



COMPLAINTS POLICY

This document sets out the SWIS policy and procedure in relation to complaints. The procedure must be used when children, young people or external stakeholders wish to make a complaint.

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INTRODUCTION

SWIS encourage openness and transparency. We expect that complaints will be handled sensitively and supportively, with respect and candour.

We 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 South West Intervention Services (“SWIS”) Limited.

SWIS know that things can go wrong. Our complaints procedure is not only focused upon how we can make things better, but we also recognise that complaints provide us with a valuable opportunity to capture learning and development opportunities.

Please note that if a colleague wishes to make a complaint, they must refer to our Disciplinary, Professional Conduct, Grievance & Appeals Policy.

PURPOSE & AIMS

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 to provide the best possible services and support.

SWIS have embedded a culture of continuous improvement, and for this to be effective we need to know when people feel unhappy or concerned to make things better (now, and for the future).

THE PURPOSE OF OUR COMPLAINTS PROCEDURE

Our complaints procedure has been implemented to:

- **Encourage resolution informally wherever possible.**
- **Be easily accessible.**
- **Be simple to understand and use.**
- **Be impartial.**
- **Be non-adversarial.**
- **Allow swift handling with time-limits for action and keep people informed of progress.**
- **Ensure a full and fair investigation by an independent person where necessary.**
- **Respect confidentiality.**
- **Address all the points at issue and provide an effective response and appropriate redress.**
- **Monitor complaints so that services can be improved.**

OUR AIMS

Our aims are to:

- Respond to complaints with sensitivity and supportively, with respect and candour.
- Seek positive resolution of problems by informal means.
- Ensure that no child or young person (or adult) is subject to any reprisal or detriment for making a complaint.
- Provide a transparent and informative service to all children, 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 SWIS.
- Allow for open, engaged environment.
- Learn from our mistakes. Provide information to the leadership team so that services can be improved, focusing on maintaining safe and positive relationships.

WHO CAN COMPLAIN?

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

SWIS wish to make clear from the onset that anyone who wishes to make a complaint has a right 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. SWIS are committed to this principle and any attempt by any colleague to “cover up” concerns or ignore complaints will be taken extremely seriously.

HELPING YOUNG PEOPLE TO EXPRESS THEIR VIEWS AND FEELINGS

It is essential that children and young people are provided with every reasonable opportunity to express their views and feelings about SWIS.

It is responsibility of the relevant manager to ensure that children and young people can demonstrate an appropriate understanding of how to make a complaint and how complaints will be handled.

SUPPORTING YOUNG PEOPLE TO RAISE ANY CONCERNS OR WORRIES

Colleagues must seek to ensure, and be satisfied, that children and young people know they can use a wide range of means to let us know if they are feeling unhappy or wish to complain.

This is important because children and young people are different and as such, colleagues should adopt an approach that “best fits” with the child or young person’s personality, individual needs, and character, as well as the context of their concern. For example, some children and young people may require a peaceful and structured 1:1 meeting (such as with a trusted adult), whilst others may prefer to talk openly.

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 an adult (i.e., a colleague).
- Use independent advocacy services (see below for examples) or nominate a suitable advocate.

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 07310731

Children and young people, with the support of a colleague if they wish, can also seek further advice by going to: <http://www.childrenscommissioner.gov>

If a child, young person, parent/carer or any other stakeholder wishes to raise an official complaint, this will be responded to and recorded through the following four stage complaints process.

It is to be used when it is not possible to resolve concerns through solution-focused discussion at Stage One (i.e., Informal), resulting in an escalation to Stages Two, Three and Four (i.e., Formal).

Please note that all matters must be recorded, including an account of Stage One complaints that are resolved through discussion.

SUMMARY OF STAFF PROCEDURES

Colleagues must ensure that:

- Children and young people are empowered to express their views, wishes and feelings about their experiences of SWIS.
- Questions or concerns raised by children and young people are responded to appropriately. We want them to know that their views and opinions are valuable to us. This means helping them to understand how their views, wishes and feelings have been acknowledged, with an explanation of why certain decisions are made.
- The views, wishes and feelings of children and young people are recorded.
- Children and young people are not made to feel guilty or ashamed, ensuring that they do not experience any reprisal or detriment. Under no circumstances should colleagues belittle or undermine the views and feelings of children and young people.
- Positive relationships are maintained.
- They do not adopt or use a defensive approach to hearing complaints or concerns.
- They behave with respect and candour (i.e., if a mistake has been made, say “sorry”).
- Provide feedback to any person making a complaint about the process and outcome of their complaint.
- They help each child or young person to understand how their privacy will be respected.
- Each child or young person is given - and fully supported to - use advocacy support, as required.

Managers must:

- Promote a psychologically safe environment for all children, young people, colleagues, and other relevant stakeholders, which will encourage candour and transparency in practice.
- Ensure that colleagues record all complaints, which must be reviewed regularly by senior management to monitor ongoing concerns and ensure opportunities for development or learning are captured.
- Ensure colleagues provide feedback to children, young people and adult complainants about the process and outcome of their complaint.
- Maintain a central record of complaints, which must be available for management review. This must include the action taken in response, and the outcome of any investigation.
- Provide any required additional training required following a complaint, whether the outcome is upheld, partially upheld, or not upheld.

Colleagues have a duty to be proactive in gaining each child or young person’s views and feelings about their experiences of SWIS. All such matters must be recorded and retained within the child or young person’s files.

CIRCUMSTANCES WHERE THIS POLICY DOES NOT APPLY

Issues related to allegations, disclosures, low-level concerns, whistleblowing, criminal investigations, as well as colleague grievances must all be handled separately from this policy.

For further guidance, please refer to our:

- **Safeguarding Policy Manual and related safeguarding policies, which include guidance upon raising concerns about the conduct and behaviour of a colleague. If in any doubt, contact a manager or supervisor who will be happy to advise.**
- **Disciplinary, Professional Conduct, Grievance, and Appeals Policy if you are a colleague wishing to make a complaint.**

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, noting that ‘no person who is the subject of a complaint or representation takes any part in its consideration or investigation, except at the informal resolution stage if the registered person considers it appropriate.’

FOUR STAGE COMPLAINTS PROCESS

THERE ARE FOUR STAGES OF ACTION: AN INITIAL INFORMAL STAGE & THREE FORMAL STAGES.

Within the Informal Stage, primary responsibility rests with colleagues. This means that colleagues will seek every reasonable opportunity to resolve matters raised and make things better again.

Within the Formal Stages, responsibility rests with SWIS management. This includes, the SMT and Directors.

Each of the following 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).

Colleagues must remember that children and young people must be supported to access independent advocacy as required, in all stages. Furthermore, parents or carers should speak with a colleague about any additional support or access requirements.

STAGE ONE

Colleagues will listen to your complaint and try to make things better. They will record your complaint and all that has been said.

STAGE ONE INFORMAL

Most complaints can be handled informally and resolved through solution-focused discussion.

This means that colleagues will focus their approach upon finding solutions to concerns raised. Colleagues will ask what can be done to make things better and empower the child or young person to actively contribute towards finding/engaging in a solution, where appropriate.

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

WHO TO SPEAK TO?

You may decide to raise your concerns with a colleague who will listen and attempt to make things better. It is important that all concerns or 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, but then resurface again later. Furthermore, we must record all complaints, including any action taken in response. If the complaint relates to a potentially serious issue (that is not a safeguarding concern), it may be necessary to move directly to STAGE TWO. This is because complaints relating to conduct will likely involve an investigation.

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.

RESPONSE

You will be informed of any action to be taken. If appropriate, this may be confirmed in writing.

If you're dissatisfied with the response, you have been given and would like to take your complaint further, you should move to STAGE THREE.

STAGE TWO

If you are still unhappy, the relevant manager or supervisor will try and help. They will write everything down and investigate if things cannot be resolved. You will get a full written response.

STAGE TWO FORMAL REFERRAL TO A MANAGER

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 A MANAGER

The manager/supervisor will meet with you and discuss your concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the manager/supervisor will decide whether your complaint will be dealt with by this policy or another 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/supervisor. 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/supervisor should formally acknowledge the complaint within 4 working days of receiving it and begin an investigation.

THE INVESTIGATION

The manager/supervisor will need to investigate the complaint and review any relevant documentation and information. If necessary, the manager/supervisor 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. This will be handled sensitively and supportively, and they will also have a right to advocacy.

RESPONSE

The manager/supervisor will provide you 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 you are dissatisfied with the response they have been given and would like to your complaint further, you should move to STAGE THREE.

STAGE THREE

If you are not happy with what the manager/supervisor has said, you can ask for your complaint to be heard by a committee.

The committee will include an independent person, as well as Alison Moore (Managing Director) or a nominated board colleague. The committee will decide if the complaint has been handled fairly and properly. Alison will write to you with a final decision.

Please note that SWIS will notify the Board of Directors of any complaint has been escalated to STAGE THREE.

STAGE THREE COMPLAINTS COMMITTEE HEARING

INTRODUCTION: COMPLAINTS COMMITTEE REVIEW

Upon receiving a formally submitted complaint at this stage, SWIS may choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible for Alison 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 suitable colleague, or an independent person will be instructed, depending upon the nature of the complaint.

Please note that this is the first stage under which a formal complaint about a 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.
- 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 relevant parties.

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 colleagues 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

You are required to must a written request to SWIS for your complaint to be considered by a complaints committee.

The written request should be sent to:

- Alison Moore (Managing Director)

The address is as follows:

- South West Intervention Services (SWIS)– 43 Palace Avenue, Paignton, TQ3 3EN

ACKNOWLEDGEMENT AND TIMESCALES

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

PREPARATION

A senior management colleague 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 you 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.

PLEASE NOTE:

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.
- You will be given the opportunity to explain your complaint. Following this the nominated senior management colleague and the complaints committee will be allowed to ask you questions. Remember that you are entitled to advocacy as required.
- The nominated senior management colleague will then be given an opportunity to explain the service's official response, interpretation, or view about the complaint. Following this you and committee will be allowed to ask any questions.
- Every party will be given the opportunity to call and question witnesses called by other parties.
- You, and the nominated senior management colleague, will 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 a summary letter to you, with copies to relevant people involved in the complaint.

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 you are dissatisfied with the response and would like to take your complaint further, you will be referred to the next stage.

STAGE FOUR

If you are not happy with the committee's decision, you can contact an external authority or agency:

- The relevant Council's Complaints Service.
- The Children's Commissioner.

STAGE FOUR IF YOU CONTINUE TO FEEL DISSATISFIED

SWIS will make every reasonable effort to resolve complaints, as detailed in this policy. However, you may feel dissatisfied, having been through Stages One, Two and Three. In such circumstances, you can escalate your complaint to the commissioning authority (i.e., the relevant local authority's complaints service) and the Children's Commissioner.

Details of how to contact the relevant local and/or placing authority are available through their websites. We will 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 support.

SWIS 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. This will include communications with you and all relevant recorded information.

THE CHILDREN'S COMMISSIONER

Children and young people may wish to escalate the complaint to the Children's Commissioner. You may do this at any time, SWIS advise you to follow the complaints procedure as outlined in this policy.

The Children's Commissioner offers a "Help at Hand" service, and these can be accessed through:

- Freephone: 0800 528 0731 or Email: help.team@childrenscommissioner.gsi.gov.uk

HELP AT HAND PROVIDES:

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

MONITORING, UPHOLDING OR NOT UPHOLDING COMPLAINTS

At all formal stages of the complaint's procedure (Stages Two to Four), the following information will be recorded in writing.

- The name of the person or persons complaining, 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).

If all 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:

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

Those who become the subject of any decisions made in relation to the complaint have the right to appeal. This is particularly important if they feel the complaint is ungrounded, unjustified, or incorrect.

VEXATIOUS COMPLAINTS

Vexatious complaints are those that cause, or are intended to cause, annoyance, frustration or worry. A vexatious complaint could be one that has been made through spite or anger for example.

A Director may write to you and refuse to consider your 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, you have the right to take your complaint to Stage Four.

If you are found to have made a vexatious complaint, we will seek to understand why the complaint was made. This is important because it could:

- Alert colleagues to wider potential concerns that need to be addressed.
- Highlight difficulties with engagement and interaction.
- Indicate that the colleague who is the subject of the complaint, requires further training, support, or guidance.

CONFIDENTIALITY

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

EQUAL ACCESS, ACCOMPANIMENT & REPRESENTATION

Anyone can make a complaint and it will be handled in strict accordance with the process detailed in this policy. People making a complaint against SWIS have a right to be accompanied or represented by an advocate (who may also be a friend or relative) at discussions and hearings and/or to submit formal complaints that have been written by another person on their behalf.

You have the right and option to involve a local authority officer if you wish to do so. Equally, SWIS reserves the right to involve a local authority officer at our discretion.

Should any meeting need to be held where any parties would have difficulties in terms of access (e.g., physical or otherwise), SWIS will make every reasonable effort to provide an appropriate venue. It is a fundamental expectation that equal respect will be granted to every person involved within the process and that differences between people will be respected and understood.

TIME LIMITS & DEADLINES

Although each of the complaint stages should occur consecutively, it is not always necessary.

You may need some time to decide whether you wish to pursue the matter any further, or there may be a need to trial and evaluate outcomes. After each stage, you and the individual who is dealing with their complaint should agree an appropriate time limit.

If you are making a complaint, you and SWIS are required to comply with agreed time limits and deadlines. 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 for example).

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

RECORDING & MONITORING COMPLAINTS

A relevant manager or supervisor will provide operational directors with an account of all (or any) complaints made each calendar month.

Complaints that reach STAGE THREE must be recorded in the monthly incident tracker, which provides Board colleagues with data and information relating to serious operational issues and concerns, and crucially how they have or are being managed.

All complaints must be recorded in a suitably anonymised central register. The register will include:

- **A summary of the complaint made.**
- **The action required to resolve the complaint.**
- **The outcome of the complaint, such as (a) the stage that the complaint was resolved, and (b) the outcome of the complaint (i.e., upheld, particularly upheld, or not upheld).**
- **Any lessons learned, and how any such lessons will be used to improve practice.**

The final part of this policy provides two printable complaints posters. The first poster (see over) has been created to encourage accessibility, whilst the final poster provides more detail.



We want you to tell us if you are not happy.



We want to make things right for you.



We will work together to make things better.

HOW TO COMPLAIN

- 1. Let an adult know you are not happy.
They will try to help you and make everything better.**
- 2. If the adult cannot help, they will tell a manager.
The manager will try to help you and make everything better.**
- 3. If the manager cannot help, they will tell a director.
The director will try to help you and make everything better.**
- 4. If you are still unhappy, you can complain to people who are not part of SWIS, such as the Children's Commissioner or the local authority. We can help you to speak to the right people.**



**You can get help at any stage of the complaints process.
We want to know if you are unhappy, and we will always listen and do our best to make things better.**

HOW TO MAKE A COMPLAINT YOUR RIGHTS & OUR RESPONSIBILITIES



We want to know if you are unhappy about anything to do with SWIS. Therefore, we have a complaints procedure that always starts with a chat.

Having a chat about why you are unhappy is Stage One. If that doesn't work, you can use the stages below to make a formal complaint. At every stage, we will do our best to make things right again. You can also choose to have a trusted adult to support you through this process.

STAGE ONE

Staff will listen to your complaint and try to make things better. The person will record your complaint and all that has been said.

STAGE TWO

If you are still unhappy a manager will try and help. They 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 manager has said, you can ask for your complaint to be heard by an independent person, and a director. Alison Moore is a SWIS Director. With the independent person, Alison will decide if the complaint has been handled fairly. Alison will write to you with a final decision.

STAGE FOUR

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

- The Council's Complaints Service
- The Children's Commissioner.

South West Intervention Services (SWIS)

The Hive, Ground Floor

Buckfastleigh Football Club

Duckspod Road

Buckfastleigh

TQ11 0NL

Registered in England and Wales under

Company Number: 09945524

