

Representation And Complaints Procedure

Representation and Complaints Procedure

Introduction

Our representation and complaints procedure is integral to the work of FosterTalk, and we therefore encourage staff and partner organisations to be receptive and sensitive at all times to representations and complaints made about our services. .

No individual or organisation is perfect and we can always learn from what people have to say about us. To fail to respond promptly and sympathetically to a complaint in its early stages can sometimes lead to serious problems at a later date.

We therefore regard this procedure in a positive light, and see it as an important tool to help monitor and evaluate the standard of service we give to Foster Carers, their families, and commissioning Fostering Service Providers.

It is important to note that the FosterTalk Representation & Complaints Procedure is not intended to replace the complaints procedures already established by Fostering Service Providers and that procedures produced by Fostering Service Providers may take precedence over this FosterTalk procedure. Complainants will be consulted about which procedure will be used if more than one may be invoked.

It should also be noted that this procedure does not replace child protection/ safeguarding, grievance or disciplinary procedures, which can run concurrently with any action taken under the representations and complaints procedure.

Terminology: for the purpose of this procedure the following terms are used throughout

- **Representations** are defined as enquiries and statements about such matters as the availability, delivery and nature of services and will not necessarily be critical. Indeed, some representations may be complimentary and are recorded on the FosterTalk database. With consent, compliments may also be used for marketing purposes.
- **A complaint** is a written or oral expression of dissatisfaction or disquiet in relation to concern about the quality or appropriateness of services, or about delivery or non-delivery of services.

Policy

We have based our procedure on the principles listed below:

- We seek to create an ethos in which a Foster Carer or other Fostering Service Provider representative can confidently make a representation or complaint knowing that it will be dealt with promptly and with fairness.
- The procedure will be made available to Foster Carers and Fostering Service Provider whenever requested.
- Any complaint should be resolved as near as possible to the point at which it arises.
- The level at which the complaint or representation is dealt with will reflect the seriousness of that complaint or representation.
- All representations and complaints will be recorded in writing.
- Where necessary and appropriate, representations and complaints will be shared with the relevant partner service provider organisations or individuals including self-employed representatives who act for and on behalf of FosterTalk.

Representation And Complaints Procedure

Complaints Procedure - overview

FosterTalk has a three stage procedure for dealing with complaints:

Stage One Informal Problem Solving

Stage Two Independent Investigation

Stage Three Complaints Review Panel

Stage One

Informal problem solving

- Complaint – acknowledged in writing and/or verbally within 3 working days by designated manager.
- Complaint recorded on FosterTalk’s database and allocated for investigation.
- Attempt to resolve locally – clarification, negotiation, mediation, practical action by allocated person in consultation with complainant.
- Response – determined within 10, or a maximum of 20, working days of complaint being made and outcome letter sent to complainant.
- Complainant satisfied with outcome?

YES → Resolved and recorded on FosterTalk database, submitted to FosterTalk Managing Director.

NO → Complainant advised of option of proceeding to Stage Two.

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Stage Two

Independent investigation

- Complaint referred by designated manager to Independent Investigator who may be an appropriate member of staff from an organisation independent of FosterTalk.
- Independent Investigator contacts complainant to establish facts within 5 working days where possible
- Investigation undertaken and report completed (28 working days target completion; complainant kept informed if more time required).
- Report shared with complainant and other parties, in whole or part, by Independent Investigator in conjunction with the Managing Director of FosterTalk if appropriate.
- Outcome provided in writing to complainant within further 5 working days.
- Complainant satisfied with outcome?

YES → Resolved and recorded on FosterTalk’s database

NO

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Stage Three

Complaints Review Panel

N.B. Where resources are limited this may involve suitably qualified individuals external to FosterTalk who have been contracted in for this purpose.

- Request to proceed to Stage 3 received within 28 days of outcome letter for Stage 2
- Independent Investigator’s report provided to panel members, together with written reasons for continuing dissatisfaction by Complainant
- Complainant attends to make representations to panel.
- Panel makes initial response to complainant within 24 hours.
- Written response made to complainant within 5 working days.

OUTCOME OF COMPLAINTS REVIEW PANEL IS FINAL RESPONSE FROM FOSTERTALK

Representation And Complaints Procedure

Stage One - Informal Problem Solving

FosterTalk staff and partner fostering service providers seek wherever possible to resolve matters as part of their normal daily routines and duties, but where they are unable to do so, FosterTalk staff are instructed to make the complainant aware of this procedure and advise them about who they should contact to make their dissatisfaction known. In the first instance this will be the Managing Director or other designated local manager who will acknowledge the complaint within 3 working days, and specify which member of staff will address it and seek to resolve matters with the complainant.

The person appointed at Stage 1 will contact the complainant and attempt to resolve the complaint informally through discussion, negotiation and/or mediation, offering practical action where this will resolve the complaint. A formal written response will be made within 10 working days, or where this is not possible, within a maximum of 20 working days.

In the event of it not being possible to resolve a complaint informally at local level then the complainant will be informed in writing (stage one outcome letter) of his/her right to pursue the matter further through an Independent Investigator.

In those situations where no attempt has been made by the complainant to resolve the complaint informally at a local level, the Independent Investigator will encourage complainants to follow this route. However where a complainant does not agree to pursue this option then a formal complaint can be lodged at Stage Two of this Procedure.

In this case, the appointed Independent Investigator will respond to the complainant within 5 working days to establish the specific detail of the complaint and to inform the complainant about how the matter will be investigated. This will include advising the complainant of their right, in some circumstances, to have their complaint investigated under local authority representations and complaints procedures.

In matters of a serious nature, particularly those concerning child protection issues, the appointed Independent Investigator will advise that the complaint must be investigated under the relevant local authority procedures.

Stage Two - Independent Investigation

Under the FosterTalk procedure, the investigation will be carried out by an Independent Investigator who has had no previous involvement with the matter concerned. This may be a member of staff from an organisation independent of FosterTalk or an externally contracted individual with relevant qualifications and experience. Any such appointment will be made known to and discussed with all parties prior to the commencement of the investigation. In appropriate circumstances, local authority social workers will be informed of the complaint and of the progress of the investigation and outcome.

No one who is the subject of, or who has been involved in seeking to resolve, the complaint informally (stage 1) will be responsible for any investigation conducted under stage 2.

In some circumstances the task of an Independent Investigator may be one of ensuring that the complainant is aware of his/her right to complain under alternative procedures. Where appropriate this could include making the complainant aware of his/her right to seek advice from his/her solicitor, Member of Parliament, local councillor or local government ombudsman.

Representation And Complaints Procedure

If the complainant chooses an alternative to the FosterTalk procedure, then an Independent Investigator may in some circumstances be appointed to assist the complainant in making his/her complaint to the relevant authority.

The independent investigator will have the right (subject to any necessary permissions) to examine any relevant documents held by FosterTalk and, as appropriate, to interview Foster Carers, their family members, Fostering Service Provider staff and others whose involvement has been significant. The method and conduct of the investigation will be in accordance with guidelines for Independent Investigators. The target timescale for completing an investigation at Stage 2 is 28 days. If the issues are complex or more time is required, the independent investigator will inform the complainant of revised timescales for the completion of their investigation.

The Independent Investigator will submit a written report within 5 working days of completing the investigation. Within this report the Independent Investigator will reach a view about the findings and whether the complaint is upheld. The guidelines for Independent Investigators indicate that they should prepare their written reports on the assumption that the content will be shared with the complainant and other parties.

The outcome of the investigation and the response on behalf of FosterTalk will be communicated in writing within a further 5 working days to the complainant and other relevant parties, which may include making all or some of the Independent Investigator's report available. The decision about making all or some of the Independent Investigator's report available will take full account of issues of client confidentiality and data protection legislation.

Stage Three – Complaints Review Panel

Where a complainant remains dissatisfied with the response at stage 2, they may request that a complaints review panel be set up to consider the complaint investigation and its findings. The request must be received within 28 days of receiving the outcome in writing of the stage 2 independent investigation.

The panel will consist of an executive director from the FosterTalk Board of Directors, another senior FosterTalk manager who has no connection with the complaint and someone who is independent of FosterTalk i.e. an individual with a relevant background and expertise who is not an employee of FosterTalk.

A complaints review panel meeting will be convened via the quality assurance team and the venue and date/time for this will be agreed with the complainant and the procedure and background documentation will be circulated to all parties.

The complainant makes his / her representation to the panel who will then make an initial response to the complainant within 24 hours. A full written response will be provided within 5 working days.

Who Can Make A Complaint?

- A Foster Carer or other FosterTalk Service User
- Fostering Service Provider representative/colleagues
- Anyone else for whom FosterTalk have agreed to provide a service

With complaints that are specifically about a FosterTalk, an executive director or other FosterTalk director, then it may be still appropriate and possible to achieve an informal resolution of the difficulties that have arisen. However, it is understood that in such circumstances a complainant might wish to request a formal (stage 2) investigation from the outset.

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Information about how to complain

A copy of FosterTalk Representation & Complaints Procedure is available on the FosterTalk website (www.fostertalk.org) and will be provided on request to:

- Foster carers
- Fostering Service Provider representative
- Any Service User who requests a copy

Designated Complaints Receiving Officer

The Designated Complaints Receiving Officer is the Managing Director of, FosterTalk. The post holder's role within FosterTalk, to monitor and promote quality in all aspects of the organisation's activities, ensures the necessary authority for complaints to be properly investigated and responded to.

The Managing Director has responsibility to:

- Monitor all representations & complaints dealt with locally at stage one; through responding to requests for advice from FosterTalk staff and quarterly monitoring returns
- Oversee the investigation of complaints that cannot be resolved at stage 1.
- Advise on matters of FosterTalk policies and procedures and the law, requirements and good practice guidance which underwrite them.
- Ensure that the complainant is aware of other avenues of complaint open to him / her.
- Ensure that the relevant parties receive copies of the Independent Investigators' reports as appropriate and that outcomes are communicated to all concerned.
- Ensure the smooth running of the complaints review panel arrangements including the convening and servicing of the panel.
- Maintain records of all complaints and their outcomes and ensure that such information is incorporated in relevant reviews of FosterTalk's quality strategy and made available (in suitably anonymised format) in response to any reasonable written request

FosterTalk has a policy of encouraging user Fostering Service Providers to inspect and evaluate our services. FosterTalk welcome the possibility of becoming regulated and inspected by a suitable Governing Body/Authority/Organisation.