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Complaints, Comments & Compliments

Procedures

LEGISLATION AND GUIDANCE

The Fostering Services (England) Regulations (FSR) 2011 regulation 18 sets out the statutory requirement for independent fostering agencies such as Parent and Child Fostering Service (PACFS) to establish a written procedure for considering complaints made by or on behalf of children placed by the agency and foster carers approved by us.

If the complaint is about a service directly provided by Parent and Child Fostering Service, then this Complaints and Representations Procedure should be used. The Fostering Services: National Minimum Standards standard 25 states that a fostering service must have a written policy and procedural guidelines on considering and responding to representations and complaints.

Statutory guidance in The Children Act Guidance Volume 4: Fostering Services states that everyone involved with the fostering service, including fostered children and their families, should know about the complaints and representations policy and how to use it. Children and young people will still have the right to access and to representation by an independent advocate through their local authority and should be advised accordingly.

The FSR 2011 regulation 36 and schedule 7 require us to notify OFSTED and a child's responsible authority of any serious complaint about a foster carer.

This is all in addition to the requirement under the Children Act 1989 for every local authority to establish a representations and complaints procedure. The placing local authority has a legal duty to investigate any complaint about its own services – including the social worker, care plan or contact arrangements – and the Adoption and Children Act 2002 amended the Children Act to require them to make an advocacy service available to that child to assist them to make a representation.

Principles

PACFS believes that foster carers, children and young people have a fundamental right to have their views heard and to be taken notice of in the development of the service. These views may be in the form of a complaint about the service, constructive ideas for how to improve the service or in the form of a compliment about how we deliver our services. Local Authorities and other agencies may also raise a complaint about PACFS.

PACFS is committed to providing a high-quality service. Children and young people placed with foster carers, their parents, foster carers themselves, and people working on behalf of PACFS are entitled to make complaints or representations about PACFS's services.

PACFS Agency is committed to an accessible and effective complaints and representations procedure. Looked after children and young people will sometimes find it difficult to make a complaint, and staff and foster carers have a duty to support and enable children to make full use of these procedures. No child will be subject to any reprisal for making a complaint or representation.

This complaint procedure is **not** intended to cover allegations of a child protection nature. Such child protection allegations will be addressed through the agency's safeguarding procedures which is available on our web site: www.pacfs.co.uk and on our IT system Jellybaby.

This complaint procedure does not cover issues relating to other agencies. If the complaint is **not** in relation to PACFS, for example, if it relates to the actions of a Local Authority, then the complaint must be investigated through the particular Local Authority's complaints procedure. However, in the case of a foster carer making a complaint, PACFS should always be informed before the carer raises their complaint with the Local Authority.

No person who is the subject of a complaint takes any part in its consideration. If the complaint is about the Fostering Manager, the

Responsible Individual should instead be contacted. The Responsible Individual is based at the same office address.

If the complaint is about the Responsible Individual, the Fostering Manager should be contacted as above but will immediately refer the complaint to an external agency for investigation.

PACFS management team will ensure that each foster carer, member of staff or other person working on behalf of the agency, and child (if of sufficient age and understanding) will know how and to whom to register a complaint. This information will be contained in the foster carer handbook, employee handbook, and the children's handbook.

A child's parents or person with parental responsibility will be informed of PACFS's complaints and representations procedure via the Children as well as the Parent Guides given to those placed at the start of the placement. This is further discussed at the initial planning meeting or subsequent reviews and during the supervisory visit carried out by our Supervising Social Worker.

The Complaints and Representations Procedure have three stages, and the complaint can be resolved at any of these stages. The first stage is *informal*.

ROLES AND RESPONSIBILITIES

The Complaints Officer

The Complaints Officer is a Senior Officer who co-ordinates all aspects of PACFS Complaints Procedure. These include:

- a) Recording receipt of each complaint.
- b) Written acknowledgement of receipt of each complaint.
- c) Explaining the procedures to parties involved and providing contact details for the inspection body OFSTED.
- d) Appointing, or advising on the appointment of an independent person at each stage of the consideration of a complaint; and

- e) Recording the outcome of each stage of consideration of a complaint. If this is in connection with a foster carer, it should be recorded in their relevant file.

For PACFS, the Complaints Officer is the Fostering Manager.

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261 Ealing Road
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HA0 1ET

Telephone Number 0208 959 0414

Mobile 07572 378258

Email: jesse@parentandchildfostering.com

Recording Complaints

Complaints made orally that get to a formal stage should be recorded in writing. In relation to any complaints made against foster carers, these will be recorded in their relevant file. The written version should be sent to the complainant who may comment on its accuracy. Any comments received will be considered by PACFS, which may then amend its records. In response to confirmation of an oral complaint, or as soon as a written complaint is received, the agency will send to the complainant a copy of PACFS Complaints Procedure.

Independent Persons

PACFS will appoint an independent person to take part in formal stages of the Agency's consideration of a complaint as deemed appropriate. PACFS employees, or persons engaged in any direct work with children, carers or staff, or the spouse of any such person, are excluded from acting as an independent person under the Complaints and Representations Procedure. For the purposes of this procedure, co-habitees and other adult members of employees' families should also be excluded.

COMPLAINTS AND REPRESENTATIONS PROCEDURE - STAGES

Stage 1 (Informal Stage)

PACFS expects that carers will inform PACFS as and when issues arise. Many problems that arise in daily life are resolved through explanation, listening, discussion and negotiation and this will be the first route to resolution.

If the complainant is a child or young person, their need to have independent support or advocacy will be discussed by the foster carer and their support worker, and the child will be informed of their entitlement to representation by an advocate.

Normally, PACFS will seek satisfactory resolution to the complaint within 10 working days, extending this by a further 10 days in exceptional circumstances, such as complexity of the issue or unavailability of key individuals.

If the problem cannot be resolved informally and the complainant wishes to take it further, they will be invited to set down the complaint in writing, and this will be treated as a formal complaint under Stages 2 and/or 3 below. A

child or young person will be given help to express his/her views clearly, using the advocate if appointed. The complainant will have 28 days in which to register the complaint in writing. In these circumstances, the complaint investigation and outcome will be shared with the team manager of the relevant Local Authority, and with OFSTED.

Stage 2 – Making A Formal Complaint

If a complainant is not satisfied with the informal response they receive, or if they wish to complain formally to the Parent and Child Fostering Agency, they can do so at any time to the Fostering Manager who acts as the Complaints Officer. Once the complaint or representation is made formally in writing, the Agency will consider it and formulate a response within 28 days of its receipt, unless the complaint is withdrawn earlier. This will include an indication as to whether effort will be made to try and resolve the complaint via internal investigation or, in the case of potentially serious complaints, to move straight to the independent investigation stage. In exceptional circumstances, this period may be extended to 56 days.

Once appointed, the independent person should take part in all discussions that the Agency holds about the complaint. He or she should be allowed to interview the complainant and any other person involved, such as family members or relevant members of staff, if this is considered necessary to form an independent view. An independent person should be provided with all relevant papers relating to the complaint. The independent person should also be given access to any other material which he or she considers relevant. The independent person should provide written comments to the agency.

The Agency will draw up a written report containing:

- a) Details of findings, conclusions, outcomes against each point of the complaint (i.e., upheld or not upheld).
- b) Recommendations about how to remedy any injustice to the complainant.

Copies of the report will be provided to the following people:

- a) The complainant and any representatives.
- b) If different, the person on whose behalf the complaint was made, unless the agency considers he or she is not of sufficient understanding or that it might be likely to cause serious harm to his or her health or emotional condition; and
- c) Any other person whom PACFS considers has sufficient interest in the case (e.g., in the case of a looked after child, the responsible authority).

At the same time, the complainant will be informed of their right to ask, within 28 days, to have the complaint referred further to a Complaints Panel under Stage 3 if they are unhappy about the Agency's decision.

Stage 3 – Requesting an Independent Review

A request for an independent investigation should be made in writing to the Complaints Officer. If the complainant does exercise their right and informs the Agency (in writing and within 28 days) that they are dissatisfied, the request should be acknowledged in writing within seven working days, including details of the proposed investigation and the matter should be referred to a Complaints Panel. Members of the panel would have knowledge, experience and training in managing complaints. The Panel, which should conduct its business as informally as possible, should include an independent person. The Panel will meet within 28 days and will consider any oral and written submissions. The complainant and their representative or advocate have the right to attend and speak at the Panel.

Within 24 hours of the Complaints Panel meeting, its recommendations and its reasons for reaching their recommendations should be sent to:

- a) The Directors of PACFS Agency.
- b) The complainant.

- c) The (original) independent person, if different from the independent person on the panel.
- d) Any other person whom the agency considers has enough interest in the case (e.g., the responsible local authority).

Any recommendation made by the independent person or Complaints Panel will be considered by selected identified members of the Complaints Panel for the appropriate course of action and OFSTED will be informed of the outcome as soon as practicable.

PACFS will provide OFSTED with a statement containing a summary of any complaints made during the preceding 12 months and the actions taken in response.

Monitoring and Quality assurance

All complaints, representations and allegations against foster carers are monitored by the Fostering Manager and reported to the Responsible Individual. Outcomes are annually evaluated as a basis for informing future service provision. Comments and compliments are also collated, analysed and included in management reports. Information from these processes is shared with staff and the fostering panels.

Whistle Blowing

PACFS has Whistle Blowing Policies for staff and foster carers. These outline the procedure for reporting any circumstances within the fostering service. PACFS is an open and transparent organisation that encourages its foster carers to seek advice from outside organisations if they are not satisfied with the response to any serious complaint.

Representations

Foster carers and prospective applicants are entitled to make representations in writing or in person to PACFS panel in relation to their

approval as foster carers – in instances where the agency makes a ‘qualifying determination’ in relation to one of the following areas:

- The agency proposes not to approve the applicants as foster carers.
- The agency proposes to change the foster carer’s terms of approval.
- The agency proposes to terminate the foster carer’s approval.

In this case, the foster carer/applicant will receive a letter containing the qualifying determination and will have 28 days in which to confirm whether they wish to make representations or to refer their case for review to an independent fostering panel. The procedures in these instances are to be found in the policies on Recruitment, Assessment and Approval of Foster Carers, and Review and Termination of Foster Carer Approval.

Where a complaint involves an approved foster carer and on completion of the complaint investigation, the Supervising Social Worker will complete an annual foster carer review with recommendations and present this at the agency’s fostering panel. Outcomes from investigations are annually evaluated as a basis for informing policy and future service provision. Comments and compliments are also collated, analysed and included in management reports and relevant information from these processes is shared with staff and the fostering panel.

The Fostering Service is inspected by OFSTED who are also responsible for the investigation of complaints about the Fostering Service and can be contacted as follows:

OFSTED can also be contacted directly should any individual choose to discuss a concern or complaint about the fostering service and feel unable directly to approach the service. Their contact details are:

By Email: enquiries@ofsted.gov.uk

Telephone: 0300 123 1231

Fax: 0300 123 3159

In writing:

The Chief Inspector of OFSTED

OFSTED National Business Unit

Royal Exchange Buildings

Piccadilly Gate

Store Street

Manchester, M1 2WD

The Fostering Manager will automatically refer any serious complaints against foster carers to OFSTED for information and will advise OFSTED of the outcome of any investigation.

There is the Children's Commissioner for England whose role is to protect the rights of children and young people, especially the most vulnerable, and stands up for their views and interests. They can be contacted as follows:

The Office of the Children's Commissioner for England

Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Tel: 0207 7838330

email info.request@childrenscommissioner.gov.uk

<https://www.childrenscommissioner.gov.uk/>