



FORTITUDE **FOSTERING**

Fortitude Fostering Complaints Policy

The purpose of this document is to provide the framework in which complaints can be managed within Fortitude Fostering. The Policy is in line with the Care Standards Act 2000, and the Children Act 1989 (Regulatory Reform and Complaints). Regulations 2011 Regulations & Guidance. This policy should be read in conjunction with Fortitude Fostering's Whistle Blowing and Grievance Policy.

Fortitude Fostering aims to work within the spirit of the Children Act 1989 by making sure children's wishes are acted on and parents and foster carers are consulted and included with regard to the child/young person's care.

Complaints can range from minor concerns which require informal discussion, through to serious concerns which require formal consideration and action to serious allegations in relation to standards of care and/or child protection matters. The outcome of complaints can range from discussion and advice, through to clear directions of essential actions to deregistration and finally possible prosecution. It is important to define the level and type of complaint.

The complaints policy will be made available via our website and specifically for children through the Children's Guide or upon request to:

- Any person acting on behalf of a child wishing to make a complaint
- Children placed by the agency.
- Parents of those children
- Persons working on behalf of Fortitude Fostering.
- Any other persons either within the professional network or connected to our core business.

Different formats are also available on request.

At all times information relating to the complaint must remain confidential, securely stored and available only to those authorised to access it.

Children's Complaints

Children can make a complaint to their foster carer, supervising social worker, to the registered manager, responsible individual, their Social Worker or to the Local Authority. The child will be informed about the complaints process at the start of their placement by the Supervising Social Worker. This will include:

- Where they can find out information about the complaints process. Including the access to the appropriate children's guide.
- Who can they complain to?



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- How they can make a complaint? Including the provision of a CHARMS login to record a complaint.
- How their complaint or representation will be dealt with

Reassurance will also be given to the child concerned that they will not be subject to any reprisals for making a complaint or representation.

1. Who Can Make a Complaint?

A child, a parent or carer of a child, a foster carer or anyone else for whom the agency has agreed to provide a service can make a complaint under this procedure. Individuals are also able to make complaints on behalf of others if it is considered they have "sufficient interest" to do so.

Children will be encouraged to take up issues in the most appropriate way and they will be supported to do this. If it is possible to identify a way forward with a complaint which is informal and therefore easily resolved, this should be the best way forward.

It is the responsibility of foster carers and agency staff to help children to deal with their complaints sympathetically and actively, whether the complaint is about the agency or the placing authority.

Anyone making a complaint is also able to withdraw their complaint at any stage.

2. What Can Be Complained About?

- Any problem.
- The quality of service;
- The delivery or non-delivery of a service;
- The way in which the agency carries out its policies and practices.

The Agency will take steps to ensure that no person who is subject to a complaint takes part in its consideration other than, if the Registered Manager considers it appropriate, at the informal resolution stage.

All serious complaints about any foster carer approved by the agency will be notified to the Regulatory Authority. This could be to OFSTED, the Local Authority, and the Police.

If a child or carer is unhappy about a change in their Care Plan or their Placement Plan this should be brought to the attention of their allocated social worker who may be able to resolve the matter. If this is not the case the child's independent reviewing officer may be contacted at the Local Authority.

It is the role of the independent reviewing officer to make sure that looked after children are aware of the local authority's Complaints Procedure, which must comply with the Children Act 1989 and associated regulations, and to assist the child to access independent support and advice to enable them to use this procedure if they wish to do so.



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3. Can I get Help to Complain?

In the first instance Foster carers should direct their complaint to their Supervising Social Worker, unless the complaint is related to this person in which case the complaint should go directly to the Registered Manager

Children, Birth Parents and other professionals should make their complaint directly to the Registered Manager.

The Registered Manager can be contacted as follows:

Ben Bennett (Registered Manager) he can be contacted at: **Fortitude Fostering Community Interest Company, 25 Cecil Pashley Way, Brighton City Airport, Shoreham, West Sussex BN43 5FF**

Tel. Office: 01903 372037 Mobile: 07397 903 818 Email: b.bennett@fortitodefostering.co.uk

In the absence of Ben any queries or concerns should be directed to **Remi Johnson (Responsible Individual)** Tel. Office: 01903 372 037 Mobile: 07397 903 088 Email: r.johnson@fortitodefostering.co.uk

Sometimes children and adults may need help and support to make a complaint

The child may have support from their parent, social worker, independent advocate, or foster carer. As indicated above, a child who wishes to make a complaint about any aspects of their care should receive assistance to access independent advice and support from their independent reviewing officer.

Foster carers may enlist the help of a supporter or advocate or their supervising social worker, as appropriate, to make a complaint about the agency under this procedure or where appropriate, about the placing authority under the relevant local authority's Complaints Procedure.

Any member of staff who has concerns about the conduct of their colleague/s, or a system /procedure or advised practice, in the first instance would be expected to speak to their supervisor this could be as part of a supervision

session or during a private conversation. If they are dissatisfied with the response, they can then contact a senior manager (either the Registered Manager or Responsible Individual) within the agency either in person or in writing and/or can use the grievance procedure. They should keep a written record of the concerns and who they were passed on to, with relevant dates.

Where a concern is regarding an individual's immediate manager, Director or Agency DecisionMaker then they should contact the next senior manager.

If a complaint relates to the Registered Manager, then representations should be made to the Responsible Individual. Equally if a complaint relates to the Responsible Individual representations need to be made to the Registered Manager.



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If an internal disclosure has failed or is not appropriate any misconduct, or concern, can also be reported at any time to the appropriate regulatory body (see Whistleblowing Policy), including:

Ofsted:

Foster carers and other complainants may wish to direct a complaint to Ofsted. Ofsted will review the circumstances of your complaint and may either carry out an inspection, ask a provider to take action or work with other agencies to review the issues raised.

Ofsted inspect independent fostering agencies (IFA) in relation to the [National Fostering Regulations](#) 2011, [National Minimum Standards](#) and the Fostering services policies and procedures. If you have a serious concern about Fortitude Fostering. You can report your concerns to the Chief Inspector Amanda Spielman as follows:

Ofsted address: Piccadilly Gate, Store Street, Manchester M1 2WD

Tel: 0300 123 1231

enquiries@ofsted.gov.uk

For whistleblowing: 0300 1233 155

whistleblowing@ofsted.gov.uk

4. The Complaints Procedure

STAGE ONE - Local Resolution:

The expectation is that the majority of complaints should be considered and responded to at Stage One. It is an informal process which consists of a meeting between the complainant and the supervising social worker unless the complaint is about them or a person related to them, in which case this meeting should be conducted by the Registered Manager. This meeting will be scheduled once a complaint has been received in writing or recorded by means of other communication.

Part of this discussion may cover whether it would be more appropriate for the complaint to be directed to the local authority with responsibility for the child's placement under the local authority's Complaints Procedure.

A letter of resolution or outcome will be issued in response to informal complaints by the Registered Manager, including details of how the matter was investigated, by whom and with the relevant facts to support the outcome.

STAGE TWO - Investigation:

This stage will be activated if the complainant is not completely satisfied with the outcome of Stage One, or if at the outset they require that the matter be dealt with by someone other than an employee of the fostering agency. The complainant will be advised that they must put their complaint in writing to the Registered Manager, who will then contact the complainant within 7 working days to advise that they have instructed an Independent Complaints Investigating



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Officer in relation to the complaint and will advise them of their name and the expected time frame for the investigation.

A report will be completed following the investigation, detailing how the matter was investigated, by whom and what outcome was reached with relevant evidence to support the report's conclusions. This will be detailed in a letter to the Complainant by the Registered Manager.

STAGE THREE - Review Panels:

This is the final stage of the complaints process. If the complainant is dissatisfied with the outcome of the Stage Two investigation, they must confirm this in writing, including reasons for their dissatisfaction, to the Registered Manager who will undertake to arrange for the case to be reviewed by an Independent Panel within 30 days.

The panel will be made up of:

- A fostering panel member;
- The Responsible Individual;
- An independent individual of such background and experience as required;
- A chairperson if none of the above can fulfil that role.

In any event no person implicated in a complaint, or a relative or close association of theirs, may sit on the panel or be involved in any investigation, and the panel will be constituted in such a way to afford true independent appraisal of the complaint.

The panel will consider the documentation available in relation to the complaint and any further written representations that the complainant wishes to make in relation to the investigation. The panel will reach a decision within 24 hours of meeting and the complainant will be advised in writing of the outcome in report form to include any actions in order to resolve the situation within 7 working days.

If following the completion of stage 3 the Complainant disagrees with the outcome. They may make representation to Ofsted as previously outlined.

5. Complaints about Fortitude Fostering Independent Panel

What can a foster carer do if they disagree with the decision and or feel that the assessment or the Fostering Panel has not been properly conducted?

Prospective Foster Carers

If the Agency Decision Maker (ADM) decides they cannot approve an applicant to foster, the ADM will clearly set out the reasons for their decision. The applicant can seek to address these concerns with the agency and resubmit their application to panel for approval. If unsuccessful they can undertake this process up to 3 times.

If the applicant wishes to make a complaint, they can not make a complaint about the panel's



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recommendation or ADM's decision. They can only complain about the process. This would need to be made in writing to the Registered Manager.

Existing Foster Carers

Powers to make Regulations implementing the IRM in England were introduced by the Children and Young Persons Act 2008 and made under the Children Act 1989 and the Adoption and Children Act 2002. The Independent Review of Determinations (Adoption and Fostering) Regulations were introduced in 2009., provide a means for existing foster carers to challenge agency recommendations and decisions about their suitability to foster or where the agency recommends changes to their terms of approval through the annual review process that they have not consented to in writing.

In Fortitude Fostering if the agency decision maker considers that an applicant is unsuitable to continue as a foster carer or makes changes to their approval they will send a 'qualifying determination' letter giving their reasons and explaining that the applicant / carers have 28 days within which to make a representation to the decision maker or to apply to the Independent Review Mechanism (IRM) for an independent review (England and Wales only). The foster Carer not make representations to both panels.

If no response is received from the applicant or foster carer within 28 days the agency decision maker is able to implement the decision. If, within the 28-day period the applicant/foster carer makes representation to the agency, this will be considered by the panel and the decision maker will take account of the Panel recommendation in reaching a final decision.

If an application is made to the IRM then Fortitude Fostering will supply the relevant document within 10 working days. The decision maker will take account of the recommendations of both the IRM and the fostering panel in making a final decision.

6. Written Records

Complaints must be dealt with in a timely, efficient manner and be fully recorded.

It is the responsibility of Fortitude Fostering Registered Manager to maintain a complaints register which contains essential records complaint/allegation over the proceeding 12 months, which will available upon request to Ofsted. The register will detail the date a complaint(s) was made, the source, a summary of the complaint the outcome of the investigation, action plan/resolution. This information will be stored securely on CHARMS and will be monitored by the Responsible Individual on a monthly basis.



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Further Reading

- Children's commissioner Help is at Hand
- Are We Getting the Best from Children's Social Care Complaints Report by Local Government Ombudsman
- Children Act 1989 and Representations Procedure (England) Regulations 2006
- Regulations 2011 – Section 18 Complaints

Appendix

1. Flowchart of Complaints Process.



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Appendix 1 Complaints Flow Chart

Please use in conjunction with the Complaints Policy & Procedures

