



Representation and Complaints Policy and Procedures

1. Introduction:

- 1.1 The Agency has a comprehensive procedure for complaints where any individual having received a service from the Agency is dissatisfied with the way that service has been provided.
- 1.2 Access to the complaint's procedure is an entitlement under regulations and it is important that the process is explained fully to all those who use its services. The Agency will ensure that written information is available to all staff and users of its services, including children and young people, in a format accessible to them at the outset of their involvement with the Agency, which describes in some detail the procedure for expressing dissatisfaction.
- 1.3 The agency values the feedback, particularly gained from many longstanding relationships. Service users are involved at varying levels of the organisation in preparation and support groups for adoptive children and families, in the Adoption Panel and on the Board of Trustees. However, there may be occasions when individuals who use the Agency's services wish to make representation or complaints in relation to the Agency's discharge of its duties. Service users may be dissatisfied with the way the services have been provided for them or they may have a suggestion on how to improve those services. The Agency has, therefore, established procedures to provide a forum for people having complaints or suggestions.
- 1.4 The Complaints policy is set within the context of St. David's Children Society's respect of individuals and involvement of children, adults and other organisations with whom the Agency is, or has been, involved regarding provision of services It also adheres to the Social Services Complaints Procedure (Wales) Regulations 2014.
- 1.5 The Agency is committed to making use of the lessons learned from complaints in a coherent way, recognising that they provide important insights into the views of service users across the Agency. The management of complaints is an intrinsic component of quality assurance for the Society as whole.
- 1.6 The Agency will ensure that all complaints are resolved quickly and handled in a sensitive, thorough and non-biased manner.
- 1.7 The Agency will ensure that any complaint is appropriately recorded and available upon request to the Care Inspectorate Wales.
- 1.8 The Chief Executive will ensure any complaint, together with details and the outcome, is made available to the Board of Trustees.
- 1.9 There will be an annual review of all complaints leading to the review of the Agency's Policy and Procedures.



- 1.10 The Agency will maintain complete records of all complaints, e.g., how these were dealt with and the final outcome.
- 1.11 Retention of complaints will be made in line with GDPR principles and retained for a period commensurate with the nature of the complaint. As a guide, informal complaints to be retained for 2 years, Formal or serious complaints leading to disciplinary proceedings to be retained for a maximum of 15 years, or in line with retention as stated in Adopter Privacy Notice.
- 1.12 **Investigating Officer (IO)** is appointed for Stage 2 Investigation stage investigations. The IO will usually be an employee who has the position, knowledge and skill to address the specific complaint. If St David's are unable to appoint an internal person to undertake this task they will look for a suitable independent person from outside the organisation.
- 1.13 **Independent Person (IP)** is an external person appointed to oversee the fairness of the process of a Stage 2 Investigation stage investigation. The IP is appointed by the CEO. The IP must adhere to St David's privacy, confidentiality requirements; cannot be an employee of St David's; cannot be a person engaged in any way with furthering the objects of the organisation; must not be the spouse, civil or other partner of either of the previous; is not and must not act as an advocate for the complainant and must be asked and respond to the person appointing them, on if they could have any conflict of interest.

2. Who May Complain?

- 2.1. Anyone who is receiving a service from the Agency. Representations may be submitted on behalf of those receiving a service.

3. What Can Be Complained About?

- 3.1. Any aspect of the service provided by the Agency. Should the matter not be the responsibility of the Agency then assistance should be offered to help the complainant find the correct channel. E.g. Regional Collaboratives, Local Authorities, The Care Inspectorate Wales (CIW), The Children's Commissioner for Wales.

4. How Should a Complaint Be Made?

- 4.1 A complaint can be the result of an unwelcome or disputed decision; an unresolved problem; a concern about quality, appropriateness or delivery of service.
- 4.2 It may be expressed in writing or verbally and subsequently documented and agreed with the complainant.
- 4.3 When making a complaint most people want to:
 - Be listened to,
 - Have the problem accepted as important,



- To be offered a solution, resolution or explanation,
- To have their distress acknowledged and
- To be assured the same thing will not happen again.

5. Procedure

- 5.1. Most complaints can be resolved with the informal procedure of service user/social worker/Adoption Services Manager/Operational Manager AFA Cymru discussion, but the service user may sometimes feel it is necessary to invoke the formal complaints procedure.
- 5.2. The complainant should, wherever possible, discuss their dissatisfaction with the member of staff concerned. The staff member should report this discussion to his or her line manager and in the case of an adoption matter, the Adoption Services Manager. For complaints relating to AFA Cymru the matter will be recorded by the Service Manager AFA Cymru.
- 5.3. In respect of all complaints the matter will be logged in a register of complaints. In adoption matters the complaint will be recorded in the service user's file together with timescales issued and a record of acknowledgement.
- 5.4. The Chief Executive acts as the Designated Complaints Officer for the Society. All complaints will be recorded and monitored by the Chief Executive, who is the Agency's Representations Officer.
- 5.5. Any member of staff referred to by the complainant should be informed by the Adoption Service Manager or the Service Manager AFA Cymru (dependent on the service complained about) and where necessary provided with support.
- 5.6. If an external process e.g. Adoption Panel coincides with a complaint being raised by the same individual/s, responsible managers in agreement with complainant/s should decide if one process should be completed before the other commences.
- 5.7. **Stages of Investigation** - Complaints about Adoption Services, except Adoption Support Services, in Wales should have both stages 1 and 2 completed within **28** days wherever possible.

Stage 1; Informal /Local Resolution

- a) In the spirit of early and informal resolution the investigation will normally be conducted by the responsible manager.
- b) The respective senior manager will notify the complainant in writing within 7 working days of receipt of the complaint to complete the Stage 1 Complaint Registration Form and inform the complainant of the arrangements which will be made to consider the complaint.
- c) Following receipt of the Stage 1 Complaints Registration Form the investigation process will be completed within 14 days (10 working days) of the complaint having been received by the responsible manager, unless extension agreed.



- d) The complainant can use an advocate.
- e) At the conclusion of the local resolution stage the complainant should be notified in writing of a summary of what has been discussed, agreed and resolved through the Stage 1 Complaint Sign Off Form.
- f) A copy of the summary must be forwarded to the CEO who will maintain a copy on the Complainants file register. A note of the resolution must also be made on the Complainers file in adoption matters.
- g) Whilst the majority of complaints should be resolved by local resolution, the complainant should be made aware that they have the right to choose that their complaint be dealt with as a formal investigation.
- h) The complainant has 28 (20 working days) days from receipt of Stage 1 Complaint Sign Off Form to respond or ask for Stage 2 Investigation.
- i) With the return of the Stage 1 Complaint Sign Off Form the Complainant should state in writing why they believe the investigation into their complaint has not reached a satisfactory resolution at Stage 1.
- j) St David's can recommend starting at Stage 2 Investigation stage if the complaint is complex; can also start at this point if complainant is unwilling to participate in Stage 1 or if the complaint relates to serious, high-risk or high-profile issues.

Stage 2: Formal investigation

- a) A Complainant is entitled to have a complaint formally investigated if remaining dissatisfied following completion of **Stage 1** or they request that their complaint is progressed immediately to Formal Investigation.
- b) Stage 2 Investigation can also be used without Stage 1 if it is felt appropriate that an investigation would benefit from having an Investigating Officer and Independent Person from the outset. This course of action should be agreed with the complainant as they will not have had stage one of the process.
- c) A request for a complaint to be formally investigated should be made to the Chief Executive of St. David's Children Society. The request may be written by the Complainant or their representative. Agency staff should themselves offer help with this task if the Complainant requests assistance.
- d) A request for a complaint following Stage 1 investigation should be made in writing within 28 days of receipt of Stage 1 Complaint Sign Off Form.
- e) The investigation will be made by an Investigation Officer if the complainant or organisation is not satisfied with the outcome of the Stage 1 investigation.
- f) The investigation process to be completed within **25** working days unless time extended of complaint being agreed by all parties (i.e. if a complaint requires terms of reference before being agreed).
- g) On receipt of the request for investigation, the Chief Executive will:
 - i. Within 5 working days advise the Chair of St. David's Children Society Trustees of the request. The Chief Executive will then in agreement with the Chair proceed to appoint an appropriate Investigator to investigate the issues concerned.



- ii. Write to the Complainant within 5 working days acknowledging receipt of the request for investigation and appraising the Complainant of the process which will follow as regards the investigation. Letter should state that any information provided by the Complainant and collated by the organisation will be held for a minimum of 15 years in line with GDPR/ Date retention periods or will be stored in line with adoption status as outlined in our Adopter Privacy Notice.
 - iii. Advise the Adoption Services Manager or Service Manager AFA Cymru (dependent on the origin of the complaint and the service to which it relates) of the request for investigation and ensure that any member/s of staff involved in an investigation will receive appropriate agency support.
 - iv. Notify in writing within 5 working days, any Local Authority/Agency/organisation, which may have a contribution to make to the investigating officer. *N.B. It will be for the investigating officer to decide whom to approach when investigating the complaint. The intention of the Chief Executive writing will be to make sure a local authority/agency with whom the agency has been relevantly involved, is aware of the complaint and agree that the responsibility of the process of the investigation shall fall to the Society.*
- h)** The Investigating Officer will investigate the complaint in accordance with the relevant guidance documents. The Complainant will be contacted, and an appointment made to meet with them and discuss the complaint. In particular, the Complainant should be asked what resolution they are seeking. The Investigator will proceed to interview any person/s relevant to the complaint.
 - i)** When conducting the investigation, the Investigator will send each person who has been interviewed a copy of the notes of their interview and ask them to check for accuracy and inform him/her of any amendments.
 - j)** The Investigator will submit a report on their completed investigation to the Chief Executive of St. David's Children Society.
 - k)** The Chief Executive and the relevant Senior Manager shall jointly consider the report/s and determine:
 - i. how the information in the report/s is to be shared with members of staff involved. The principle will be to share as much as possible whilst maintaining necessary confidentiality
 - ii. the formal response that is to be made to the Complainant
 - iii. a summary of the report that is to be sent to the Complainant
 - l)** Notes of interviews, appended to the report, will not be sent to either the Complainant or staff.
 - m)** The Chief Executive of St. David's Children Society will write to the Complainant with the Society's formal response to the complaint and the recommendations of the Investigator.
 - n)** Following receipt of the Chief Executives formal response the Complainant has 28 days to communicate acceptance of and/or dissatisfaction with the recommendations of the investigator.
 - o)** If no communication is received within 28 days, the Society will assume the matter has been satisfactorily concluded.



- p) A copy of the formal response will be sent to any staff named in the complaint.
- q) If at any time during the course of the investigation matters arise which warrant investigation under the All Wales Child Protection Procedure (2008) or Disciplinary Procedures then the Complaints Procedure will be suspended until such investigations are completed. Similarly, if there is a police investigation pertinent to the complaint or if the Complainant chooses to seek legal redress, the complaints investigation will be suspended. In such circumstances the Complainant should be notified by the Chief Executive without delay.
- r) The Chief Executive will appraise the Chair of the Trustees regarding progress of the investigation. The Chief Executive will also send a copy of the report of the Investigator Person together with the Society's formal response, to the Chair of the Trustees.
- s) A Stage 2 Investigation is not appropriate if the complaint has been upheld at Stage 1.

6. Conduct

While investigating and responding to a complaint the organisation will:

- Listen and be responsive to people who raise an issue with us.
- Respond swiftly and at a level close to the point of service delivery.
- Be fair and consistent.
- Offer solutions and/or explanations.
- Offer complainants recourse to someone more senior/more independent if they wish.
- Ensure that staff who are mentioned in complaints receive support.
- Respect confidentiality.
- Record complaints consistently and monitor what we record.
- Use complaints positively as an opportunity for learning and improvement.
- Protect those raising a concern from victimisation and harassment.

If you become dissatisfied or concerned by the behaviour or practice of St David's Children Society, Care Inspectorate Wales as our regulatory body can be contacted, telephone: 03007900126 email: ciw@gov.wales.

While investigating and responding to a complaint the organisation expects the Complainant to:

- Keep in regular contact with us
- Behave reasonably
- a) **Unreasonable Behaviour:** unreasonable behaviour from the complainant will be deemed as;
 - (i) where the complainant's behaviour is abusive, offensive or threatening to individual members of staff and or the organisation;
 - (ii) where the frequency and type of contact is hindering the investigation and;
 - (iii) where there is persistent contact after a complaint has been fully investigated and there are no further stages for the organisation to take this.



- b) Unreasonably Persistent complainants:** Unreasonably persistent behavior refers to contact from a complainant that hinders the investigation of the complaint or where there is persistent contact after a complaint has been fully investigated and there are no further stages in the complaints process for the complainant to access. Features of an unreasonably persistent complainant may include;
- (i)** Someone who makes the same complaint with minor differences but does not accept the outcome of investigations into their complaint
 - (ii)** Someone who cannot accept that the outcome they seek is not something which can be achieved via the complaints process
 - (iii)** Someone with a history of making unreasonably persistent complaints
 - (iv)** Someone who makes the same or similar complaints via different routes
 - (v)** Someone who unreasonably changes the nature of a complaint or the desired outcome partway through the investigation or review and the formal response from the organisation
 - (vi)** Someone who makes frequent complaints about different things.

7. Monitoring of Complaints:

- 7.1. The Agency regards the existence of a complaints and representations procedure as part of the Agency's total range of service provision.
- 7.2. The Agency views positively the contributions which the complaints and representations procedure can make to practice and procedures within the agency.
- 7.3. The Agency recognises that the effective management of complaints requires significant expertise and is, therefore, committed to ensuring appropriate training to staff in this regard.
- 7.4. The Agency, in accordance with Policy and Procedures relating to evaluation and monitoring, ensures that all expressions of concern and complaint are notified and reviewed annually. It is the responsibility of the Chief Executive to monitor all complaints and expressions of concern and to bring details of such within a written report to be presented to the Trustees. The report should include all actions taken by officers of the Agency and the outcome of such actions.