

Helping ordinary people do extraordinary things

## Foster Carers Complaints Policy



## **Fostering Devon – Foster Carers Complaints Policy**

Fostering Devon acknowledges that there will be occasions when a foster carer is not happy with the standard of service received from Devon County Council, or the decisions that have been made by the service regarding the registration of the carer.

Devon County Council has always welcomed feedback from foster carers in order to ensure that service quality is improved. Our aim is to ensure that any complaints are dealt with fairly, effectively and within suitable timescales. We recognise that where possible complaints should be dealt with in an informal manner and that amicable solutions are found. If this is not possible, we will adhere to DCC's formal complaints procedure to resolve the issue.

### **Types of complaint**

Foster carers may wish to raise the following issues with either the Fostering Service or their fostering supervising social worker.

#### **1. COMPLAINTS BY LOOKED AFTER CHILDREN AND YOUNG PEOPLE**

Standard 1 of the National Minimum Standards for Fostering states that foster carers should support children to make their views and wishes known, including supporting them to take up issues around their care and service provision.

Devon County Council has a duty to comply with The Children Act 1989. Representations Procedure (England) Regulations 2006 for complaints from children, and foster carers should ensure they are familiar with Devon County Council procedures in relation to these regulations. Where a looked after child wishes to make a complaint about any aspect of the service they receive, foster carers should support them to do so.

If children are unhappy with any aspect of their care planning, for example decisions made by social workers around contact, or where the child will be living, foster carers should help children to get in contact with their Independent Reviewing Officer in order to resolve differences of opinion and ensure the child's views are taken into account. This can also be done through the carer contacting the placing child's social worker, fostering supervising social worker or the young person utilising the MOMO app.

#### **2. COMPLAINTS BY FOSTER CARERS**

Sometimes foster carers may feel that they are not receiving a good enough service from the Fostering Service, and may wish to complain about issues such as:

- poor support

- lack of training opportunities
- failure to pay allowances or fees on time
- conduct of staff
- harassment.

### **Preventing disputes**

The care of children will always generate differences of opinion, especially the care of vulnerable children such as looked after children. In many cases, there will be possible conflict between parents, foster carers and social workers about the best way to meet the child's needs.

Devon aims to operate 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's care where this is consistent with the child's welfare.

Care planning processes followed in Devon should ensure that a consensus is reached regarding the child's care, and that foster carers are properly equipped to carry out the fostering task in terms of training, information and support.

If there are differences of opinion, these should be resolved as early as possible with the supervising social worker or fostering manager so that matters do not have to progress to formal complaint. Where possible, mediation should be used to facilitate a resolution, with a mediator identified and agreed by the foster carer and the Fostering Service.

### **Complaints Procedure**

If the complaint cannot be dealt with on an informal basis, foster carers can make a formal complaint

This information has been provided to give you an overview of the statutory complaints procedure. For more detailed information about the complaints procedure, please contact the Social Care Customer Relations Team who will be able to assist you. Contact details are below.

### **How will you deal with my complaint?**

The statutory complaints procedure consists of 3 stages. When we receive your complaint, we will write to you within 3 working days to acknowledge receipt and inform you if we can look into it further. Your complaint will initially be dealt with under Stage 1 of the complaints procedure.

**Stage 1** – Local resolution. This is where a manager of the service you are complaining about investigates your complaint and provides you with a written response. This will usually be within 10 working days of us receiving your complaint, however it may take up to 20 working days depending on the complexity of your concerns.

### **What if I am not happy with the response to my complaint at Stage 1?**

If you are not happy with the response you receive, you could talk to the manager who wrote the letter to discuss it. If you do not wish to do this you can request progression to Stage 2 of the complaints procedure by contacting the Customer Relations Manager. We would request that this is completed within 20 working days from the date you receive your response at Stage 1. You need to explain why you are still unhappy and what you would like to happen to put things right.

**Stage 2** – We will acknowledge receipt of your request to consider your complaint at Stage 2 and advise you of how we will deal with it.

An independent Investigating Officer will be appointed to investigate your complaint. In addition, an Independent Person will be appointed to ensure that the process of investigation is open, transparent and fair. The Investigating Officer will write a report with their findings and recommendations. A social care senior manager will consider the report and then write to you with their decision.

Devon County Council's response should be sent to you within 25 working days. However, depending on the complexity of the complaint and extent of investigation required, this can be extended to 65 working days.

### **What if I am not happy with the outcome of the Stage 2 investigation?**

If you are still unhappy when you have received the response, you can request to go to Stage 3 of the process (Review Panel Hearing). You must make your request for a Review Panel Hearing to the Social Care Customer Relations Manager, explaining what you are unhappy about and what you expect from the review. You must make your request within 20 working days of receiving the response letter from Stage 2.

**Stage 3** – Review Panel Hearing. This is where a panel of 3 independent people look at whether your complaint has been dealt with adequately at Stage 2. None of these people will have been connected with your complaint or have any previous knowledge of the investigation so far.

The Review Panel Hearing will be arranged and held within 30 working days from the date your request was received by the Customer Services and Complaints Manager. You may attend the hearing to present your case (this is optional). If you do decide to attend, you may be accompanied by another person who can speak for you if you wish.

The recommendations and notes of the review panel will be sent to the Strategic Director within 5 working days of the end of the hearing, and you will be sent a copy at the same time.

The Strategic Director will consider their decision and will write to you within 15 working days of receiving the notes and recommendations of the panel.

**What if I am still not satisfied?**

If you feel your complaints have not been adequately dealt with through the statutory complaints procedure, you have the right to take your complaint to the Local Government Ombudsman. You can do this at any stage in the procedure. Contact details are below.

**I need help to progress my complaint – what do I do?**

If you need help to progress your complaint please contact the Customer Relations Team who will be able to discuss your requirements with you. We understand and respect that some people may need advice and support from an independent advocate to make their complaint, to pursue it, to understand the process and to cope with the outcome. We acknowledge that this is particularly important for people who are vulnerable, or find it difficult to make their views heard, or for complainants whose first language is not English and those with communication difficulties.

**Contact details:**

Customer Relations Team:  
Room 120  
Devon County Council  
County Hall  
Topsham Road  
Exeter  
EX2 4QD

**Telephone:** 0800 212 783

**Fax:** 01392 382577

**Email:** [customer.relations@devon.gov.uk](mailto:customer.relations@devon.gov.uk)

**Web:** [www.devon.gov.uk/socialcarefeedback](http://www.devon.gov.uk/socialcarefeedback)

Local Government Ombudsman:  
PO Box 4771  
Coventry  
CV4 0EH

**Advice Line:** 0300 061 0614

**Web:** [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)

**3. DECISIONS ON RE-APPROVAL OR DE-REGISTRATION**

Foster carers who wish to complain about foster panel recommendations and decisions made by the Agency Decision Maker regarding their continued suitability to foster, or imposed changes to terms of approval may either:

1. make a formal appeal to the **Agency Decision Maker**,

Or,

2. apply to the **Independent Review Mechanism (IRM)**.

The Agency Decision Maker will provide foster carers with written reasons as to why they are no longer considered suitable to foster, or why their terms of approval have been changed, and this is known as the **qualifying determination**.

Appeals to the Agency Decision Maker on the qualifying determination (in Devon this is the Head of Children's Social Work Service and Child Protection) should be made in writing within 28 days of the date of the letter. Submissions should set out why they feel the matter should be reconsidered, and the matter will be referred back to the fostering panel for further consideration.

Appeals to the IRM should also be made in writing within 28 days of the date of the letter requesting a review of the decision. The Decision Maker will ensure that all relevant documents are sent to the IRM and will take any decision on the IRM review into account when deciding whether or not to overturn the original qualifying determination.

If foster carers take no action within the 28 day period, the Agency Decision maker will go ahead with any decision regarding re-approval.

If a foster carer feels that they have not been given fair access to the process or treated unfairly during the process, they are able to utilise DCC's corporate complaint process to raise such complaints about the process.

#### 4. PROTECTED DISCLOSURE ('WHISTLEBLOWING')

Devon aims to nurture a working environment that is open and honest where staff and foster carers feel able to raise issues and draw attention to deficiencies in service provision or practice without fear of reprisals.

However, Devon recognises that there may be circumstances where foster carers feel unable to raise concerns or incidents because there is reasonable doubt that these would be dealt with adequately.

Foster carers may use **Devon's whistleblowing** procedures to raise concerns about any of the following:

- criminal activity such as theft or fraud
- concerns about possible child abuse
- failure to comply with legal duties
- instances of improper conduct by council officers
- attempts to cover up any of the above.

For further details see Devon's webpage at

<https://new.devon.gov.uk/democracy/guide/constitution-part-5/part-5-a-whistleblowing-policy/>

Alternatively foster carers can contact the Ofsted whistle-blowing line on 0300 123 3155, further guidance on Ofsted's policies can be found at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/381241/Whistleblowing\\_20to\\_20Ofsted\\_20about\\_20safeguarding\\_20in\\_20local\\_20authorit\\_y\\_20children\\_27s\\_20services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/381241/Whistleblowing_20to_20Ofsted_20about_20safeguarding_20in_20local_20authorit_y_20children_27s_20services.pdf)

FOSTER CARERS COMPLAINTS POLICY

