CHILDREN FIRST
Safeguarders Panel

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SAFEGUARDER COMPLAINTS POLICY AND PROCEDURE

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Introduction

This document contains the Policy and Procedure for Complaints raised about Safeguarders. It reflects a commitment by those responsible for dealing with complaints to ensuring that complaints are responded to and resolved in an impartial and fair way, and that all appropriate action is taken where required, including learning to improve Safeguarder practice. This is all for the benefit of children and young people who may need a Safeguarder to safeguard their interests in the proceedings.

The best interests of the child or young person will be central to all considerations. Raising complaints is an important mechanism to redress matters where rights may not have been fully respected. If harm or risk to a child or young person is, or becomes, a factor, immediate action will be considered to protect that child or young person.

The approach taken in considering any complaint will work to the following principles:

- children and their interests are to be kept at the centre of all considerations
- a children's human rights-based approach is to be used
- all complaints are welcome
- it is important to understand a complaint and to see what may need to be done
- everyone, including the Safeguarder will be treated with fairness and impartiality (and their rights respected and fulfilled)
- there will be openness about what is happening and why
- people will be kept informed
- complaints will be resolved, to the satisfaction of all, where possible
- looking into matters and making decisions will be done as quickly as possible
- where improvement is required, every effort will be made to achieve this
- where support is required, this will be offered or signposted to, where available
- opportunities for learning and development will be identified, as appropriate, and supported timeously

What is meant by the word 'complaint' is explained in section 4 below.

All complaints will be responded to as their individual circumstances require and only in terms of this document and the policy and procedure that it contains.

Members of the Safeguarders Panel – 'Safeguarders'

Safeguarders are appointed by Scottish Ministers who keep a national list of Safeguarders known as the "Safeguarders Panel"[1]. The legal function of Safeguarders is to safeguard the interests of a child in Children's Hearings or related court proceedings. Safeguarders act independently of other agencies.
Safeguarders are accountable to Scottish Ministers for their performance, capability and conduct. A Safeguarder's practice and conduct are governed by a Performance Support & Monitoring Framework[2]. How they perform is measured against Practice Standards for Safeguarders which set out the expectations of a Safeguarder's practice and conduct.

The Practice Standards for Safeguarders

Standard 1 The Child's View: In all actions concerning the child, the Safeguarder must, in the best interests of the child, enable the child to exercise their right to be heard and express a view through the Safeguarder's practice and child's participation in the process.

Standard 2 Relationships: Every child is supported through the Safeguarder's development of effective relationships with all relevant parties.

Standard 3 Independence: A Safeguarder will act with independence within the parameters of the role, ensuring that the best interests of the child are their primary consideration.

Standard 4 Reporting: The child's views and best interests are reflected in the Safeguarders verbal and written contribution into proceedings.

Standard 5 Confidentiality: The Safeguarder must respect the child's, parents' and carers' right to privacy, maintain confidentiality and not disclose information unless in accordance with the law.

Standard 6 Value Based Practice: A Safeguarder must treat the child, their parents, carers, and people involved in the children's hearing and court proceedings with integrity, fairness, openness, respect, and without discrimination.

Standard 7 Learning and Development: Every child's Safeguarder takes responsibility for their continuing professional learning and development.

The Safeguarders Panel Team

Children First[3] is contracted by the Scottish Government to deliver Scottish Ministers' statutory duties in the operation and management of the Safeguarders Panel. Within Children First the

[1] https://www.children1st.org.uk/media/4374/safeguarderregs.pdf
[2] Performance Support and Monitoring Framework for Safeguarders (childrenfirst.org.uk)
[3] https://www.childrenfirst.org.uk

Safeguarders Panel Team fulfils this function. The role of the Safeguarders Panel Team includes recruitment and selection, training, managing appointments, investigating and responding to complaints, and monitoring the performance of Safeguarders across Scotland to ensure consistency of approach[4].

A senior manager[5] (i.e. an Assistant Director or Service Manager), from the Safeguarders Panel Team will at all times be designated as the Complaints Manager for the purposes of this document. Their responsibilities will be to manage a complaint by:

- responding to complaints raised,
- clarifying complaints and gathering initial information,
- trying to resolve complaints if at all possible and as quickly as possible,
- putting in place more formal investigations if required and in some cases carrying out these investigations,
- deciding on the complaint and any action required as quickly as possible and communicating this to the person raising the complaint and to the Safeguarder,
- identifying practice improvements required, including learning and development, and putting these in place,

all as set out in this document.

Any Safeguarders Panel Team member who has a clear conflict of interest in the matter will not handle, respond, or otherwise engage in the consideration of or the decision on the complaint.

[4] https://www.children1st.org.uk/media/4374/safeguarderregs.pdf
[5] 'senior manager' is used throughout this document and refers to a Service Manager or Assistant Director in the Safeguarders Panel Team unless this is stated otherwise. Any other senior manager (i.e. Service Manager level and above within Children First) required to be involved with complaints must have the appropriate knowledge of the role of Safeguarders and this document.

What is a complaint?

A complaint is the general word used to describe an expression of dissatisfaction by an individual[6] about the performance or conduct of a Safeguarder. In this document the term 'concern' is also used in sections 10 and 11 to describe issues raised which can be considered without the need for formal investigation (i.e. prior to section 14 of this policy). Safeguarders are expected to perform their role in accordance with the seven Practice Standards set out above at section 2.2. A complaint does not have to be specifically about a Practice Standard. However, complaints will be looked into by considering where the Safeguarder's performance or conduct did not meet one or more Practice Standard or other requirements on them[7].

Some matters cannot be dealt with by the Safeguarders Panel Team. The following are examples of things which are not able to be dealt with in terms of this document:

- Disagreement with the recommendation of a Safeguarder – *the appropriate place to raise this is in the Children` s Hearing (including any related court proceedings)*
- Disagreement with any court, Pre-Hearing Panel or Children's Hearing decision – *this needs to be raised in the proceedings themselves*[8]
- Any allegations that a Safeguarder has committed an offence – *this should be reported to the police*
- Complaints about the Safeguarders Panel Team, or other services provided by Children First which are not related to the performance or conduct of a Safeguarder – *this needs to be raised through the Children First Complaints Procedure*[9]
- Any attempt to re-open a previously concluded complaint – *the complaint has already been dealt with and review periods may have expired*[10]

Anyone raising a complaint that cannot be dealt with by the Safeguarders Panel Team, will instead be directed to the appropriate contacts and procedures where these issues may be raised.

[6] An individual includes a professional representing their organisation or a collection of members of that organisation. See section 5.3 for complaints raised by the Safeguarders Panel Team.
[7] Safeguarders sign letters of appointment when appointed or reappointed to be a member of the national Safeguarders Panel. These requirements are generally reflected in the Standards but also include requirements relating to accountability, compliance with monitoring and training and disqualification from being a Safeguarder.
[8] This includes raising matters as appeal proceedings.
[9] Complaints related to other services provided by Children First should be raised through the Children First complaints procedure: https://www.childrenfirst.org.uk/about-us/contact-us/how-to-make-a-complaint/
[10] See section 16 – Dissatisfaction with a Decision on a Complaint Raised – for review timescales.

Who can raise a complaint?

Any individual[11] who is affected by the service provided by a Safeguarder may raise a complaint.

Complaints are most likely to be raised by people involved in Children's Hearings proceedings who have had contact with a Safeguarder as a result of the Safeguarder's appointment by a Children's Hearing or Sheriff. This may include children and young people and families, local authorities, organisations that provide services for children, legal representatives, Children's Reporters and members of staff from the Scottish Children's Reporter Administration, panel members or members of staff from Children's Hearings Scotland, Sheriffs etc.

Sometimes a person may be unable or reluctant to raise a complaint on their own. Complaints can be raised by someone else on behalf of a person and, if so, that person needs to have the complainant`s consent to do so and to be able to show this.

It is important where complaints are raised by two or more people together, for example as parents, that it is clear if all persons need to be communicated and engaged with as one or as individuals. If possible, a single point of communication would be agreed, and if not, a clear understanding of how shared communication would work.

A person representing a complainant, must have the prior consent of that complainant to do so and be able to show this. This may need to be reviewed over time if, for example, a complaint process timescale is extended significantly for some reason.

Where a child or young person has raised a complaint, it is important that the Complaints Manager (and any other person who has contact with the child or young person) in particular ensures:

- that the child or young person is able to fully exercise their rights to have a complaint raised and responded to appropriately
- that the child or young person is able to engage with and participate in the process and all efforts are made to ensure this happens
- that the child or young person is safe and that there is sensitivity to any risk
- that engagement with the child or young person is clear and authentic
- that information provided is explained in a way that ensures understanding
- that confidentiality is understood and respected

[11] A complaint may be raised within an organisation and be forwarded to the Team, for example a panel member raising and the complaint being forwarded by the Area Support Team from within Children's Hearings Scotland.

Members of the Safeguarders Panel Team have responsibilities to monitor and support Safeguarders to perform their role at its best. This will involve working alongside Safeguarders to make improvements to practice where this is required to meet the Practice Standards or other requirements on them. As such they may be dealing with complaints about a Safeguarder's practice through the Performance Support and Monitoring Framework for Safeguarders.

A member of the Safeguarders Panel Team can still formally raise a complaint about a Safeguarder, beyond their responsibilities to support and monitor Safeguarders and, if so, this will be responded to in terms of this Policy on Complaints. This ensures a transparency of approach, that rights are respected and that no conflict of interests occurs.

Time limit for making complaints

6.1 A person raising a complaint should do so within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

6.2 We will apply this time limit with discretion, taking into account the seriousness of the issue, the availability of records and people involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the complainant, members of the public or useful learning for the Safeguarder or others.

Accessibility

Everyone has the right to equal access to this document and its procedure. People can face barriers when wanting to raise a complaint. These may be physical, sensory, communication or language barriers, but can also include anxieties and worries. People may need support to overcome these barriers, so that they can raise a complaint and have it dealt with.

People raising complaints have rights, under equalities and mental health legislation, for the service dealing with their complaints to be accessible. Reasonable adjustments will be made to ensure that individuals are able to raise complaints and engage with the process that deals with them, regardless of accessibility, disability, communication or other issues. The processes outlined in this document may be modified to take account of accessibility, disability or communication needs of any person involved. The role of advocates and their ability to provide impartial assistance to persons wishing to raise a complaint will be explained (see section 10 Raising and Receiving a Complaint – the process).

Anonymous complaints / Not wanting to raise a 'formal complaint' / Wanting to discuss a complaint

Anonymous complaints

All complaints are valued, including anonymous complaints. Where appropriate, a complaint raised anonymously will be treated seriously and considered further. The Complaints Manager will consider and decide if there is sufficient information to allow them to make further enquiries. Any decision not to look into an anonymous complaint must be recorded with the reasons and be reviewed by another senior manager in the Safeguarders Panel Team.

If a complaint raised anonymously is considered further, the enquiries and decision on the complaint and any action required, will be recorded in accordance with this document. This is to record areas for learning and improvement and to ensure remedial action is taken where appropriate. However, it may not be possible to follow the process outlined in this document fully, depending on the information provided anonymously. An anonymous complaint, however managed, will be shared with the Safeguarder (see section 12 Contact with the Safeguarder).

Not wanting 'to raise a formal complaint'?

A person may express dissatisfaction about the performance or conduct of a Safeguarder but does not want the matter to be formally considered as them- "making a complaint". If so, they will be encouraged to submit their complaint and to allow a response in accordance with this document. This will ensure that they are kept updated on any action taken.

A complaint may be able to be resolved without the further involvement of the person raising it. There may, however, be dispute over the complaint and the matter may not be able to be looked into properly without the involvement of the person who does not want to be involved. In this case, the complaint will be treated as an anonymous complaint and will be responded to in line with sections 8.1 and 8.2 (anonymous complaints) above. This will ensure that the person's details are not recorded and that they will receive no further contact about the matter, but that areas for learning and improvement can still be identified.

Wanting to discuss raising a complaint before raising

Sometimes a person may be thinking of raising a complaint but wishes to discuss this further. If so, the person can contact the Safeguarders Panel Team and speak to the Complaints Manager, or another member of the Team, who can clarify the policy and process for complaints, allowing the person to make an informed decision.

What are the possible outcomes of raising a complaint?

The overall outcome wanted is to ensure that any person's complaints are responded to appropriately and that if any action is required, this is identified and taken as quickly as possible.
Following initial enquiries or formal investigation, final decisions that can be made about the complaint are:

No further action – this includes where:
the complaint cannot be dealt with by the Safeguarders Panel Team (see section 4.3 above), **or**
there is insufficient information available to take matters any further

Resolution – this includes where:
matters have been resolved through further communication between the person raising the complaint and the Safeguarder, **or**
that the complaint has been acknowledged by the Safeguarder and appropriate further action has been agreed (see section 14 (Resolution) below).

The complaint regarding the Safeguarder was upheld, partially upheld or not upheld.

A decision that there was insufficient information to make a decision on the complaint or that the complaint was not upheld, does not prevent action being taken as a result or learning being taken forward in relation to the Safeguarder.

Further actions that can be taken as a result of a complaint being raised are:

- **Practice improvement for the Safeguarder** – this will need to be included in a time-bound improvement plan (see sections 13.14-17 (decision on resolution) and sections 15.5-6 (decision after investigation) for more detail on this), leading to improvements being made or if not, further action being considered.
- **Improvements to the process for responding to complaints** (see sections 13.17 & 15.7 below)

Both the Safeguarder and the person raising the complaint will always be told of a final decision on the complaint and any action required as a result – with written confirmation provided **within 2 working days** of the decision being made.

Raising and Receiving a Complaint – the process

The first thing that will happen when a person[12] contacts Children First by phone or in writing wanting to raise a complaint about a Safeguarder, is that the Safeguarders Panel Team will:

- acknowledge receipt of the potential complaint **immediately** and in writing[13]
- give the name and job title of any person that they are initially in contact with
- check the person's preferred contact details and preferred way to communicate
- find out if there are any accessibility, disability or communication matters and respond appropriately
- tell the person that the Complaints Manager is their point of contact and that they will be in contact to discuss their potential complaint within 2 working days (explaining that this is the senior manager from the Safeguarders Panel Team who deals with all complaints)

Within **2 working days**, the Complaints Manager will call/contact the person, explain their role, giving their name, job title and contact details and arrange, preferably, to speak to them in person, to discuss their complaint. The Complaints Manager will check the person's preferred method of communication and any accessibility needs, if necessary.

The meeting with the complainant and Complaints Manager will be arranged as soon as is possible.

[12] See section 5 above which covers who a 'person' may be.
[13] Unless a person has indicated that they do not wish communications to be in writing. In this case communication should happen verbally, with a written note of the conversation taken by the Team member and kept as a record to be stored in line with this document – see section 20 (Record Keeping).

When the Complaints Manager meets and speaks with the complainant they will:

- listen carefully, ask for any clarification and take a written note of any details of the potential complaint
- explain that their confirmed complaint will be discussed with the Safeguarder, to hear the Safeguarder's initial response with the aim of resolving matters quickly, if possible
- ask that their complaint, as written by them, or confirmed by them (see 10.4 below), can be shared with the Safeguarder to provide them with an understanding of the complaint[14]
- say what the next steps will be, and the likely timescales involved (this should be confirmed in writing within **2 working days**)
- explain the role of advocates and their ability to provide impartial assistance to persons wishing to raise a complaint
- confirm how their information will be securely held, communicated and kept
- offer to provide links to or copies of relevant information, such as this document and the Practice Standards

The details of a complaint may have been given in writing when the matter was raised. Any further detail provided verbally, should be noted by the Complaints Manager and sent to the person **within 2 working days**, asking them to confirm in writing if the note reflects accurately their complaint. Alternatively, the person may wish to write in with further details of their complaint.

We will ask complainant to confirm within 2 working days, including any changes they wish to make. Once the response is received from Complainant, the Complaints Manager will send the details of the complaint to the Safeguarder requesting a conversation within **5 working days** and a written response**.**

Information gathering and clarifying the complaint

Information Gathering

In looking into any complaint or concern raised, three key questions should be considered by the Complaints Manager at the very start:

- What is the complaint or concern?
- What does the person wish to achieve by raising the complaint/concern?
- Can this be achieved, or explained why not?

The Complaints Manager may need further information before being able to answer these questions.

[14] Where the person is reluctant to have their name shared, this can be discussed. See section 8 on anonymous complaints above.

Throughout the consideration of the complaint, the child's interests must be kept at the centre. Decisions must be influenced by the need to safeguard these interests and ensure that the child's rights are being fulfilled and respected. Immediate action must be taken, where required, where there is high risk (see section 1.2 above).

The Complaints Manager must clarify complaints and resolve these where possible at the initial stages, without delay. This will involve the Complaints Manager gathering some information. This is usually limited to clarifying e.g. dates and times or whether proceedings are ongoing. Sometimes the Safeguarder's report for the proceedings may be asked for and considered, for example to clarify if something is written in the report.

These initial enquiries do not involve getting views on the complaint from anyone apart from the person raising the complaint and the Safeguarder (see section 12 Contact with the Safeguarder). Where more detailed enquiries are needed, which usually involves speaking to other people in the proceedings, these should be carried out following the procedure for investigations in section 14 - Investigations.

A decision may be made on a complaint or concern, or an action required as a result of the complaint or concern, which is based on information that comes from initial enquiries. This information and its relevance to the decision will be made clear to the person raising the complaint or concern and to the Safeguarder, who should have had an opportunity to comment on it before a decision is made.

It is helpful to know if the person raising the complaint has tried to resolve this with the Safeguarder, as this may be a way to resolve matters going forward. The Safeguarder, in their previous contact with the person, in explaining their role, should encourage people to come back to them first if they are feeling dissatisfied. This can allow matters to be resolved at the time.

Clarifying the complaints to be taken forward.

It is important that the Complaints Manager is clear what the complaints or concerns are that will be taken forward. This may be clear from the information provided by the person raising them. If not, the issues may need to be clarified (see 10.4 -10.5 above).

Once the potential complaints or concerns are clear to the Complaints Manager, they must be captured in writing and communicated to both the person raising them and to the Safeguarder as soon as possible. This is an important part of the consideration of a complaint or concern. It ensures a common understanding of the complaint and the scope of what will be looked into and on which a decision will be made. If there is to be an investigation, these written complaints (sometimes called the 'terms of reference' of an investigation) will guide the person conducting the investigation. See section 14.3 below which covers the Complaints Manager communicating the decision to have an investigation.

These complaints may be added to, if further relevant or related issues are raised. Any complaints added will be dealt with in terms of this document.

The complaints provided in writing by the person raising the complaint can be shared with the Safeguarder where permission is given (see section 10.2 - 10.3 above). If permission is not given, the substance of the complaint will be written by the Complaints Manager and shared with the Safeguarder (see section 11.8 above).

Contact with the Safeguarder

A Safeguarder who is the subject of a complaint will always be told that a complaint has been raised. This includes where the matter has been resolved on initial contact with the person raising the complaint.

The Safeguarder will be contacted by the Complaints Manager preferably by phone or in person, **as soon as possible** after it has been confirmed there is a complaint (i.e. after the initial discussion between the Complaints Manager and the person raising the complaint 10.3).

The purpose of the contact with the Safeguarder is to:

- advise the Safeguarder that a complaint has been raised
- provide information about the complaint to the fullest extent possible[15]
- confirm the need for sensitive information to be sent and received securely
- explain the process and possible options for a complaint being progressed
- give the Safeguarder a point of contact for the complaint (usually the Complaints Manager)
- offer and direct the Safeguarder to appropriate emotional support (see section 19 (Support for persons raising complaints and Safeguarders) should this be required by the Safeguarder
- say what the next steps will be, and the likely timescales involved (this should be confirmed in writing, as soon as possible)

Once a confirmed complaint has been received, this will be sent to the Safeguarder and another conversation with the Safeguarder arranged with an opportunity to comment on the complaint (see 10.5 and 11.8 above). The Safeguarder may wish to provide information or an initial reaction to the complaint/concern. The Safeguarder may wish to provide a written response. Any information relevant to the consideration of the complaint which is given verbally, should be noted and sent to the Safeguarder, asking for confirmation that this accurately reflects what was said. This communication should be sent to the Safeguarder **within 2 working days** from the contact[16]. (See TIMESCALES – INITIAL STAGES below, for stages and timescales)

[15] See section 11.7-10 above for what this means.
[16] See the table after section 13.11 that summarises the timescales for initial contact.

Resolution

What do we mean by resolution?

Resolution means that, at any stage in the process, the complaint is resolved to the satisfaction of the person raising it and with the agreement of the Safeguarder where their agreement is essential to this.

When is resolution possible?

The Safeguarders Panel Team will take every opportunity to address and resolve complaints not only at the earliest stage but throughout consideration of the complaint, if at all possible and appropriate.

When a person raising a complaint first approaches the Safeguarders Panel Team, it is likely that they will speak to an administrative member of the Team. All Team members will follow the process outlined in section 10 above (Raising and Receiving a Complaint), except when there is an obvious and immediate opportunity to resolve straightforward complaints in early and informal terms - if they are able to do this. For example, the complaint may be something that should be dealt with by another organisation and the Team member can explain this to the person who may be happy with this response. A confidential record will still be kept of this contact with the Team, as any contact would, for learning for Safeguarders and for improvement to the service provided by the Team.

The aim of early resolution is to provide an informed and satisfactory response to a complaint or concern as quickly as possible. This is important as delays can make people feel that nothing is happening or will actually change.

It will not be appropriate to resolve complaints at this initial stage if the Complaints Manager decides that:

- the complaint involves matters where there is high risk and the result of the complaint being confirmed, could result in significant implications[17]
- the issues raised are complex and the Complaints Manager considers that detailed investigations are required first (see section 14 Investigation)
- the person raising the complaint and the Safeguarder do not agree about the complaint raised and the Complaints Manager considers that a formal investigation is required
- the person raising the complaint and/or the Safeguarder do not wish to take part in or continue with any resolution proposed

[17] These can be for the child or young person or for the Safeguarder or any other person involved.

Possible outcomes for early resolution are:

- that any misunderstanding between the person raising the complaint and the Safeguarder is resolved
- that a Safeguarder accepts a complaint and resolution is possible through, for example, the Saeguarder reflecting on their practice through support sessions with their Support Manager or, an apology is given which recognises the difficulties caused

Where possible, resolution should be left to the person raising concerns and the Safeguarder to take forward themselves. In some limited circumstances and with agreement, an appropriate person[18] may be involved to facilitate or support resolution.

Disagreement with resolution proposed

There may be occasions where a person raising the complaint or the Safeguarder is not satisfied with proposals to achieve early resolution being made by the Complaints Manager. They may insist that their complaint be fully and formally investigated, and a formal response provided. In these particular circumstances, a Senior Manager in the Safeguarders Panel Team, will consider the proposals of the Complaint Manager and decide whether

- it is appropriate and necessary to look into matters further before making a final decision on the complaint, including having an investigation as outlined in section 14 (Investigation) below[19], or

- if sufficient information is already available, to reach a final decision on the complaint.

Timescales for resolution

The aim of early resolution is to provide an informed and satisfactory response to a complaint as quickly as possible. Complaints can often be addressed without the need for extended enquiries. Early resolution often takes place in person or over the telephone and therefore it can happen within a short period of time. Where the Safeguarder and person raising the issues needs time before resolution can be agreed, this can affect timescales.

[18] An appropriate person will be an individual who the Complaints Manager decides is a person with suitable skills, knowledge and in some cases qualifications to perform the task and who is accountable for their practice and conduct.
[19] As a final decision is not being made, due to further enquiries or an investigation being required, this particular decision to make further enquires or investigate cannot be requested to be reviewed in terms of section 16 of this document.

As covered above, it may not always be possible to resolve a complaint quickly at the early stages, due to the potential need to gather information or to speak to the person raising the complaint, the Safeguarder and others. However, the Complaints Manager should take **no longer than five working days** from the date of receipt of the complaint to go back to the person raising the issues:

- with a response that resolves the matter, or
- to update them with progress on the matter, with details for timescales for further updates, or
- to advise them that their complaint is going to be moved to a more formal investigation (see section 14 – Investigation).

Overall, resolution should not take longer than **35 working days** from the date of the complaint being received. Where further time is needed extending the deadline beyond 35 working days, the Complaints Manager will set time limits on this. The justification for extending the deadline will be communicated to the person raising the complaint and to the Safeguarder, with the revised timescale for concluding matters and communicating further updates.

If either the person the complaint raising or the Safeguarder do not accept the justification for an extension of the timescale, a senior manager may review the extension, to see if it is reasonable, justified and unavoidable and if not, agree a shorter timescale. Any further extensions should be reviewed in line with this section.

	TIMESCALES – INITIAL STAGES	
1	Acknowledgement by Safeguarders Panel Team of Potential Complaint received (section 10.1)	Immediately on receipt or as soon as possible within normal working hours
2	Potential Complaint passed to Complaints Manager	Immediately after acknowledging receipt
3	Initial Contact and confirmation to arrange for a First Discussion by Complaints Manager with Person Raising Complaint (section 10.2)	Within 2 working days of receipt
4	First Discussion between Complaints Manager and Person Raising Complaint (section 10.3)	Within 2 working days of Initial Contact (line 3) or at earliest convenient time for the complainant
5	Confirmation request sent by Complaints Manager to Person Raising Complaint to confirm accuracy of any complaint details provided verbally, details of next steps and a request for Person Raising Complaint to confirm within 2 working days (section 10.3- 10.4)	Within 2 working days of the First Discussion
6	Initial Contact with Safeguarder explaining Confirmed Complaint has been received but with limited information.	Within 2 working days

	Full details will be sent once received from Person Raising Complaint.	of the First Discussion with Person Raising Complaint
7	Written confirmation of Initial Contact by Complaints Manager to Safeguarder (section 12.2- 12.3)	Within 2 working days of Initial Contact with Safeguarder
8	Full details of Confirmed Complaint received from Person Raising Concern (which may include changes/additional information)	Within 2 working days of request sent
9	Details of Confirmed Complaint sent by Complaints Manager to Safeguarder asking for Initial Response within 5 working days (see 12.4)	Within 2 working days of complaint confirmation by Person Raising Concern
10	Initial Response received from Safeguarder	Within 5 working days of request for Initial Response
11	At any stage Complaints Manager may decide a Formal Investigation is required. (See 13.5)	
12	Decision on Complaint to be made (section 9.2 and 13.10)	As soon as possible but within 35 working days from First Discussion with Person Raising Complaint
13	Written Confirmation of Decision on complaint to be provided to Person Raising Complaint and Safeguarder (section 13.10)	Within 2 working days of decision on the complaint made

Closing matters when resolved

A decision must be reached on the concern and on any action required as a result (see section 9 for the outcomes possible) and this should be recorded with reasons (see 13.16 below).

Resolution should be confirmed in writing to the person raising the concern and to the Safeguarder, even if it has already been confirmed verbally.

The response does not need to give a decision on all points of the concern raised but can confirm the resolution agreed and the reasons for this decision.

A concern may have been resolved with agreement that something further needs to happen, for example that the Safeguarder works to improve their practice with their Support Manager. This further action must be integrated into the Safeguarder's Action Plan, focused on the practice to be improved, with appropriate timescales for the improvement to be shown to have happened.

The improvements required will have been agreed between the Safeguarder and the Complaints Manager. This work will be taken forward by the Support Manager through the Safeguarder's support sessions and will be integrated into the Safeguarder's Action Plan. It is not necessary to provide the details of the Safeguarder's Action Plan to the person raising the complaint.

It is important that a full and accurate record of the decision reached and the basis for that decision is kept. The relevant documents should be retained by the Safeguarders Panel Team in a confidential and secure 'complaints' file for the Safeguarder.

At the earliest opportunity after the closure of the concern by resolution, the Complaints Manager should consider whether any learning has been identified. If this relates to the Safeguarder's practice, this will have been discussed with the Safeguarder and agreed with them to be taken forward through their Action Plan. If the Complaints Manager identifies a clear need for other improvement and or learning and development, this should be discussed with relevant Service Managers and Support Managers, and appropriate action taken within agreed timescales. Learning may be identified regardless of whether the decision on the concern is that the Safeguarder has not met the Practice Standards or other requirements on them.

Investigation

Not all complaints can be resolved at the early stages. Complaints involving an investigation are usually those where a certain amount of enquiry and examination of information is needed to find out the relevant facts about what has happened. This is needed before a decision can be reached as to what, if anything, needs to be done. Usually, an investigation is needed because there is disagreement between the person raising the complaint and the Safeguarder as to what has happened and why. Usually there is a need to speak to people involved in the proceedings who can contribute their views as to what happened.

An investigation has clear boundaries as to what is being looked into and a structure around who is spoken to and what is done with information received. The investigation allows the Complaints Manager to make a decision on the complaints and what, if anything, needs to happen as a result.

If the Complaints Manager decides that an investigation is needed, they will, **within 2 working days:**

- record this decision and the reasons for it,
- inform the person raising the complaint and the Safeguarder of this decision and the reasons for it, in writing,
- provide the terms of reference for the investigation[20], and
- confirm who the person is who will carry out the investigation (the Investigating Officer) and provide their contact details.

Investigating Officer

An investigation is always carried out by someone acting as an Investigating Officer who acts independently as such in that role. This makes sure that the investigation is carried out as required by this policy and that the unique responsibilities for this role lie with someone acting in that capacity.

The Complaints Manager appoints the Investigating Officer. The Complaints Manager can be the Investigating Officer unless there is reason for this not to happen. The circumstances of the complaint and the nature of the investigations required, may mean that the Complaints Manager would be the most suitable person to conduct the investigation (see section 15.3 below as to how this affects the decision making on the complaint). The decision and the reason for the Complaints Manager being the Investigating Officer should be recorded and communicated to the person raising the complaint and the Safeguarder.

An Investigating Officer must be a senior manager. All senior managers with responsibility for investigating complaints will have a thorough understanding of this document and its procedures, and knowledge of the Safeguarder Practice Standards, the Performance Support and Monitoring Framework and the Safeguarder terms of appointment. They must also have the skills and knowledge to be able to plan and conduct investigations, including how to obtain and analyse evidence.

The goal of the Investigating Officer is to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response that represents the Safeguarders Panel Team's definitive position on the investigation of the complaints[21]. They report to the Complaints Manager who makes the final decision relevant to the complaint raised (see section 15 Decision on the complaint following investigation).

The Investigating Officer will be responsible for undertaking the investigation and co-ordinating the response. They will establish what information is required, gather that information, and ensure that the information gathered is of suitable quality and accuracy to enable a full and informed response to be issued by them.

The scale of the investigation will be proportionate to the issues raised. The Investigating Officer will seek to establish:

i. What happened?
ii. What should have happened?
iii. What was the impact of any practice that did not meet the Practice Standards?
iv. What was the cause of any practice that did not meet the Practice Standards?
v. What can be done to support the development of any practice that did not meet the Practice Standards or other requirements?

The Investigating Officer can resolve the complaint to the satisfaction of the person raising the complaints and the Safeguarder, if this is possible, during the investigation. In doing so they should keep the Complaints Manager informed, with the final decision on the complaint and any further agreed action, remaining with the Complaints Manager.

[20] see section 11 on clarifying the complaints

Investigating complaints – the process

An investigation will start with a thorough review of the circumstances of the complaint by the Investigating Officer.

Information available will include:

- the complaint as clarified by the Complaints Manager, presented as terms of reference for the investigation (see sections 11.7-10)
- information or views already provided by the person raising the complaint and the Safeguarder (see sections 9 and 11)
- any other initial information gathered (see sections 11.1-5).

Any additional complaints that arise during the investigation should be treated as a further complaint and can result in an addition to the complaint as clarified by the Complaints Manager (see sections 11.7-10 above). Where this occurs the Safeguarder and the person raising the original complaint should be consulted and advised in terms of this document, as they would be with any complaint raised.

The Investigating Officer would usually first speak to the person who raised the complaint and then the Safeguarder.

It is for the Investigating Officer to decide the scope of the investigation. Where the person raising complaints or the Safeguarder wishes certain matters looked into or persons spoken to as part of the investigation, the Investigating Officer should consider this and if not following these wishes, be able to explain their reasoning for not doing so, both to the person raising the complaint or to the Safeguarder, and when recording their conclusions to the investigation.

The Safeguarder and the person raising the complaint will be advised how the matter will be handled, how they will be updated, and how they will receive the outcome of the investigation by the Investigating Officer. They should do this on initial contact.

When gathering information or sharing information as part of an investigation, due regard should always be given to information that may be confidential, sensitive, restricted (e.g. in relation to relevant persons) or covered by data protection legislation. Sharing of information should be kept to the minimum required. In particular, all consideration of complaints, including investigations, should attempt to minimise the provision of personal details about a child and family, where these details are not necessary or relevant to the complaints being looked at.

When speaking to people, the Investigating Officer will not simply accept the accounts of individuals without question. Where appropriate, and particularly where accounts offered by individuals or agencies differ, they will need to question accounts and explanations given. This should be done in a sensitive and respectful way.

Any information provided by an individual as part of the investigation should be accurate. Where a note of discussions or information provided is taken by the Investigating Officer, this must be confirmed as being an accurate record of what was said by the individual. They will also be asked if this note can be shared, or partly shared. Where permission is not given, the substance of their information will be shared as part of the decision and any action required, where that information has been important to that decision.

Information provided by persons spoken to as part of the investigation and the investigation report itself, are not provided with the decision on the complaint and any further action required, made by the Complaints Manager (see sections 15.4-5) but they are available to the Safeguarder and the person raising the complaint should they request this - subject to permissions and confidentiality requirements.

The conclusion reached by the Investigating Officer will be based on an objective analysis of the evidence from enquiries and any investigations made, including views provided by the Safeguarder, and will provide a clear explanation of this analysis. It is essential that all points raised by the person raising the complaints, and agreed at the start of the investigation, are properly and fully considered in the response. Where there are a number of parts to the complaint raised relating to a similar issue, these can be grouped together or summarised when providing the conclusion.

After the investigation is concluded, the Investigating Officer must keep appropriate notes of their investigation, including telephone calls and meetings and retain these to cover any potential requests for review, or related investigation and Data Subject Access requirements. See section 22 (Record Keeping) for further details.

Timescales for investigation

A full response to the complaints raised (including the decision on the complaints and any further action) should be issued **within 35 working days**, where possible, from the date the confirmed complaints were received.

Sometimes complaints cannot be investigated until current proceedings (relevant to the complaints) are concluded where such investigations are likely to interfere with the integrity of the proceedings. The Complaints Manager will decide if this is the case and communicate that decision with the reasons to the person raising the complaint and to the Safeguarder. In these circumstances, extending the deadline will be necessary (see section 14.29 below as to how this should be handled).

Where an investigation is delayed and proceedings are ongoing, no decision regarding the complaints can be drawn from the decision to delay the investigation. Once the proceedings are concluded, the need to investigate will be reviewed and investigation undertaken then as appropriate.

Whilst proceedings are ongoing the Complaints Manager will conduct regular reviews of predicted timescales for the proceedings and update the person raising the complaints and the Safeguarder appropriately, with updates **as required but at least every month**.

Where there are clear and justifiable reasons for extending the deadline beyond **35 working days**, the Investigating Officer, in consultation with the Complaints Manager, will set time limits on any extended investigation. The justification for extending the deadline will be communicated to the person raising the complaints and to the Safeguarder, with the revised timescale for bringing the investigation to a conclusion and information on when further updates will be communicated.

If the person advised does not accept the justification for an extension of the timescale, a senior manager may review the extension. They will then confirm an extension if it is reasonable, justified and unavoidable and if not, agree a shorter timescale. Further extensions should be reviewed in line with these sections on timescales.

There may be occasions where there is no option but to 'suspend' an investigation in circumstances where the matter cannot be concluded but, for reasons beyond the Safeguarders Panel Team's control, it cannot be progressed.
Examples of such situations may include cases where the information required is unavailable as a result of incapacity or health issues, including trauma and that the process will add to trauma, or in cases where a person simply cannot be contacted.

Suspending an investigation will be very much the exception, with any decision to suspend being agreed by a senior manager for the Safeguarders Panel Team and communicated to the Scottish Government Children's Hearings Team. A decision to suspend with reasons will be formally recorded and be for a defined period of time at the end of which it will be reviewed in terms of these sections on timescales.

In situations when investigations into a complaint could not be continued, or all steps not completed, (e.g., if communication with a person raising the complaints or a person to be spoken to became impossible) but there is sufficient information to make a decision, this decision should be taken proportionate to the information collected. As with any decision made after an investigation, sufficient justification will be required for any decision. It may be that a decision regarding only one aspect of the investigation can be made. The emphasis should be, as stated in section 1, that investigations are impartial and fair, and outcomes may help towards learning to improve Safeguarder practice.

Where a Safeguarder is no longer a member of the national Safeguarders Panel, this does not prevent a decision being made where there is sufficient information, but if so, any lack of opportunity for the Safeguarder to comment or challenge the decision must be noted. Reaching a conclusion on the complaint, where possible and in a timescale as near as possible to events raised, allows a record of practice should the Safeguarder be reappointed or reinstated, and allows closure for the person raising the complaint.

Where no decision is possible at all, the investigation will be formally discontinued with the reasons for this recorded and communicated to the person raising the complaint and to the Safeguarder. Such a decision should be taken by the Complaints Manager and authorised by a senior manager.

See table of timescales for investigations, decisions and reviews after section 16.6 below.

Communication

The Assistant Director responsible for the Safeguarders Panel Team (or a more senior Manager in Children First) and the Scottish Government Children's Hearings Team will be made aware of all high-risk complaints and their outcomes along with other information relating to complaints as is agreed in terms of contractual reporting responsibilities.

Decision on the complaint following investigation

At the end of the investigation, the Complaints Manager will receive a copy of the Investigation Report. They will consider and review the Investigating Officer's recommendation and make a decision on the complaint and any action required as a result of the complaint.

The decision can be that the complaint was upheld, partially upheld or not upheld. Further action may be required as a result of any of these decisions. A decision can also be reached that there is insufficient information or evidence to reach a decision after investigation. A decision that the complaint was not upheld or that there was insufficient information or evidence, does not prevent learning being taken forward for the Safeguarder and their practice.

Where the Complaints Manager undertakes the investigation, a senior manager in the Safeguarders Panel Team should review the decision and the basis of that decision before this is finally decided and communicated. Any senior manager reviewing the outcome, must have similar understanding and knowledge as required for those investigating complaints (see section 14.6 above).

Communicating the decision following investigation

The decision and a statement regarding improvement required will be communicated to the person raising the complaints and to the Safeguarder, in a manner that is sensitive to the decision being communicated. Where possible the decision should be made personally. Any communication in person should be followed up with written confirmation, sent **within 2 working days** of the personal contact, unless the written confirmation is not wanted. Responses will be based on the facts established by the investigation and a full explanation will be given about how those facts were used to inform the conclusions reached. Where personal contact has not occurred, written communication of the decision should be made **within 2 working days** of the decision.

The Complaints Manager will share details on the improvement required with the relevant Support Manager so the improvements required can be integrated into the Safeguarder's Action Plan. This will focus on the practice to be improved, the supports to be provided and appropriate timescales for the improvement required to be demonstrated. The Action Plan will be taken forward by the Support Manager through the Safeguarder's support sessions. It is not necessary to provide the full details of the Safeguarder's Action Plan to the person raising the complaints.

At the earliest opportunity after the closure of the complaint, the Complaints Manager should consider whether any learning has been identified. If the Complaints Manager identifies a clear need for other improvement and or learning and development, wider than the Safeguarder's individual practice, this should be discussed with relevant Service Managers and Support Managers, and appropriate action taken within agreed timescales. Learning may be identified regardless of whether the decision on the complaint is that the Safeguarder has not met the Practice Standards or other requirements on them.

The decision on the complaint must:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational

- avoid technical terms, but where these must be used to describe a situation, events or condition, an explanation of the term will be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include any formal apology from the Safeguarder that the Safeguarder has agreed to provide
- highlight any area of disagreement and explain why if no further action can be taken
- indicate that a named Manager, usually the Complaints Manager, is available to clarify any aspect of the letter, and
- indicate that if the person raising the complaint or the Safeguarder are not satisfied with the outcome of the process, following formal investigation, they may seek a review by the Scottish Government Children's Hearings Team (see section 16 – Dissatisfaction with the outcome).

It is important that a full and accurate record of the decision reached and the basis for that decision is kept. The relevant documents should be retained by the Safeguarders Panel Team in a confidential and secure 'complaints' file for the Safeguarder. See section 22 on Record Keeping.

During the investigation, the complaint may be able to be resolved with the agreement of the person raising the complaint and the Safeguarder. See section 13.12-18 above which covers closing matters when resolution is possible.

Dissatisfaction with the decision on the complaint

A final decision on the complaint and any further action will have been taken by the Complaints Manager. This may have been after an investigation by the Complaints Manager or an Investigating Officer. This decision will represent the definitive position of the Safeguarders Panel Team and no further right of review exists within Children First. Should the person who raised the complaint or the Safeguarder be dissatisfied with the investigation or final decision of the Complaints Manager on the complaint, that person may request a review by the Scottish Government Children's Hearings Team.

When the person who raised the complaint and the Safeguarder are being told about the decision on the complaint and any further action, they must be told:

- About **their right to request a review** by the Scottish Government Children's Hearings Team should they be dissatisfied with the final outcome of the complaint raised
- The **contact details** for requesting a review, and
- That they must make their request to the Scottish Government **within 20 working days** from the date of receipt of the decision on the complaints in writing (making clear the **actual date** by which their review request must be received)

Requests for a review will be acknowledged by the Scottish Government Children's Hearings Team **within 5 working days** of receipt of the review request. The review will be completed, and the decision communicated to the person who raised the complaint, to the Safeguarder and to the Safeguarders Panel Team, **within 35 working days** of receiving the request for review.

A review will be considered by the Scottish Government only when any investigation required has concluded, and a final decision communicated. This will be undertaken by an official/officials of sufficient seniority and independence to ensure the outcome is fair, comprehensive and impartial. They will have been briefed on the relevant context and expectations at play in the Children's Hearings system, and will be able to access the appropriate resources, including all documentation held by Children First in relation to the complaint raised.

In the course of a review, the Scottish Government may decide to carry out additional investigations. A review may also involve further interviews or follow-up discussions with the person who raised the complaint, the Safeguarder, and other relevant individuals. If this is deemed necessary by the reviewer, the opportunity to give further representations will be offered to all parties (i.e. the person who raised the complaints and the Safeguarder), to ensure fairness. The person who raised the complaint and the Safeguarder will be able to request the opportunity to make representations to the reviewer(s).

A request for review should usually be made to the Scottish Government within 20 working days of the receipt of the decision on the complaint, to ensure that any further interviews or investigations can be conducted timeously. However, the Scottish Government will accept all requests for a review made **within six months** of receipt of the decision on the complaints. In exceptional circumstances, for example where a complaint is very serious in nature and new information comes to light that was not available before, the Scottish Government will consider undertaking a review of a complaint which was concluded **more than six months ago**.

TIMESCALES – DECISION AFTER INVESTIGATION & REVIEW OF FINAL DECISION	
To receive a full response on the complaint following an Investigation (s.14.22)	within 35 working days where possible from the date the complaints were received
To receive written confirmation of the decision on the complaint (including after being told personally) (s.15.4)	within 2 working days of being told of the decision
To request a review of the outcome by the Scottish Government (16.6)	within 20 working days from the date of receipt of the decision on the complaints raised in writing (unless later – see late requests below*)
To receive acknowledgement of a request for review from the Scottish Government (16.3)	within 5 working days from receipt of the review request
For the review to be completed and the outcome communicated by the Scottish Government (16.3)	within 35 working days from receipt of the review request

*Late requests for review (16.6)	Within 6 months of conclusion of the complaint and beyond 6 months in exceptional circumstances

Reappointment and Removal Process

There will be consideration of any complaint activity and outcomes from complaints during a Safeguarder's appointment period, and specifically at the point of a Safeguarder being assessed for reappointment.

The Complaint Process and the Reappointment process for Safeguarders are two distinct processes and care will be taken to maintain this distinction.

Should on occasion a complaint process and reappointment process be in close proximity to each other, a Safeguarder will be advised of the outcome of a complaint and complaint review, if one is requested, in advance of any formal notification of how an outcome from the complaint may impact on their reappointment.

If the outcome of a complaint is expected at the point when a Safeguarder is being assessed for reappointment in accordance with the Understanding Document between the Scottish Government and Safeguarders Panel Team, no recommendation will be made by the Safeguarders Panel Team in respect of the imminent reappointment until the complaint process has been fully exercised and any review of the complaint outcome requested has been completed or the time period for such a review has expired.

A complaint outcome, in the most serious cases could result in a Safeguarder's re-appointment being impacted or a Safeguarder being recommended for removal from the national Safeguarders Panel. The Scottish Ministers have power to refuse to reappoint a member of the national Safeguarders Panel, or to remove an existing member of the national Safeguarders Panel, by virtue of the Children's Hearings (Scotland) Act 2011 (Safeguarders Panel Regulations 2012 ("the 2012 Regulations") [SSI 2012/54]. The Amendment Regulations 2016 make further provision that Scottish Ministers may remove a member from the Safeguarders Panel if at any point they consider that the person is not fit to be a member of the Safeguarders Panel. Within this they will have particular regard to the Safeguarder's conduct, whether they are compliant with their letter of appointment and whether the Safeguarder is able and willing to operate in accordance with the Practice Standards.

In this event, the Safeguarders Panel Team would make such a recommendation to the Scottish Government Team, and it would be for the Minister to remove a Safeguarder from the Panel, or refuse to reappoint a Safeguarder, if they were satisfied that the necessary conditions for removal/failure to reappoint, as specified in the 2012 Regulations as amended were met.

Unacceptable behaviour

People may act out of character in times of trouble or distress. If there has been upsetting or distressing circumstances leading up to a complaint being raised, this can lead to a person acting in an unacceptable way. Examples of behaviour that may be considered unacceptable include persistent refusal to accept explanations relating to what can or cannot be done about the complaint or continuing to pursue a complaint without presenting any new information.

Behaviour should not be viewed as unacceptable just because a person raising a complaint is forceful or determined. However, the actions of a person who is angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards people.

The threat or use of physical violence, verbal abuse or harassment may result in the ending of all direct contact with the person behaving in this way. Incidents where physical violence is used or threatened will always be reported to the police.

Unacceptable behaviour by a Safeguarder in engaging with a consideration of a complaint, will result the Safeguarders Panel Team considering the conduct and behaviour in terms of this document, as they would with any other complaint raised about the Safeguarder.

Support for persons raising complaints and Safeguarders

Involvement in the consideration of a complaint can be stressful and distressing for a person raising the matter. The Safeguarders Panel Team will always consider the wellbeing of participants while moving through this process and any factors which may, for example, require the Safeguarders Panel Team to suspend an investigation temporarily. Communication with participants will always recognise and be sensitive to wellbeing needs, and the requirement for formal written communication will be balanced with less formal communication and telephone contact.

While the Safeguarders Panel Team is not able to offer specific emotional support to persons raising a complaint, they will endeavour to discuss the wellbeing and support needs of people and provide advice on available help where appropriate.

The Safeguarders Panel Team are in a position to offer emotional support to Safeguarders, which can be taken up at any time during and after the process. This support will be provided by a Safeguarders Panel Team member who is not directly involved in the complaint (i.e. usually the Safeguarder's Support Manager). This will be emotional support to enable a Safeguarder to participate in this process and perform their role more generally. It will not include active participation in, or advice on the detail of, a complaint or its investigation[22]. Other support required or asked for by the Safeguarder can be discussed with the Complaints Manager or a Service Manager in the Safeguarders Panel Team and decided upon on an individual basis.

Learning from complaints

The Safeguarders Panel Team values the opportunities to support improvements in Safeguarder practice as a result of learning from complaints. Lessons learned can help identify practice needing improvement or Practice Standards not being met and the necessary action to remedy matters. Learning can also highlight opportunities for operational and procedural improvements even where services have been delivered properly. This can inform wider learning for the Safeguarders Panel and for the Safeguarders Panel Team.

The Safeguarders Panel Team will regularly review the information reported on complaints raised to ensure that any trends or wider issues are quickly identified and addressed.

Feedback is valued to inform how complaints are handled and to improve the procedure and process. Persons raising complaints and the Safeguarder will be asked for their feedback after a complaint has been completely concluded and at a time that is appropriate in the circumstances of the matter. Feedback can also be given at any time during the consideration of a complaint.

All feedback received will be reviewed by the Safeguarders Panel Team for improvements which will be made quickly, where possible, and reported on, as appropriate.

Regulatory bodies

Information about complaints will not be shared with regulatory bodies on a routine basis, however there may be occasions that merit consideration of whether information needs to be shared with relevant regulatory bodies. Where this is considered necessary, the Safeguarder will be advised if this action is to be taken. Information will only be shared at the discretion of the Scottish Government, and in compliance with all applicable data protection legislation.

[22] Guidance is provided by the Safeguarders Panel Team to Support Managers relating to their role in relation to complaints

Record keeping

The Safeguarders Panel Team has a system for recording complaints, investigations, decisions and outcomes with any action taken. All relevant documents relating to investigations will be retained in a confidential and secure file for 'complaints'.

The Scottish Government requires the Safeguarders Panel Team to retain all documents relating to a complaint about a Safeguarder for **a period of 20 years** from the end of their membership of the national Safeguarders Panel.

Documents to be retained should include the original complaint raised, any acknowledgements, interviews with individuals involved in an investigation, decisions and responses and all related correspondence and investigation records as specified in this policy document (see sections 14.23 and 15.9 in relation to investigations). All relevant documents will be retained in a confidential 'Complaints File' held by the Safeguarders Panel Team. The Scottish Government's Children's Hearing Team will retain all information held by them confidentially and securely in line with the requirements on them.

Keeping this document up to date and effective

This document will be reviewed as required by the Safeguarders Panel Team to ensure that the document is up to date and effective, with the need to review the document being considered by the Safeguarders Panel Team on an annual basis.

1 May 2024

If you have any comments about this document that would help to make improvements – please provide these by emailing with your comments to
safeguarderspanel@childrenfirst.org.uk
or writing to us at
Safeguarders Panel Team
Children First
83 Whitehouse Loan
Edinburgh
EH9 1AT

CHILDREN FIRST
Safeguarders Panel

Scottish Government
Riaghaltas na h-Alba
gov.scot

If you raise a complaint

Children's human rights and best interests must be kept at the centre of everything

You tell us that you are unhappy with the Safeguarder

Within 2 working days

The Complaints Manager will contact you to hear what is wrong and hear how to help you

The Complaints Manager may need to ask other people for information

Within 5 working days

you will get an update of what's happening or things may be sorted by then

Within 35 working days

you get a decision made about your complaints and told what will happen next

What can happen about my complaint?

if everyone agrees with a plan to resolve your complaint, then we'll put it in place as quickly as possible

the Safeguarder agrees that they acted in a way they shouldn't, they're sorry and want to sort things out with you

the Safeguarder needs to do work to show that they have changed what they do - so they don't do this again

sometimes someone else needs to deal with your complaint - we will help pass this on to

sometimes it isn't possible to figure out what happened and we can't do anything more with the complaint

the Safeguarder doesn't agree that they have done something wrong, but they have, and it is decided that they can no longer be a Safeguarder

if you don't like what is being decided or what's happening with your complaint – you can ask for it to be looked at again

can I get help with my complaint?
yes – just ask us and tell us what you need

what happens to my information?
we keep it safe and only share it if we need to and you let us

will I know what's happening?
yes – all the time
We will tell you or you just ask us

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