rests with staff.

Formal Stage responsibility rests with Juventas management. This includes, the SMT and Directors, as well as Local Authority Officers where appropriate.

## How to Make a Complaint



You have the right to be listened to. If you have a complaint it will be handled fairly and taken seriously. Juventas Services have a complaints procedure (Below). Please speak with any member of staff and they will be happy to help you. All local authorities have a complaints service, ask your social worker about this service and contact details. Also remember to speak openly to the Independent Reviewing Officer.

### STAGE ONE

Staff will listen to your complaint and try to make things better. She or he will record your complaint and all that has been said.

### STAGE TWO

If you are still unhappy the Registered Manager (RM) will try and help. The RM will write everything down and investigate if things cannot be resolved (e.g. If you are still unhappy). You will get a full written response.

### STAGE THREE

If you are not happy with what the RM has said, you can ask for your complaint to be heard by a committee. The committee will include an independent person and either Phil Doyle or Daryl Holkham. Phil and Daryl are Juventas Directors. The committee will decide if the complaint has been handled fairly and properly. Phil or Daryl will write to you with a final decision.

### STAGE FOUR

If you are not happy with the committee's decision, you can contact:

- Ofsted ([enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk));
- The Council's Complaints Service; and
- The Children's Commissioner.

Each of these stages will usually occur in order and it is not possible to return to previous stages.

It is stressed that most complaints are resolved on an informal basis (Stage One).

If the process reaches Stage Four without fair, reasonable and effective closure, the child must be supported to access independent advocacy as required and contact those identified above.



## STAGE ONE

Staff will listen to your complaint and try to make things better. She or he will record your complaint and all that has been said.

### Stage One *Informal*

#### *Introduction*

Most complaints can be dealt with on an informal basis and resolved through solution-focused discussion.

There are many occasions where concerns are resolved straightaway without the need to submit a formal complaint.

#### *Who to Speak to?*

Individuals may decide to raise their concerns with any member of staff depending upon their wishes and the type of issues they want to discuss. It is important that all concerns/complaints raised are reported to the manager for advice and guidance, as well as to ensure that appropriate records are retained.

#### *Monitoring*

We will keep a record of any informal meetings regarding complaints. This is important because there may be occasions where issues appear to be resolved and then resurface again later. Therefore, it is helpful to have an evidence-based “paper trail” to ensure that the process remains fair and all matters are addressed effectively.

#### *Timescales*

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

Actions should be recorded at any meetings and it may be appropriate to evaluate progress at a time that is agreed by all at the meeting.

#### *Response*

The individual who raised the complaint will be informed of any action to be taken. If appropriate, this might be confirmed in writing.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the next stage.

## STAGE TWO

If you are still unhappy, the Registered Manager (RM) will try and help. The RM will write everything down and investigate if things cannot be resolved (e.g. If you are still unhappy). You will get a full written response.

### Stage Two *Formal Referral to the Registered Manager*

#### *Introduction*

This is the first stage of the formal complaints procedure and all communications between parties must be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

#### *Discussion with the Manager*

The manager will meet with the complainant and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the manager will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

#### *Submitting the Complaint*

It must be clear that the concern is a definite complaint that will be dealt with according to this policy. The complaint must be formally submitted in writing to the manager. As indicated within the 'Equal Access, Accompaniment and Representation' section of this policy, all complainants have the right to submit formal complaints, which have been written by another individual on their behalf.

#### *Acknowledgement and Timescales*

The manager should formally acknowledge the complaint within 4 working days of receiving it and begin an investigation.

#### *The Investigation*

The manager will need to investigate the complaint and review any relevant documentation and information. If necessary, the manager will interview witnesses and take statements from those involved. Children and young people may also be interviewed if the complaint relates to their conduct or an incident in which they are involved (Remember: All children and young people have a right to advocacy).

#### *Response*

The manager will provide the complainant with a full written response within 10 working days. This response will determine whether the complaint has been upheld, the reasons why, as well as what action (if any) will be taken.

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the next stage.

## STAGE THREE

If you are not happy with what the manager has said, you can ask for your complaint to be heard by a committee. The committee will include an independent person and either Phil Doyle or Daryl Holkham. They are Juventas Directors. The committee will decide if the complaint has been handled fairly and properly. Phil or Daryl will write to you with a final decision.

### Stage Three *Complaints Committee Hearing*

#### *Introduction: Complaints Committee Review.*

Upon receiving a formally submitted complaint at this stage, Juventas may choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for a Director to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of staff. In addition, an independent person will be instructed.

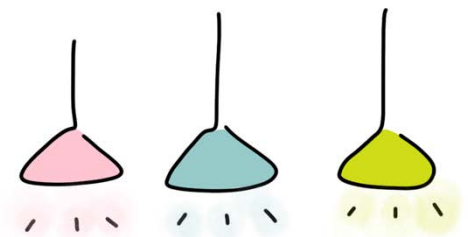
When Stage Two has been missed out, this is the first stage under which a formal complaint about the manager will be handled.

#### *Review by Complaints Committee: Key Roles & Responsibilities*

##### The Clerk

The clerk organises the complaints committee review and will:

- Set the date, time and venue of the review, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings and notify all parties of the outcome (the committee's decision).





## The Role of the Chairperson of the Complaints Committee

The chair of the complaints committee has a key role and will ensure that:

- The purpose of the committee is explained to all parties and each party has the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key factual findings are established;
- Persons' who may not be used to speaking at such a review are put at ease;
- The review is conducted appropriately with each party treating the other with respect and courtesy;
- The committee is open minded and will act independently;
- No member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Each side is given the opportunity to state their case and ask questions;
- Written material is seen and understood by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision in writing, with the committee's response within 5 working days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

## The Committee

The committee will comprise two senior employees who are independent of the incident and a further person who is independent from the service and associated organisations. PLEASE NOTE: No member of the committee will have previously been involved with dealing with the complaint. The committee will elect its own chairperson.

## Submitting a Formal Complaint

The complainant must submit a written request to Juventas for their complaint to be considered by a complaints committee.

The written request should be sent to:

- Phil Doyle (Operations Director)
- Daryl Holkham (Strategy and Compliance Director)

The address is as follows:

- Juventas Services Limited – Suite 1 – Abbey Lodge – Abbey Farm Commercial Park, Horsham St. Faiths – Norwich – NR10 3JU

## Acknowledgement and Timescales

A Director will acknowledge receipt of this letter in writing within 10 working days. This letter will inform them that the complaint will be heard by a complaints committee within 15 working days.

## Preparation

A Director will then contact the clerk and formally request that preparatory arrangements are undertaken and completed within the designated timescales. The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the designated individuals.

The clerk should then formally write to the complainant, the manager and any other relevant people and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 working days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 working days before the date of the hearing.

## The Hearing

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them.

Please note that all attendees will be asked to turn off any electronic devices to avoid unnecessary interruptions during the meeting. The recording of such meetings is not permitted, unless all present are in full and unreserved agreement that matters may be recorded electronically (i.e. digital and analogue recording devices, including mobile phones).



The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties and explain the principles and objectives of the hearing;
- The complainant will be given the opportunity to explain their complaint. Following this the manager and the complaints committee will be allowed to ask the complainant questions;
- The manager will then be given an opportunity to explain the service's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the manager;
- Every party will be given the opportunity to call and question witnesses called by other parties;
- The manager and the complainant will both be given the chance to give final statements;
- The hearing will be concluded by the chair, who should explain that the committee will consider its decision and write to both parties within 5 working days informing them of the outcome.

This format can be altered where appropriate, but the chair of the meeting has control over its proceedings. The committee will make findings and recommendations that will be made available for inspection.

## *After the Hearing*

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous or a majority decision on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the manager and the complainant.

## PLEASE NOTE:

Written records will be kept of all complaints, indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing.

If a person is dissatisfied with the response and would like to take their complaint further, they should be referred to the next stage.





## STAGE FOUR

If you are not happy with the committee's decision, you can contact:

- Ofsted ([enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk));
- The Council's Complaints Service; and
- The Children's Commissioner

### Stage Four *If a Complainant Continues to Feel Dissatisfied*

Juventas will make every reasonable effort to resolve complaints, as detailed in this policy. However, there may be times when a complainant continues to feel dissatisfied, having been through Stages One, Two and Three.

In such circumstances, the complainant can escalate their complaint to the commissioning authority.

Details of how to contact the relevant local and/or placing authority are available through their websites. In addition, any senior member of staff (such as the manager or a director) will be able to provide suitable advice about contacting such services. Furthermore, if the complainant has an independent advocate, they will also be able to provide suitable advice, guidance and direction.

Juventas will engage fully and appropriately with any such action. We are committed to being honest, open and transparent. This means that all appropriate information regarding the complaint will be provided for assessment and evaluation, as requested by the local authority and/or placing authority. This will include communications with the complainant and relevant recorded information.

### *The Children's Commissioner*

A child or young person may want to escalate the complaint to the Children's Commissioner. The child or young person may do this at any time, but they should be advised to follow the complaints procedure as outlined in this policy.

Additionally, the Children's Commissioner offers "Help at Hand" services and these can be accessed through:

- Freephone: **0800 528 0731** or Email: [help.team@childrenscommissioner.gsi.gov.uk](mailto:help.team@childrenscommissioner.gsi.gov.uk)

Help at Hand provides:

- Free independent advice on rights and entitlements; and
- Direct confident contact (<https://www.childrenscommissioner.gov.uk/help-at-hand/get-in-touch/>)

## Monitoring, Upholding or Not Upholding Complaints

At all formal stages of the complaints procedure (Stages Two to Four), the following information will be recorded in writing (if all present agree, an audio recording system may be used at any meeting with an accurate written-up copy of proceedings completed immediately thereafter and subsequently agreed as accurate, by all present):

- The name of the complainant, and the date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations, including any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

*At each stage of the complaint procedure, the conclusion will be either:*

- That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken; or
- That the complaint is not upheld and reasons for this are clearly given.

*It may be appropriate to offer one or more of the following:*

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better;
- An assurance that the event complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review policies.

## Appeals

If at any stage, as the result of a complaint, a decision or course of action is taken against an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

## Vexatious Complaints

A Director may write to a complainant and refuse to consider their complaint at Stage Three if it is felt that there are insufficient grounds to do so. This may happen for example if the complaint has already been considered at this stage or if it has been closed. In both cases, the complainant has the right to take their complaint to Stage Four.

## Confidentiality

Confidentiality is vital. All conversations and correspondence will be treated with appropriate discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between employees on a need to know basis. Idle discussion of complaints is inappropriate and unacceptable.

## Equal Access, Accompaniment and Representation

Appropriate steps should be taken to ensure that any individual can raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints that have been written by another individual on their behalf.

Complainants have the right and option to involve a local authority officer if they wish to do so. Equally the Juventas reserves the right to involve a local authority officer at the discretion of the manager.

Should any meeting need to be held where any parties would have difficulties in terms of access, Juventas will make every reasonable effort to provide an appropriate venue.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. Every opinion will be considered and formally acknowledged as part of the recording process.

## Time Limits and Deadlines

*Although each of the stages within the procedure should occur consecutively, it is not always necessary.*

Complainants may need some time to decide whether they wish to pursue the matter any further, or there may be a need to trial and evaluate outcomes.

After each stage, the complainant and the individual who is dealing with their complaint should agree an appropriate time limit.

All employees and complainants must comply with agreed time limits and deadlines contained within this policy. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible (i.e. where a complaint leads to criminal proceedings this will always be the case for example).

If it becomes necessary to alter the time limits and deadlines, the complainant will be informed and provided with an explanation as to why this has been the case.



## Appendix One: About the Quality Standards

### The Quality Standards

#### Regulation 5 Engaging with The Wider System to Ensure Each Child's Needs Are Met

The Quality Standards set out in regulations the outcomes that children must be supported to achieve while living in children's homes. Each standard has an aspirational, child-focused outcome statement, followed by a clear set of underpinning, measurable requirements that homes must meet to achieve the standard.

#### *Engaging with the wider system to ensure children's needs are met*

5. In meeting the quality standards, the registered person must, and must ensure that staff—

- a) Seek to involve each child's placing authority effectively in the child's care, in accordance with the child's relevant plans;
- b) Seek to secure the input and services required to meet each child's needs;
- c) If the registered person considers, or staff consider, a placing authority's or a relevant person's performance or response to be inadequate in relation to their role, challenge the placing authority or the relevant person to seek to ensure that each child's needs are met in accordance with the child's relevant plans; and
- d) Seek to develop and maintain effective professional relationships with such persons, bodies or organisations as the registered person considers appropriate having regard to the range of needs of children for whom it is intended that the children's home is to provide care and accommodation.

The regulations prescribe nine Quality Standards for children's homes:

- 1) The Quality and Purpose of Care Standard (Regulation 6)
- 2) The Children's Wishes and Feelings Standard (Regulation 7)
- 3) The Education Standard (Regulation 8)
- 4) The Enjoyment and Achievement Standard (Regulation 9)
- 5) The Health and Well-Being Standard (Regulation 10)
- 6) The Positive Relationships Standard (Regulation 11)
- 7) The Protection of Children Standard (Regulation 12)
- 8) The Leadership and Management Standard (Regulation 13)
- 9) The Care Planning Standard (Regulation 14)

Advocacy is when you get support to have your views and feelings heard by someone speaking on your behalf. This helps to ensure that people listen, respond and take action, as needed.

Advocacy helps to make sure that your rights are protected. Juventas staff are expected to provide you with advocacy for all kinds of situations. For example, to:

- Help to ensure that you are treated fairly at school and that you are fully supported in times of need;
- Support you in meetings and reviews;
- Speak for you in situations where you don't feel able to speak for yourself.



There may also be times when you want independent advocacy, which means getting support from people who are not part of Juventas. Each local authority must tell people about their arrangements for advocacy services in their area. They have a legal duty to provide information about children's rights to every child or young person they look after. Some local authorities provide Children's Rights services "in house" and some use other organisations to provide these for them. The Government provides funding to two independent children's rights organisations, National Youth Advocacy Service (NYAS) and Coram Voice to provide advocacy and advice for Children Looked After and Care Leavers.

Coram Voice	
0808 800 5792	<a href="http://www.coramvoice.org.uk">www.coramvoice.org.uk</a>
National Youth Advisory Service (NYAS)	
0808 808 1001	<a href="http://www.nyas.net">www.nyas.net</a>

Juventas aim to make sure  
you get the right help,  
when you need it.

# Juventas Children's Residential Care Policy

**Juventas Services Limited**

Registered in England and Wales under  
Company Number: 09763319

ICO Registration Number: ZA258785

**JUVENTAS**