

**Independent Fostering Agency**

**Representations & Complaints Procedure**

**Legal**

In accordance with The Fostering Services (England) Regulations 2011 – Regulation 18: Independent fostering agencies – representations and complaints

[**http://www.legislation.gov.uk/uksi/2011/581/regulation/18/made**](http://www.legislation.gov.uk/uksi/2011/581/regulation/18/made)

Policy introduced February 2018 – revised July 2020/September 2020

**Introduction**

Birmingham Children’s Trust Fostering Agency welcomes and encourages feedback, as this helps us to reflect on what our carers think of the services we provide and how we can improve them. Feedback can be made in writing, by e-mail, telephone or in person to any member of the team.

Birmingham Children’s Trust Fostering Agency will:

* treat every representation or complaint with the utmost importance.
* ensure that every representation or complaint is managed in accordance with the Fostering Services (England) Regulations 2011 Regulations, under the governance and oversight of the Registered Manager.
* where appropriate, try to resolve representations or complaints as close to the point of service delivery as possible. This represents the ‘Preliminary Stage of the process’.
* if the representation or complaint involves the Registered Manager, it will be addressed by an Assistant Director.
* record and analyse all complaints. Comply with the requirement to provide an annual report to the Chief Inspector on request.
* investigate and respond in writing and where appropriate, in person, to all representations and complaints.
* address complaints within the timescales outlined within this policy. Where this is not possible we will confirm this in writing and provide a revised deadline.
* ensure that complainants are aware that they may be supported to help them make representation or complaint by an appropriate advocate at all stages of the process.
* treat all representations, complaints, concerns or constructive feedback as confidential.
* investigate anonymous representations and complaints and record the outcome, where appropriate
* ensure no complainant is treated adversely because they raised a representation or complaint

**Who is this for?**

This procedure is for Birmingham Children’s Trust Foster Carers or third parties making representations or complaints on their behalf (with the written consent of the relevant Foster Carer).

**What can be complained about?**

Representations or complaints can be made about anything related to the fostering task. Examples may include but are not limited to:

* the conduct of staff members.
* the quality of service.
* the delivery or non-delivery of a service.

**What cannot be complained about?**

**Approval**: Panel decisions are covered by separate procedures - see link below. If an applicant remains dissatisfied with the decision made by the ADM following the Panel recommendation they have the right to make a referral to the Independent Review Mechanism (IRM).

[**http://birminghamcs.proceduresonline.com/chapters/p\_review\_fos\_care.html?zoom\_highlight=approval+of+foster+carers#term**](http://birminghamcs.proceduresonline.com/chapters/p_review_fos_care.html?zoom_highlight=approval+of+foster+carers#term)

**Representations and complaints on behalf of children and young people:** If a foster carer makes a representation or a complaint on behalf of a child or young person this will be considered through the complaint’s procedure managed by Birmingham Children’s Trust. For further advice contact Customer Relations Services. Email **cypfsscustomerrelations@birminghamchildrenstrust.co.uk**

Telephone 01213035161 (select option 2)

**What are the Stages of the Procedure?**

The aim of this procedure is to resolve representations and complaints quickly and effectively. To achieve this, Birmingham Children’s Trust Fostering Agency will consider whether resolution may be facilitated by the appointment of an independent mediator at any stage in this process.

**Preliminary Stage – Addressing Disputes**

The Children Act 1989 requires that children’s wishes and feelings are considered, as are the views of parents and foster carers. If there are differences of opinion, Birmingham Children’s Trust wants to address these as early as possible so that matters do not progress to a formal complaint.

At the Preliminary Stage the Foster Carer should bring their representation or complaint to the attention of their Supervising Social Worker or Fostering Duty Social Worker.

Foster Carers may request support from Foster Talk or the Birmingham Foster Carers Association to help them to make their representation or complaint. See contacts at end of document below.

The Supervising Social Worker should take appropriate actions to resolve the representation or complaint and respond to the Foster Carer as quickly as possible.

**Stage 1 – Complaint Investigation**

If matters cannot be resolved informally, as described above, foster carers may raise a formal complaint with their Fostering Team Manager.

If the representation or complaint is about the Registered Manager, the Head of Fostering will identify an appropriate member of staff to investigate the complaint.

**All stage 1 complaints will be acknowledged within three working days of receipt.**

The investigator will investigate the concerns raised and the foster carer’s desired outcomes. The investigator will respond in writing no later than **20 working days of the agency receiving the complaint**. This response will explain how the Foster Carer can escalate their complaint if they remain dissatisfied.

**Stage 2 – Complaint Review**

The Foster Carer should notify Birmingham Children’s Fostering Agency if they wish to escalate their complaint within 10 working days of the stage 1 response, clearly explaining why they remain dissatisfied and what outcomes they are seeking.

Stage 2 complaints will be investigated by the Registered Fostering Manager. If the representation or complaint is about the Registered Manager, the Head of Fostering will identify an appropriate member of staff to review the complaint.

The Reviewing Manager will continue to look at ways to achieve resolution and, if appropriate, use mediation. Within five working days of the stage 2 complaint being received, the Reviewing Manager will either write to or arrange to meet with the Foster Carer to discuss why they remain dissatisfied and what outcomes they are seeking.

The Reviewing Manager will consider the areas of concern and reply to the Foster Carer within 20 working days. As at stage 1, the stage 2 response will explain how the Foster Carer can escalate their complaint if they remain dissatisfied.

**Stage 3**

If a Foster Carer remains dissatisfied, they may contact the Local Government & Social Care Ombudsman. The Ombudsman is the final stage for complaints. The Ombudsman is a free service which investigates complaints in a fair and independent way.

While Foster Carers can approach the Ombudsman at any time, there is an expectation that Foster Carers make their complaint to the Trust in the first instance to allow opportunity for local resolution. Accordingly, complaints made directly to the Ombudsman may be referred back to the Trust as ‘premature’ for investigation through the appropriate Complaints procedure.

The Ombudsman’s contact details are:

The Local Government & Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

The Ombudsman’s Advice Team can be contacted on:

**Tel:** 0300 061 0614

**Fax:** 024 7682 0001

**Text:** 'call back' to 0762 480 4299

**Email:** advice@lgo.org.uk / **Web site:** [www.lgo.org.uk](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lgo.org.uk%2F&data=02%7C01%7CDiane.X.Brady%40birminghamchildrenstrust.co.uk%7Cf1c890defc1b447f6fb908d858b5c8bc%7C699ace67d2e44bcdb303d2bbe2b9bbf1%7C0%7C0%7C637356885058864708&sdata=TcBV5RQWFlNz4D7ZbCySSVlrw1JnBl5yZpYYBSp6CXg%3D&reserved=0)

**Birmingham Children’s Trust Support Agencies for Foster Carers**

**Birmingham Foster Care Association** BFCA

150 Church Lane
Handsworth
Birmingham
B20 2RT
Telephone: 0121 464 3037
Email: **info@bfca.org.uk**

**Foster Talk**

11 Sherwood Road
Bromsgrove
Worcestershire
B60 3DR

Telephone 01527 836910/Email enquiries@fostertalk.org