



Children's Residential Homes Complaints Policy

Date: 4 December 2025

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Oldham Council Children's Residential Homes Complaints Policy

1.0 Introduction

- 1.1 At Oldham Council, we want to ensure that we provide a high quality service to children and young people, and those that support them but we recognise that sometimes, things can go wrong.
- 1.2 The feedback we receive from children and young people is important in helping us to uphold high standards and understanding how well our services are working. The feedback we receive can help us to identify any problems and identify opportunities to learn and improve for the future.
- 1.3 The policy reflects national guidance and expectations set out in *Working Together to Safeguard Children (2023)*, which emphasises joint working across agencies to achieve positive outcomes and ensure that children and young people are supported to thrive and overcome challenges.
- 1.4 Ensuring that we have an effective complaints and representations procedure is one of the main ways in which we can ensure that the voices of children and young people are heard, and that they are able to contribute to the process of identifying improvements needed to the way in which our services are delivered.

2.0 Purpose of the policy

- 2.1 This document replaces all previous Children's Homes Complaints and Representations Policies and Procedures and has been produced in line with requirements of The Children's Homes Regulations, Regulation 39 Complaints and Representations and The Children Act 1989 Representations Procedure (England) Regulations 2006.
- 2.2 It provides general information about how we will handle complaints and representations made to our residential establishments and explains what happens at each stage in the complaints process.

3.0 What is a complaint?

- 3.1 We use the term 'representation' when referring to feedback provided by children and young people or other people who may come into contact with our residential establishments.
- 3.2 Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority (Getting the Best from Complaints 2006).
- 3.3 When deciding what is a complaint, we use the definition provided by the Local Government and Social Care Ombudsman.

'A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken, or the service provided by the Council itself or a person or body acting on behalf of the Council.'

- 3.4 Complaints may, for example, be about:
- The actions of staff
 - A failure to do something we should have done
 - The quality of a service we have provided
 - A failure to follow the correct policy or procedure
- 3.5 There may be some issues raised with us that would best be dealt with in a different way. We would not deal with the following issues under the complaints process:
- An initial request for a service (this is generally the first contact we receive asking that a service be considered or carried out)
 - Requests for information (these will be dealt with by the Information Management Team according to the requirements of the Freedom of Information Act 2000 or Data Protection Act 2018 and accompanying policies, depending on the nature of the request). Where there is a crossover of issues the Complaints Team and Information Management Team will work together to resolve it.
 - Employee grievances
 - Matters that would more appropriately be dealt with by an insurer
 - Matters relating to court proceedings, or other legal proceedings, or investigations by other appropriate bodies, for example, the Police
 - Matters relating to proceedings under section 59 of the Care Standards Act
 - Matters upon which a Court is in the process of considering
 - Complaints that have been previously withdrawn
 - A complaint that has already been investigated and a final response has been issued
 - Where the issues involved are covered by the Council's disciplinary policy.
 - Where the behaviour of a person making a complaint prevents us from being able to give proper and reasonable consideration of the issue.
- 3.6 Complaints should be made within 12 months of the person wanting to make a complaint becoming aware of the issue. However, if there is a good reason why the complaint could not have been made earlier, and we have enough evidence available to look into the complaint, we may decide to investigate.
- 3.7 If for any reason we decide not to deal with a complaint under this policy, we will explain this in writing.
- 3.8 We acknowledge that most people work positively with staff members to resolve their complaint but if a person's behaviour towards staff become unreasonable (for example, threatening behaviour towards staff, unreasonable levels of communication and/ or malicious allegations), this may change the way we deal with the complaint and we might take action in line with the Council's unreasonable behaviour policy.

4.0 Anonymous complaints

- 4.1 We understand that sometimes, people find it difficult to make a complaint. Where a person does not want to let us know their name or contact details but we have information about what their concerns are, we still try to make enquiries into the problems that have been raised, where we feel this would be helpful.
- 4.2 If we are not provided with a person's name or contact details, we will not be able to let them know the outcome of the investigation.

5.0 Equalities and diversity and reasonable adjustments

- 5.1 We understand that people may find it difficult to make complaints for a number of reasons. For example, they might have some communication needs which mean they find it difficult to communicate in a certain way.
- 5.2 When dealing with complaints we will make sure that we pay attention to the Equalities Act 2020 and where a person needs help to make a complaint, we do our best to support them to do so. We will discuss possible support options with the person wanting to make a complaint and make decisions about the support we can provide on an individual basis.
- 5.3 Reasonable adjustments will be agreed on a case-by-case basis in consultation with the resident. In accordance with Section 20 of the Equality Act, these may include large print, translation, interpreter services, advocacy, or alternative formats. Adjustments can be requested via the online form, by phone, or by contacting the Complaints Team directly.

6.0 Advocacy support

- 6.1 Where a child or young person raises a complaint or representation with us directly, we will inform them of their right to speak with an advocate. An advocate can help a child or young person to raise issues and provide them with advice and support during the complaints process. The advocacy service is independent of the Council and is confidential.
- 6.2 If a child or young person wishes to raise a complaint, we would always suggest that they speak with an advocate in the first instance as they may be able to help them to solve the problem quickly and easily.
- 6.3 Statutory guidance about advocacy provision can be found in 'Get it Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under The Children Act 1989'.
- 6.4 We will only respond to complaints and representations made by a representative/advocate if we are satisfied they are acting in the best interests of the child or young person, that they have no identified conflict of interest and we have permission for them to act on the child or young person's behalf.

7.0 Responding to complaints and representations made by children and young people.

- 7.1 We will always try to deal with and resolve concerns received from a child or young person as quickly and informally as possible.
- 7.2 We will aim to response to all complaints made by children and young people within 10 working days but if the problem or situation is complicated, we may need up to 20 working days.
- 7.3 If we cannot respond to the complaint within 10 working days, we will let children and young people know and explain any delays to them.

Informal resolution

- 7.4 If a child or young person has any concerns, they should speak with the senior member of staff on duty. When dealing with the concerns raised, the member of staff will:
 - Speak to the child or young person about their concerns and ask how they would like the problem to be resolved.
 - Provide reassurance and make sure the child or young person feels listened to and that their concerns are being taken seriously.
 - Act quickly to resolve the problem where they are able to. If they cannot resolve the problem straight away, they will let the child or young person know what the next steps are and how long they might take.
 - Consider if there are any safeguarding issues and if there are, take appropriate action in line with safeguarding policies.
 - Update records in the complaint file.
 - Provide information to the child or young person regarding the complaint process and where appropriate, offer advocacy support.
 - If the complaint cannot be resolved at this stage, it can progress to the next stage of the process.
- 7.5 If the complaint is about the senior member of staff on duty, the child or young person is able to ask to speak to the manager instead.

Stage 1 investigation

- 7.6 If the problem cannot be resolved informally and the child or young person wants to continue with a complaint, we will suggest that they speak with an advocate so that they can decide if they would like any support.
- 7.7 If the child or young person wants to make the complaint themselves, or if their advocate does this on their behalf, the manager of the residential home will be asked to look into the issues raised (this is known at stage 1 of the complaints process).
- 7.8 Where the complaint is about the Home Manager, it will be sent to the relevant Head of Service so that they can investigate the complaint and respond to the child or young person.

- 7.9 Most of the time, the manager or Head of Service will be able to resolve complaints by speaking with the child or young person but where it would be helpful, or if the child or young person requests it, they will explain the findings of their complaint investigation in a letter.
- 7.10 When investigating a complaint, the manager will:
- Speak with the child or young person to check they understand their concerns and how they would like them to be resolved.
 - Explain to the child or young person what will happen next and ask how they would like to receive feedback from the complaint investigation (this could be in person or by letter).
 - Review any actions taken to try to resolve the problem informally.
 - Speak with other people to gather information (if needed).
 - Look at relevant documentation, including any policies that are available about the problem being complained about.
 - Update any records/ paperwork in the complaint file.
 - Provide a response to the child or young person as soon as possible.
- 7.11 If the complaint cannot be resolved at Stage 1, the child or young person will be told of their right to take their complaint to Stage 2.

Stage 1 review

- 7.12 If the manager has not been able to resolve the complaint at Stage 1 and the child or young person wants to take their complaint further, then the manager will pass the details of the complaint to the Head of Service.
- 7.13 The Head of Service will review the complaint and the actions taken by the manager to try to resolve the problem. The Head of Service may wish to meet with the child or young person to discuss their complaint and find out how they would like the problem to be resolved.
- 7.14 The Head of Service will send the details of the complaint to the Responsible Individual (Assistant Director) and let them know what has been done to try to resolve matters.
- 7.15 As part of the review, the Head of Service will:
- Review the actions taken at Stage 1.
 - Write to the child or young person to explain the findings of their complaint investigation and let them know what action will be taken next.
 - Update any records/ paperwork in the complaint file.

8.0 Further Progression

- 8.1 If the child or young person is still unhappy with the response to their complaint, the Head of Service will contact the Complaints Team.
- 8.2 Some complaints might need to be looked into under the statutory children's complaints process. The Complaints Team and Head of Service will decide whether the problem being

complained about needs to be considered through the statutory children's complaints process.

- 8.3 If the problem being complained about does need to be considered through the statutory children's complaints process, the child or young person will be told of the next steps, which will be for their complaint to enter the statutory process at stage 2.
- 8.4 For complaints that do not need to be considered through the statutory complaints process, children and young people will be told of their right to contact the Local Government and Social Care Ombudsman and ask that their complaint be reviewed.
- 8.5 If the child or young person has an advocate, they should be kept involved and updated throughout every stage of the complaint process.

9.0 Responding to Complaints from other eligible parties (parents, carers, and others)

- 9.1 Complaints and representations from other eligible people may be received in the following ways:
 - In person
 - By telephone
 - By letter
 - By email
 - Via the Council's website
- 9.2 Where concerns are raised by other people, efforts will be made to resolve the matter informally.
- 9.3 If the matter cannot be resolved informally, the person will be advised of their right to take their complaint to Stage 1.
- 9.4 A Stage 1 complaint will be investigated and responded to within a maximum of 20 working days by the manager of the home or nominated staff member. Upon receipt of a complaint, the manager/nominated staff member will:
 - Acknowledge receipt of the complaint, confirm the details of the complaint and ask what outcome is being sought to resolve matters.
 - Meet with the complainant where this is felt to be helpful.
 - Investigate the complaint, including speaking with others involved as appropriate.
 - Provide the complainant with a written outcome within 20 working days.
 - Complete any relevant paperwork/records in the complaint file.

Stage 2 review (corporate)

- 9.5 Where the complaint is not resolved, and further progression is requested, the complaint and the initial response will be reviewed by the Head of Service who will advise regarding any further action that can be taken to resolve matters.
- 9.6 The Head of Service will notify the Responsible Individual (Assistant Director) and the Complaints Team regarding the complaint.
- 9.7 As part of the review, the Head of Service will:
- Review the findings and actions taken at Stage 1.
 - Provide their response in writing, outlining any further action to be taken.
 - Update any records/ paperwork in the complaint file.
- 9.8 The response letter should advise the complainant that should they remain dissatisfied with the response, they can contact the Council's Complaints Team to discuss any next steps and advise of their right to contact the Local Government and Social Care Ombudsman.

10.0 Monitoring and Recording of Complaints and Representations

- 10.1 We want to make sure we learn from the feedback we receive and so we have monitoring and recording systems in place to capture information about the complaints received.
- 10.2 As well as an annual report, the Complaints Team sends a quarterly report to Senior Managers within Children's Social Care which provides relevant complaint information. To ensure that these reports contain relevant information about residential establishment complaints, managers of residential homes are asked to send details of the complaints and representations they have received. The details should include, the number of complaints and representations received, complaint themes and outcomes.
- 10.3 Additionally, where requested, the Registered Person of each residential establishment must send a statement containing a summary of any complaints made during the preceding twelve months, and the action that was taken in response to each complaint, to HMCI (Ofsted).