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Case-Related Complaints Policy

Complaints Policy and Procedure about the Guardian ad Litem in connection with Public Law and Adoption Proceedings under the Children (NI) Order 1995 and Adoption (NI) Order 1987



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2.0	November 2006	Equality Screened
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Accessibility

The NIGALA is committed to ensuring that its Complaints policy and procedures are accessible to all. We are particularly conscious that some groups may not have the same access to information as others.

These include:

- children and young people who may have difficulties in accessing or understanding information
- people with sensory and learning disabilities
- members of minority ethnic groups whose first language is not English

NIGALA provides all children who are over 10 years old with a special information pack, “Powerpack”, which, amongst other things, tells them how to make a comment, compliment or complaint.

Explanatory leaflets and postcards are also provided for all children who are capable of understanding them and using them.

NIGALA will make this policy available in alternative formats on request. Typically these will include:

- Large print
- Braille
- Minority languages

Copies of this policy can be provided on request to the Comments, Compliments and Complaints Officer who can be contacted at the address below.

Comments, Compliments and Complaints Officer
Northern Ireland Guardian ad Litem Agency
Centre House
79 Chichester Street
Belfast
BT1 4JE

Tel: 0300 555 0102

Email: comments@nigala.hscni.net

Complaints Policy

Introduction

The NIGALA was established in November 1996 as a Special Agency under the auspices of the Department of Health and Social Services (currently Department of Health, Social Services and Public Safety - DHSSPS) in order to provide representation for children in specified public law proceedings and adoption proceedings in the various courts throughout Northern Ireland.

The Guardian ad Litem (Panel) Regulation (Northern Ireland) 1996 6(1) requires NIGALA to establish a procedure for considering complaints about the operation of the panel and about any member of that panel, including refusal to reappoint a person to be a panel member. This policy and procedure covers **Case related complaints about any Guardian ad Litem.**

This policy and procedure will provide an accessible means of representation or complaint where problems cannot otherwise be resolved.

The procedure involves Independent Persons and should ensure that the child, parents and others significantly involved with the child have confidence in their ability to make their views known and to influence decisions made about the child's welfare. When using this policy and procedure it may be necessary to refer to:

- The Children (NI) Order 1995;
- The Adoption (NI) Order 1987;
- The Guardian ad Litem (Panel) Regulation (Northern Ireland) 1996;
- Complaints in Health and Social Care, Standards & Guidelines for Resolution & Learning (April 2009);
- The Family Proceedings Rules 1996.

The role of the Guardian ad Litem in public law proceedings is proscribed by rules of court (**Appendix 2**).

The role of the Guardian ad Litem in adoption proceedings is also proscribed by rules of court (**Appendix 3**).

In general the Guardian ad Litem service is designed to ensure that the best interests and views of children are represented to the Courts during Public Law and Adoption proceedings.

The NIGALA strives for excellence in the delivery of its service and operates to a set of professional standards¹ which are sanctioned by the NIGALA Board. We welcome

¹ A copy of NIGALA's professional standards is available via the NIGALA corporate website – <http://www.nigala.hscni.net> or on demand by emailing admin@nigala.hscni.net

feedback about all of our activities. This is an important part of developing and improving our services.

The NIGALA considers that the children who are the subjects of court proceedings involving a Guardian ad Litem are its *primary* users; the members of the Judiciary who hear these Public Law and Adoption cases are its *secondary* users. Key stakeholders include Health and Social Services Trusts; Children’s Panel Solicitors; members of the Bar Council (NI) and parents and relatives of the children involved.

Definitions

References in this procedure to the masculine gender shall be deemed to include the feminine gender and vice-versa.

For the purposes of this policy and procedure references to “the Panel Regulations” refer to the Guardian ad Litem (Panel) Regulation (Northern Ireland) 1996.

‘Time-scales’ refer to working days.

Complaint is *‘an expression of dissatisfaction that requires a response’* in relation to the representation of child/ren by a Guardian ad Litem in court proceedings under the Children (NI) Order 1995 or the Adoption (Northern Ireland) Order 1987.

Complainant is the child or person making the complaint on their behalf or a party to the case before the court.

Scope

NIGALA considers that a complaint under this policy is an expression of dissatisfaction or disquiet which requires a response in relation to the representation of child/ren by a Guardian ad Litem in court proceedings under the Children (NI) Order 1995 or the Adoption (Northern Ireland) Order 1987.

When a complaint is in relation to proceedings which are live before the court the matter which is being complained about should be laid before the presiding Judge. NIGALA is unable to investigate a complaint relating to live proceedings unless there are specific circumstances which would require the complaint to be investigated.

Accepting a complaint whilst proceedings are live before the court will be at the discretion of the Chief Executive who will notify you in writing regarding their decision.

Roles and Responsibilities

The NIGALA wishes to ensure that complaints about any aspects of our service are dealt with as quickly and comprehensively as possible. We want to learn from feedback so that improvements can be incorporated into our future work whenever possible.

There are a number of people who will be involved in the investigation of a complaint handled under this policy.

Officer	Description of Role
Complaints Officer	<p>Is a member of NIGALA staff who is responsible for:</p> <ul style="list-style-type: none"> a) Ensuring that your complaint is recorded in our complaints system within two working days of receipt; b) Acknowledging receipt of your complaint; c) Acknowledging receipt of any comment or compliment you make about our service; d) Ensuring that the process and timescales are followed; e) Assisting you with any procedural enquiries you have in relation to this policy; f) Ensure the smooth running of Complaints Board panels including the appointment and servicing of Complaints Board Panels; g) Communicating with you on behalf of the Investigating Team and Complaints Board as appropriate; h) Referring training needs resulting from the operation of this policy to the Agency’s Quality Assurance & Training Manager; i) Assisting in the production of reports on the complaints received by the Agency. <p>This member of staff is not able to:</p> <ul style="list-style-type: none"> ▪ Investigate your complaint; ▪ Provide you with any advice in relation to any issues which you are complaining about.
Designated Officer	<p>Is a member of staff who is responsible for:</p> <ul style="list-style-type: none"> ▪ The overall management of this Comments, Compliments and Complaints Procedure; ▪ Agreeing with the investigating manager the procedure to be applied when a Comment, Compliment or Complaint is received; <p>This person is not involved in the investigation of the complaint.</p>

Officer	Description of Role
Representative	This may be an employee or self-employed contractor of NIGALA who is an accredited representative of a trade union, professional organisation or staff organisation, or a full time official of any of the above organisations or a fellow employee/self-employed contractor. Representation, that is qualified solicitors and/or professional legal counsel, will not be permitted at any stage of this Complaints Procedure.
Local Resolutions Manager	Is a member of NIGALA staff that is responsible for: <ol style="list-style-type: none"> a) Managing/case co-ordinating the guardian ad litem; b) Working with you to determine whether resolution of your complaint is possible at stage one of this policy; c) Notifying the complaints officer of the outcome of stage one of this policy; d) Attending the Complaints Board at stage 3 of this procedure if required to do so.
Support Person	Provides support and assistance to the Guardian ad Litem or self-employed contractor who is being complained about.
Investigating Officer	Is a senior member of the NIGALA staff with no line management/case coordinating responsibility for the Guardian ad Litem or involvement in the child's case. There may be circumstances when a person outside the Agency may be appointed to this position. This person is appointed at Stage 2 with responsibility for: <ol style="list-style-type: none"> a) Agreeing the Terms of Reference for the Investigation all parties; b) Considering your complaint in conjunction with the Independent Person; c) Investigating your complaint with the Independent Person under the terms of reference which will include an interview with: <ul style="list-style-type: none"> ▪ You or the person making your complaint on your behalf; ▪ The Guardian ad Litem about whom you have complained; ▪ Any other person whom the Investigating Team consider would have a meaningful input to the investigation of your complaint. d) Will produce a written report detailing their decision and forward to the Complaints Officer within 30 days of appointment for distribution to all parties; e) Attend a Complaints Board at Stage 3 if required.

Officer	Description of Role
Independent Person	<p>Is a person appointed at Stage 2 who is required to take part in NIGALA's consideration of a complaint in conjunction with the Investigating Officer. This person is neither a member nor a director of the NIGALA, nor the spouse or co-habitee of any such person.</p> <p>The Independent Person is not:</p> <ul style="list-style-type: none"> a) An advocate for the child; b) An investigator. <p>Their role is to provide an objective element in NIGALA's considerations of the complaint.</p>
Complaints Board	<p>The Complaints Board is a group of three persons, whose membership is defined in Schedule 1 of the Guardian ad Litem (Panel) Regulation (Northern Ireland) 1996 and are responsible for:</p> <ul style="list-style-type: none"> a) Meeting with you; b) Meeting with the Guardian ad Litem about whom you have complained; c) Meeting with the Investigating Officer and Independent Person (if required); d) At the conclusion of this meeting the Complaints Board will produce a written report and recommendation detailing their findings for the attention of the Agency's chief executive.
Chief Executive	<p>The chief executive is responsible for:</p> <ul style="list-style-type: none"> a) Making a determination on the complaint based on the Complaints Board's findings; b) Communicating the Agency's decision to you at Stage 3 of the Complaints Process.

Complaints Policy, Objectives, Principles and Standards

This policy seeks to achieve an accessible and effective means of making complaints, close to the point at which the problem arose, but with an independent element that will inspire confidence in the procedure. Complaints must be acted on in the shortest possible time and an opportunity must be provided to challenge the outcome of the considerations.

It is not intended that all problems that arise in the day to day representation of children by a Guardian ad Litem should automatically be elevated to the status of a complaint. A matter which is promptly resolved to everyone's satisfaction is not something which requires reference to this procedure, however it may be appropriate to note the matter as a comment and what action was taken to resolve the issue.

The NIGALA's policy is to welcome and encourage comments and complaints as well as suggestions, compliments and thanks. They will be acknowledged in writing within two days of receipt and investigated thoroughly and fairly. Complaints are viewed as an important source of feedback to the organisation and provide valuable information about areas for improvement as perceived by service users. They help the NIGALA to take remedial action and to improve standards which include the development of a learning lessons culture that supports continuous professional development and overall service improvement.

The objective of this procedure is to ensure that children, and others making representations or complaints on behalf of children, have access to a procedure which provides them with an opportunity to make representations and complaints about the conduct of a Guardian ad Litem.

NIGALA recognises common principles in effective complaints management across the Health and Social Care services within Northern Ireland and recent recommendations on Complaints Management from the Francis Report²:

- *Accessibility* – flexible options for pursuing a complaint and effective support for those wishing to do so;
- *A duty of candour* – everyone who works in our organisation or works for our organisation will be open, honest and transparent in all that they do. The Francis report defines this as:
 - **Openness** - enabling concerns and complaints to be raised freely and fearlessly, and questions to be answered fully and truthfully.
 - **Transparency** - making accurate and useful information about performance and outcomes available to staff, patients, the public and regulators.
 - **Candour** - informing any patient/client who has or may have been avoidably harmed by a healthcare service of that fact and a remedy offered where appropriate, regardless of whether a complaint has been made or a question asked about it.

² Francis Inquiry in to the Mid Staffordshire Foundation Trust

- *Responsiveness* – providing an appropriate and proportionate response;
- *Fairness and independence* – emphasising early resolution in order to minimise strain and distress for all; and
- *Learning and development* – ensuring complaints are viewed as a positive opportunity to learn and improve services.

NIGALA aims to offer a complaints system which is consistent with the standards for complaints handling which have been set out by DHSSPS and refined following the Francis Recommendations and work completed by The Patients Association³.

There are 8 complaints handling standards to which NIGALA adheres:

- I. **Accountability** – NIGALA will ensure that there are clear lines of accountability for the handling and consideration of complaints.
- II. **Accessibility** – NIGALA will ensure all service users have open and easy access to the NIGALA Complaints Procedure and the information required to enable them to complain about any aspect of the service. Complaints will be accepted in the preferred format of the complainant.
- III. **Receiving complaints** – NIGALA will ensure all complaints received will be dealt with appropriately and the process and options for pursuing a complaint will be explained to the complainant. There will be a single point of contact for the complainant.
- IV. **Supporting complainants and staff** – NIGALA will support complainants and staff throughout the complaints process.
- V. **Timely Investigation of complaints:**
 - All complaints will undergo an initial assessment and any necessary immediate action will be taken. An investigation officer will be appointed.
 - All investigations will be conducted promptly, thoroughly, openly, honestly and objectively.
 - Where appropriate will obtain independent evidence and opinion and are carried out in accordance with local procedures, national guidance and within any legal frameworks.
 - The investigator reviews, organises and evaluates the investigative findings.
 - The judgement reached by the investigation officer is transparent, reasonable and based on evidence available.
 - The investigation of the complaint is complete, impartial and fair
 - The complaint documentation is accurate and complete. The investigation is formally recorded, the level of detail appropriate to the nature and seriousness of the complaint.
- VI. **Responding to complaints** – all complaints will be responded to as promptly as possible and all issues raised will be addressed. NIGALA will respond adequately to the complainant and those complained about.
- VII. **Monitoring** – NIGALA will monitor the effectiveness of complaints handling and responsiveness.

³ The Patients Association – “Listening to Patients Speaking up for Change” – www.patients-association.com

VIII. **Learning** – NIGALA will promote a culture of learning from complaints so that, where necessary, services can be improved when complaints are raised.

Diversity

Our policies and procedures are designed to be fair to both service users and the staff and stakeholders of the NIGALA.

Where a specific need in relation to our obligations under the Disability Discrimination Act or the Section 75 of the Northern Ireland Act have been identified, the Agency will endeavour to ensure that all necessary adjustments are made in the operation of this policy and procedure; for example, the provision of interpreters, signers or specialist advisors on cultural issues, advocates, for example, on behalf of young people with a learning disability.

We aim to work with children and adults in a way which respects and values the diversity of individuals and which promotes anti-discriminatory practice and equality of access to services. We will therefore not accept comments, compliments or complaints expressed in racist or offensive language.

Comments and Compliments about the Service

Service Users may want to comment on the handling of a case or other aspects of the services provided by NIGALA, rather than make a formal complaint. The Agency will accept a comment or compliment on any issue relating to the conduct of a member of staff, even if it concerns the conduct of a Guardian ad Litem in a case which is still before the court.

Family proceedings are often difficult and stressful yet crucial to the child and family concerned, and it is important that we know when things work well. Compliments may include feedback on individual pieces of work by NIGALA employees or self-employed contractors or on particular aspects of services provided.

Comments and compliments will often be made verbally and informally to the person concerned, however we would also encourage our users, stakeholders and other interested parties to put their views in writing to our Comments, Compliments and Complaints Officer who will acknowledge receipt within 2 working days and ensure that they are passed to the appropriate people within the organisation. This will ensure that any lessons are learned from good practice and a better understanding of what works well.

We will take the opportunity to improve services where we can. We will record, monitor and review all written comments and compliments about our services, and publish the outcomes in the NIGALA Annual Report.

Complaints about the Service

NIGALA recognises that in any organisation mistakes can be made and occasionally individual members may fail to meet the standards set. Complaints will be treated seriously, will be thoroughly investigated and the findings used to review our policies, practices, and staff development.

To ensure consistency throughout NIGALA, all complaints received, at whichever level of the organisation, must initially be referred to the first stage of the process.

Complainants should be aware that in order to investigate and fully answer a complaint it may be necessary for the investigator and independent person to examine relevant information that the NIGALA has about the Complainant such as associated Guardian ad Litem case records. Only information relevant to the investigation of the complaint will be examined. If a complainant does not agree to their records being examined then they should be made aware that it might not be possible to fully answer their complaint. The child's wishes in this regard should always be respected unless there is an overriding public interest to do otherwise.

What can be complained about?

A complaint is **'an expression of dissatisfaction that requires a response'**. Complainants may not necessarily use the word "complaint" and so it may be necessary for NIGALA to classify correspondence expressing dissatisfaction as a complaint.

People may have complaints about a variety of issues to do with the Agency and its work. Complaints related to the "..... work of guardians ad litem in relevant proceedings" as per Section 6 (1) of the Panel Regulations will be handled under this policy. This will include the conduct and behaviour of a Guardian ad Litem in case proceedings.

The following issues will be dealt with under other provisions. Typically these include:

- Staff grievances will be managed through the Grievance Policy;
- Disciplinary matters will be investigated under the NIGALA disciplinary policy;
- Other investigations may be conducted by a professional regulatory body such as the Northern Ireland Social Care Council (NISCC);
- A request for information will be managed under the Freedom of Information (FOI) Act (2000) and the NIGALA's FOI Procedures;
- A subject access request will be managed under the Data Protection Act (1998);
- An independent inquiry may be conducted by the Regulation, Quality Improvement Authority (RQIA) or other statutory body;
- Part IV Services provided by a Health and Social Care Trust will be managed under the Children Order Representations and Complaints Procedure;
- Protection of vulnerable adults;
- Where a child is at risk the matter will be managed under the NIGALA child protection procedures;

- Legal action will be managed in accordance with legal direction from the NIGALA appointed legal advisers;
- Non-case related complaints will be managed under the Health and Social Care Complaints Procedure;
- Case management reviews will be managed under the NIGALA Memorandum of Understanding with the Safeguarding Board for Northern Ireland.

Complaints relating to the above listed provisions will be passed by the Complaints Officer to the relevant manager within NIGALA or external organisation as appropriate. At all stages, complainants will be informed as to the progress of their complaint.

Complaints made while Cases are Live before the Court

Complaints which are made about a Guardian ad Litem whilst proceedings are live before the court will be treated as comments.

In such circumstances you must raise the matter with the court as the Agency is unable to intervene in live proceedings or to investigate a complaint whilst proceedings are live before the court unless exceptional circumstances exist which would require the Agency to take action.

Such intervention would only take place where there is a legitimate concern raised in relation to:

- Child protection issues;
- The protection of vulnerable adults.

When an allegation raises issues which need to be dealt with both through the NIGALA Complaints process and also as an evidential consideration at Court, the Guardian ad Litem's Manager/Case co-ordinator may refer the matter to Court for case management directions with a special reference to the timing of the complaints process and an evidential hearing.

In such instances, it is important that there is rapid, effective and practical communication between the Courts and NIGALA.

The complainant and the Guardian ad Litem will be advised within 2 working days of receipt, about the Agency's decision to deal with the matter. Where appropriate, the offer will be made to meet with the concerned individual or organisation (most likely after final hearing) to discuss the issue(s) raised and determine what lessons may be learnt.

Who can complain?

For the purposes of these procedures, complaints may be made by:

- a) Any child/young person represented by a Guardian ad Litem;

- b) A parent of the child/young person who is party to the case;
- c) Any person with parental responsibility for the child/young person who is party to the case;
- d) Any other person as NIGALA considers has sufficient interest in the Child/Young Persons welfare to warrant their complaint being considered by NIGALA.

The following exceptions apply:

- That the matter would be more appropriately dealt with through another Agency or route, e.g. the Court, if in dispute with a Guardian ad Litem's recommendation;
- Where the person seeking to make a complaint is not a party and the matter could more appropriately be raised by someone who is a party;
- Where the matter has already been fully investigated or the complainant acts vexatiously or unreasonably at any stage of the process.

There will therefore be occasions (as above) when NIGALA will not accept that a matter should be dealt with by the complaints process. In these instances, NIGALA will give reasons for such a decision within 2 days of receipt and advise of any alternative course of action.

Service users should be made aware of their right to complain and given the opportunity to understand all possible options for pursuing a complaint.

Where necessary, NIGALA will help complainants articulate their concerns and navigate the complaints process.

No Guardian ad Litem is deemed to satisfy the criteria for accessing this complaints policy and procedure (Guardians ad Litem have access to the Whistleblowing policy).

When will complaints be accepted?

Complaints will be accepted up to six months after the completion of proceedings or up to six months after the alleged behaviour about which the complaint is being made. Different timescales apply in relation to complaints made by children and young people.

If a complainant was not aware that there was cause for complaint, the complaint should be made within six months of their becoming aware of the cause for complaint.

Complaints in Respect of Children and Young People

Children and young people may wish to make a complaint about the service they have received. Those who do not have an advocate or solicitor may need assistance to do this. NIGALA will help to make arrangements for independent support and advocacy service, if required.

No time limit will apply to a complaint made by a child or young person (up to 18 years of age). NIGALA will take reasonable steps to ensure that any matter raised as a complaint by a child or young person is being made in their own right and not as a representation of an adult matter.

Unreasonable, Vexatious and Abusive Complainants

NIGALA recognises that complaints can often be emotive for the complainants. NIGALA staff will strive to be patient and empathetic towards all complainants. There will be times that nothing further can reasonably be done to assist complainants in pursuance of their complaint. Where this is the case, and further communications would place inappropriate demands on NIGALA staff and resources, consideration may need to be given to classifying the person making a complaint as an unreasonable, demanding or persistent complainant.

NIGALA will:

- Ensure that the complaints procedure has been correctly implemented as far as possible and that no material element of a complaint is overlooked or inadequately addressed;
- Appreciate that even vexatious complainants may have grievances which contain some substance;
- Ensure a fair approach;
- Be able to identify the stage at which a complainant has become habitual.

In line with *Complaints in Health and Social Care – Standards and Guidelines for Resolution & Learning* published by DHSSPS, NIGALA will abide by the standards and guidelines issued by the DHSSPS.

Disciplinary Matters

When a complaint is received by the Agency and the preliminary investigation at stage 1 by the Line Manager indicates it may be a disciplinary matter, the Chief Executive may consider that the complaint should be dealt with under the Disciplinary Procedure. The complainant will be notified by the Chief Executive of the termination of the complaints process and that the complaint is being investigated under a separate internal process. A copy of this correspondence will be provided on a confidential basis to the Guardian ad Litem and their representative.

Following completion of the investigation process and the consideration of the complaint at either Stage 2 or Stage 3 of this Policy, the Chief Executive may decide disciplinary action is required and the matters will subsequently be dealt with under the Disciplinary Procedure. The Guardian ad Litem will be informed of this as per the Disciplinary Procedure. A copy of the reply to the complainant will be provided on a confidential basis to the Guardian ad Litem and their representative.

NIGALA has also the right to precautionary suspend Guardians ad Litem from Case Work while a complaint is being considered which includes child protection issues. Short term transfer of cases will be managed by the Line Manager/Case Co-ordinator.

Recording of Complaints

Details of all complaints, irrespective of their apparent seriousness, will be recorded by the Complaints Officer. The progress of each stage in the complaints procedure must be documented so as to ensure a complete record of all complaints, investigations and decisions. This is needed in the interests of efficiency and to enable the Agency to monitor the flow and the handling of complaints.

The Comments, Compliments and Complaints Officer must maintain a separate record in relation to the investigation of complaints under this policy and procedure. The record should contain all the documentation including investigation records and reports relating to the complaint, including relevant extracts from the case file if appropriate.

The Guardian ad Litem case file should, however contain a reference to the fact that a complaint has been made, a broad outline of the nature of the complaint, its outcome and where the complaints and associated investigation records are stored.

All records made specifically in relation to the complaint must be held by the Comments, Compliments and Complaints Officer. Records may be destroyed as directed under Section B2 Part 2 of the DHSSPS Good Management Good Records Disposal Schedule which is available on the DHSSPS website at www.dhsspsni.gov.uk/gmgr.htm

Who can be the subject of a complaint?

Any employee or self-employed contractor of NIGALA who has an association with the case can be the subject of a complaint under this policy.

Support for Staff

While the welfare, health and rights of staff will be given full consideration when a complaint is made under this policy, the paramount concern is the welfare of the child or children involved.

The receipt of a complaint concerning a member of staff or self-employed contractor will be communicated to that individual by their Line Manager/Case Co-ordinator. They will ensure that there is full disclosure of the allegations made and informed of the arrangements for managing the complaint in writing within 1 day of receipt of the complaint.

It is acknowledged that the Guardian ad Litem will often have a different perception regarding the matter which is at issue and he/she should be given both the opportunity and support necessary to contribute their views. Support will include, but not limited to attendance of a colleague at meetings, use of Carecall and/or assistance from a Trade Union representative.

The Line Manager/Case co-ordinator will ensure that the Guardian ad Litem is advised that they may seek the help and advice of their trade union or professional association and may be represented by either of these. They should also be offered the services of a support person and informed that they have access to appropriate advice and guidance and, if required, counselling will be available on a confidential basis through the Care Call support scheme.

Independent Persons

The NIGALA has access to an established panel of independent persons managed by the Health and Social Care Board (HSCB) who may be called upon to assist the NIGALA in the investigation of complaints. Independent persons will include lay and other persons who have no involvement with the Agency and who are able to assist the investigating officer at Stage 2 of the complaints procedure. The independent person should provide reassurance to both the complainant and the person about whom the complaint is made and that the investigation will be conducted in an objective and fair manner.

Complaints Board

Regulation 6(2) of the NIGALA Regulations requires the Agency to investigate any complaint and, if it cannot resolve it to the satisfaction of the complainant to refer the matter to the Complaints Board.

Where the need for a Complaints Board arises, the Complaints officer will constitute the Complaints Board in line with Schedule 1 of the NIGALA Regulations.

It is not intended that the Complaints Board should have a fixed membership, however the three specific roles on the Complaints Board must comply with the NIGALA Panel Regulations (NI) 1995 section 6. There should, be a pool of eligible persons from whom a Complaints Board can be constituted. The nature of the complaint will often be a relevant factor in determining who would be most appropriate to serve on the board in a specific case.

The Complaints Board should convene a hearing within 28 days of receipt of the complaint at stage 3 at which investigation of the matter can be presented and submissions of the complainant and the person(s) being complained about can be heard. The person being complained about should be able to be accompanied at the hearing by a Representative as defined at page 8 of this Complaints Policy. Witnesses may be called by all parties.

The Complaints Board Stage 3 is not a legal process. The Complaints Board will make enquiries of persons who appear before it and of witnesses as it considers necessary and shall conduct the investigation so as to clarify the issues involved and to ensure the just and equitable handling of the investigation.

After the completion of their investigation of the complaint, the Complaints Board should make a report and recommendation in writing about the matter to the Chief Executive.

The Agency is not bound by the recommendation of the Complaints Board but should not make a decision on a matter referred to a Complaints Board before taking into account their recommendation.

Learning Lessons from Complaints

The Francis Report refers to complaints information as,

“Accurate, useful and relevant information, is the lifeblood of an open transparent and candid culture”.

NIGALA in accordance with the principles of this policy and procedure will record, report and manage all complaints effectively ensuring that appropriate action is taken to address the issues highlighted by complaints. The Chief Executive will make sure that lessons are learned to inform and improve practice. Learning is a critical aspect of all complaints and provides an opportunity to improve services and contribute to and learn from regional, national and international quality improvement and safety initiatives.

NIGALA will conduct an annual self assessment of complaints received within the 12 month period against the 8 standards as set out on page 11 and 12 of this policy. The review panel will consist of Senior Managers, Guardians ad Litem and Middle managers and a formal report will be presented to the Social Care Governance Committee.

Monitoring and Annual Report

NIGALA is required to monitor the operation and effectiveness of this complaints policy and procedure.

A record of each complaint, received and dealt with at Stages 1, 2 and 3 will be held along with the,

- Nature of the Complaint;
- Action Taken;
- Outcome of each Complaint;
- Whether there was compliance with time limits as specified in the Complaints Process Timetable at Appendix 1;
- Lessons Learned.

This information should provide regular and anonymised reports and numbers and types of complaints received, time taken to deal with them and their outcome.

NIGALA should provide for:

- The dissemination of this information to Senior Managers;
- Its use as a measure of performance and means of quality control.

An annual internal report dealing with:

1. The operation of this complaints procedure,
2. A summary of the statistical and other information, and
3. A review of the effectiveness of the procedure.

will be prepared and presented to the NIGALA Social Care Governance Committee and following their review recommended for approval to the NIGALA Board.

A summary of statistical information about complaints will be published in the NIGALA Annual Report.

NIGALA will ensure the effectiveness of this policy forms part of the internal audit plan every three years.

Complaints Procedure

HOW TO MAKE A COMPLAINT

A complaint can be made verbally or in writing and should also be accepted via any other method, for example, by telephone or electronically. If the complaint is made verbally, the member of staff/self-employed contractor receiving it, either by telephone or in person, must record it in writing or send it to the Complaints Officer within one working day. Where a complaint is received verbally, the written summary will be confirmed with the Complainant by the Line Manager/Case Co-ordinator. In order to avoid confusion or disappointment, it may be helpful to establish at the outset what the Complainant wants to achieve.

When a child submits a complaints leaflet with brief details of their concern, the person seeking to resolve the matter at the local resolutions stage should clearly establish and record the full detail of the concerns, checking the accuracy of the recording with the child.

The 20 days for the response to be made in relation to verbal complaints commences upon the Complaints Officer receiving confirmation from the complainant that the issues of the complaint have been correctly recorded.

The Complaints Officer will acknowledge receipt of the complaint in writing within two days of receipt of the complaint, and will enclose an information leaflet and this procedure. The full response should not be sent electronically because of risks to confidentiality.

Complaints may be made to any member of staff, for example receptionists or Guardians ad Litem. In many cases complaints are made verbally and front-line staff are encouraged to resolve the complaint on the spot. If this is not possible or the issue is serious, they should forward it immediately to the Complaints Officer. Front line staff will be trained and supported to respond sensitively to the comments and concerns raised and will be able to distinguish those issues which would be better referred elsewhere. Some complainants may prefer to make their initial complaint to someone within the relevant organisation who has not been involved in the children's case. In these circumstances they should be advised to send their complaint to the Complaints Officer, an appropriate senior person or, if they prefer, in writing to the Chief Executive.

The Complaints Officer, in conjunction with the Guardian ad Litem's line manager/case co-ordinator, if necessary, should determine the eligibility of the complaint and the complainant. When receiving a complaint consideration should be given to other avenues or procedures to resolve the issue.

The Guardian ad Litem's line manager/case co-ordinator will conduct a risk assessment of the complaint and apply a grade to the complaint on Datix. The complaint will be reviewed for severity throughout the complaints process and grading amended on Datix appropriately.

The Guardian Ad Litem’s line manager/case co-ordinator should always check with the child (subject to his age and understanding) that a complaint submitted on their behalf reflects their views and that they wish the person submitting the complaint to act on their behalf and discuss the need to access relevant records. The line manager/case co-ordinator should also consider the child’s support needs and make appropriate arrangements for support to be provided to the child for example the child’s own social worker or independent advocate.

COMPLAINTS DESIGNATED AS A COMMENT

When a complaint has been designated as a comment due to ongoing live proceedings, the complainant and the Guardian ad Litem will be advised of this decision within 2 working days of receipt.

On conclusion of the live proceedings, NIGALA will contact the complainant to see:

- (i) whether the complainant feels the issues have been satisfactorily resolved through the court process or
- (ii) if the complainant would like NIGALA to review the issues raised.

Should the complainant wish NIGALA to review the issues, this will be done in accordance with the complaints policy.

STAGE	PROCESS
<p>Complaint designated as a comment</p>	<p>The Guardian ad Litem’s line manager/case co-ordinator receives details of the oral or written complaint about the member of staff/self-employed contractor. If the decision is taken to designate the complaint as a comment, the complainant and member of staff/self-employed contractor will be made aware of this decision within 2 days of receipt.</p> <p>If the complaint is deemed to be treated as a comment, the complainant should raise the matter with the court. The Guardian ad Litem’s line manager/case co-ordinator will also write to the court advising NIGALA has been made of aware of the issues and that the Agency is unable to take action until proceedings have ended.</p> <p>Upon conclusion of live proceedings, NIGALA will contact the complainant to determine whether the complainant wishes NIGALA to review the issues raised. The complainant is requested to advise NIGALA within 20 working days from conclusion of live proceedings. If NIGALA receive no communication from the complainant the matter will be considered closed at that time. However should the complainant wish to raise the issues at a later date, they may do so in line with this policy. Please refer to page 15.</p> <p>Should the complainant wish NIGALA to review the issues, this will be done in accordance with the complaints policy.</p>

COMPLAINTS STAGES

There are three stages within the Agency's Complaints process. A detailed timetable for complaints is outlined in Appendix 1 to this procedure.

A complaint will not always go through all three stages as resolution may be achieved at an early stage: it is also possible that, if a complaint is deemed to be exceptionally grave, it will be accepted at stage 1 and proceed immediately to stage 2.

NIGALA will, in the first instance, attempt to resolve the majority of complaints using a problem solving approach at stage 1. This applies even when a person indicates at the outset that they wish to make a formal complaint.

The complainant and the Guardian ad Litem must meet with the appointed local resolutions manager as part of the stage 1 process. The complainant must engage with the local resolutions manager at stage 1 and a formal record of the outcome agreed and signed by the complainant and the local resolutions manager.

Failure by the complainant to engage with the appointed resolutions manager at stage 1 will halt the complaints process until stage 1 is fully completed.

Should the complaint progress to stage 2 the complainant and the Guardian ad Litem must meet with the Investigating Officer and Independent Person and be in receipt of their decision report before stage 3 can be initiated by the complainant.

STAGE	PROCESS
<p><u>Stage 1</u></p> <p><i>Early Resolution</i></p>	<p>The GAL's Line Manager/Case co-ordinator receives details of the oral or written complaint about the member of staff/self-employed contractor.</p> <p>If the complaint is made verbally, the member of staff/self-employed contractor receiving it, either by telephone or in person, must record it in writing and send it to the Complaints officer within one working day. Where a complaint is received verbally, the written summary will be confirmed with the Complainant by the Line Manager/Case Co-ordinator. In order to avoid confusion or disappointment, it may be helpful to establish at the outset what the Complainant wants to achieve</p> <p>A written acknowledgement will be sent to the complainant within 2 working days of receipt of the written complaint.</p> <p>When the complaint includes a clear indicator of:</p> <ul style="list-style-type: none"> ▪ Abusive behaviour towards a child ▪ Misconduct on the part of NIGALA staff/self-employed contractors towards a child ▪ Professional misconduct on the part of staff/self-employed contractors ▪ Criminal activity ▪ A breach of statutory regulations or other serious concerns <p>The matter should immediately be referred to the Chief Executive for a decision on action under the Child Protection or Disciplinary Procedure. In such cases, consideration will have to be given as to whether there are any outstanding issues to be addressed under this Complaints Policy and Procedure.</p> <p>The GAL's Line Manager/Case co-ordinator will ensure that the person making the complaint is given the opportunity to express their views. If there is a difference of view between the complainant and the Guardian ad Litem, it is expected that every opportunity is taken to achieve resolution if at all possible.</p> <p>In order to ensure that the Local Resolutions Stage is not prolonged beyond any positive period of action, it should not normally be extended beyond 20 working days. In exceptional cases where there is a possibility of a resolution, the Local Resolutions Stage may be extended and the Complainant will be notified by the Complaints Officer.</p> <p>If, despite all efforts resolution has not been achieved the option should be given to the Complainant to proceed to Stage 2 of the procedure or to withdraw. In all cases the Complainant will receive a formal written response from the Complaints Officer that will provide them with information about how to proceed to the next stage if they remain dissatisfied.</p> <p>A clear written record of the Local Resolutions stage activity, process and outcome will be retained by the Complaints Officer.</p> <p>At stage 1 those who will have access to complaints Datix record and documentation are:</p> <ul style="list-style-type: none"> ▪ Complaints Officer ▪ Local Resolutions Manager

STAGE	PROCESS
<p><u>Stage 2</u></p> <p><i>Formal Investigation</i></p>	<p>A formal investigation will take place in the following circumstances:</p> <ul style="list-style-type: none"> ▪ When a Complainant remains dissatisfied following reasonable attempts at the early resolution stage 1, a formal investigation will investigate the issues raised at stage 1 and these will form the Terms of Reference for the investigation. ▪ When a complaint made to any member of NIGALA staff or self-employed contractor is considered to be of a serious nature. In such cases the matter should immediately be referred to the Chief Executive who will consult with the Line Manager/Case co-ordinator in order to decide the need for immediate progression to Stage 2 Formal Investigation. <p>The complainant and member of staff/self-employed contractor will be informed about arrangements to be made under Stage 2 within 2 working days of notification from the complainant.</p> <p>The complainant may require assistance and the Agency will ensure that the complainant is aware of organisations that provide the required support.</p> <p>The Chief Executive will appoint an Investigating Officer and an Independent Person to undertake an investigation of the complaint within 5 days of receipt of notification from the complainant. The role of the Investigating Officer and Independent Person are described on page 8 and 9 of this policy.</p> <p>The Investigating Officer will conduct the investigation with the involvement of the Independent Person as directed under the NIGALA Investigation Procedures Manual.</p> <p>The Investigating Officer will produce a joint written report detailing their decision and forward to the Complaints Officer no later than 30 days following appointment at Stage 2.</p> <p>The Complaints Officer will forward the decision of the Investigating Officer to all parties i.e. to the Complainant, the child if of sufficient age and understanding, the Independent Person and the Guardian ad Litem within 2 working days following receipt of the Investigating Officer's report. The reply must inform the Complainant of their right to progress their complaint to the next stage if not satisfied with the response.</p> <p>If the Complainant remains dissatisfied they must request in writing within 28 days of the date the reply was sent; that they wish to have their complaint considered by an Independent Complaints Board at Stage 3. Failure to issue the request to the Complaints officer within the 28 day time</p>

frame will deem the matter to be closed.

A clear written record of the Investigations stage, process and outcome will be retained on the complaints file by the Complaints Officer.

At stage 2 those who will have access to complaints Datix record are:

- Complaints Officer
- Investigating Officer

The following will have access to the complaints documentation during stage 2:

- Complaints Officer
- Investigating Officer
- Independent Person

STAGE	PROCESS
<p><u>Stage 3</u></p> <p><i>Appeal to Complaints Board</i></p>	<p>If the Complainant requests in writing consideration of their complaint at Stage 3, the Complaints Officer will arrange a Complaints Board of three members as directed in Schedule 1 of the Panel Regulations.</p> <p>The Complaints Board shall consist of three persons:</p> <ul style="list-style-type: none"> (a) One of whom shall be a person who is neither an officer nor a member of the Agency or of a Health and Social Services Board or of a Health and Social Services Trust; (b) Another of whom shall be a person who is involved in the social services functions of a Health and Social Services Board or of a Health and Social Services Trust in respect of services for children and their families; (c) Another of whom shall be a clerk of petty sessions. <p>One of the members of the Complaints Board shall act as chairperson.</p> <p>The remit of the Complaints Board is to review the complaint and how it was processed at Stage 1 and 2. The Complaints Board in meeting with the Complainant, needs to extrapolate which issues within the complaint remain unresolved, otherwise the entire complaint will have to be reviewed. It is crucial that only the substance of the complaint dealt with at Stage 1 and 2 are reviewed for the following reasons:</p> <ul style="list-style-type: none"> a) Any additional complaints or an expansion of the original complaint must be subject to due process which is to go through the Local Resolutions Stage 1 and Investigations Stage 2. While this may appear over bureaucratic, it is the only way to ensure transparency and natural justice to all parties involved, which includes the Guardian ad Litem. b) Dealing only with the original complaint will avoid complication such as persistent addendum, which would make already tight timescales for processing the complaint impossible to meet, and result in a Complaints Board having no clear boundaries. c) The complaint following Stage 3, may still result in dissatisfaction, with the complaint then going to the NI Public Service Ombudsman where process and procedure will be scrutinised. <p>The Complaints Board must meet within 28 days its appointment. Following the meeting, the Complaints Board may decide that further information is required in order to adequately address the matters raised in the complaint. In such circumstances, the Complainant and any other relevant persons will be notified in writing by the Complaints Officer should any delay occur as a result.</p> <p>A preparatory meeting of the Complaints Board may be arranged to inform the members about the procedure, the limitations of the review and to consider support required to the Complaints Board.</p> <p>The Complainant, the child (subject to their age and understanding) and, if required the Independent Person who considered the complaint at Stage 2 will be notified in writing of the date, time and venue of the Complaints Board meeting and will invited to attend. They will be informed of the name and designation of the Complaints Board</p>

members.

The Line Manager/Case co-ordinator will consider the child's support needs and make appropriate arrangements for support to be provided for example by the Child's social worker or other suitable advocate.

The Line Manager/Case co-ordinator will give full consideration to the support needs of the Guardian ad Litem or other persons being complained about.

The Complainant and or Guardian ad Litem may make a written submission to the Complaints Board before the meeting and may also make oral submissions at the meeting. The Complaints Board will also take account of any verbal or written submissions that NIGALA would wish to make.

The Complainant should be informed that if they wish to attend the meeting of the Complaints Board that they may be accompanied by another person of their choice, and may nominate that other person to speak on their behalf.

The Complaints Board members must:-

- a) Keep appropriate notes and records of all contacts and discussions as well as providing a full report including the rationale for any decisions made
- b) Decide its recommendation and record these along with reasons, in writing, at the end of the Complaints Board meeting.
- c) Provide the Complaints Officer with originals of all notes and records made by members at all times at the conclusion of the Complaints Board in order to comply with record retention requirements.

Within five days the Chair of the Complaints Board shall notify in writing the Chief Executive of the recommendations of the Complaints Board.

The Chief Executive will advise the complainant, the child (subject to their age and understanding), the Independent Person appointed at Stage 2 and the person in respect of whom the complaint was made, of their determination in writing within 2 working days of receipt of the Complaints Board recommendation.

The Chief Executive may seek further advice to assist in their consideration of the Complaints Board recommendations.

The Complainant and/or the child (subject to age and understanding) may be offered a meeting to discuss their concerns further and should be given advice about contacting the Northern Ireland Commissioner for Complaints (The Ombudsman) if they remain dissatisfied.

The Line Manager/Case co-ordinator will give verbal explanations in advance of the written response, wherever possible, to the child, his/her parents or carers, and other appropriate persons if relevant.

At stage 3 those who will have access to complaints Datix record is:

- Complaints Officer

The following will have access to the complaints documentation during stage 3:

- Complaints Board members will have access to all documentation generated during stage 1 and 2.

Subsequent Action

NIGALA will take any action decided upon in an individual case as soon as possible after the decision has been reached. Delay would undermine confidence in the policy and procedure and might well become the subject of another complaint or cause the Complainants to seek another remedy.

NIGALA will take note of aspects of the case complained about that require action under other procedures or that have general implications for policies and practice. In the first instance the other procedure should be identified and the relevant person should be informed and appropriate arrangements made. Where issues of policy and practice arise, NIGALA will consider how best to address the issue and the timescale of action. Serious matters will need immediate attention.

The NI Public Service Ombudsman

NIGALA should inform the Complainant at the end of Stage 3 of their right to refer the matter to The Northern Ireland Public Service Ombudsman if they remain dissatisfied. The Ombudsman may investigate a complaint about maladministration by NIGALA where the Complainant is not satisfied with the conduct or outcome of NIGALA's own investigation.

Review

This policy will be kept under constant review and changes will be subject to consultation. A formal review will take place in January 2017.

NIGALA COMPLAINTS PROCESS TIMETABLE

(All days refer to working days)

NIGALA Complaints Stage	Action	By Whom	Timescale for Completion*
<p><u>Comment</u></p> <p>Complaint designated as a Comment</p>	(i) Acknowledge receipt of written complaint, advise complainant complaint being treated as a comment. Record on complaints register.	Comments, Compliments & Complaints Officer	Within 2 days of receipt.
	(ii) Subject of complaint to be advised.	Assistant Director (with responsibility for member of staff)	Within 2 days of receipt.
	(iii) Live proceedings closed. NIGALA to contact complainant to be contacted to see if they feel issues are resolved, or whether they wish to proceed with complaint.	Comments, Compliments & Complaints Officer	Upon closure of live proceedings.
	(iv) Complainant to respond within 20 working days.	Complainant	Within 20 days upon closure of live proceedings.
	(v) If no response from complainant within 20 working days, complainant and subject advised matter closed at this time.	Comments, Compliments & Complaints Officer	After 20 days from closure of live proceedings
	(vi) Complainant notifies NIGALA within 20 days of wish to proceed with complaint, NIGALA to review in accordance with complaints policy.	Comments, Compliments & Complaints Officer	As per complaints policy and procedure
	(vii) Complainant submits complaint within six month timescale NIGALA to review in accordance with complaints policy.	Complainant	As per complaints policy and procedure

NIGALA Complaints Stage	Action	By Whom	Timescale for Completion*
<p>Stage 1</p> <p>Early Resolution</p>	(j) Acknowledge receipt of written complaint, record made on Complaints Register and pass to appropriate Assistant Director.	Comments, Compliments & Complaints Officer	Within 2 days of receipt.
	(viii) Subject of complaint to be advised.	Assistant Director (with responsibility for member of staff)	Within 1 day of receipt.
	(ix) Problem solving process	Member of staff and his/her Manager/case co-ordinator to work with the complainant to achieve resolution. Formal written response sent to Complainant	Within 20 days of complaint registration with NIGALA.
	(x) If still dissatisfied, complainant contacts the Comments, Compliments & Complaints Officer and requests Stage 2	Complainant	Within 20 days of final meeting to resolve problem(s).
	(xi) Complaints Officer advises the relevant members of staff/self-employed contractor and the complainant of the arrangements for stage 2.	Comments, Compliments & Complaints Officer	Within 2 days of notification from complainant.

NIGALA Complaints Stage	Action	By Whom	Timescale for Completion*
<p><u>Stage 2</u></p> <p>Formal Investigation</p>	(i) Acknowledge receipt written request from complainant to move to stage 2.	Comments, Compliments & Complaints Officer	Within 2 days of receipt of notification from the complainant.
	(ii) Appointment of investigations officer and independent person and agreement of the investigation terms of reference.	Chief Executive	Within 5 days of receipt of notification from the complainant
	(iii) Impartial investigation conducted.	Investigating Officer and Independent Person	Within 30 days of appointment of investigations officer
	(iv) Joint investigation report detailing the decision sent to the Complaints Officer	Investigating Officer	Within 2 days following completion of the investigation
	(v) Complainant advised of Investigating Officer's determination in writing.	Investigating Officer	Within 2 days following receipt of investigations report from the Investigations Officer
	(vi) If still dissatisfied, complainant contacts the Comments, Compliment and Complaints Officer and requests stage 3.	Complainant	Within 28 days of the date the Chief Executives reply was sent.

NIGALA Complaints Stage	Action	By Whom	Timescale for Completion*
<p align="center"><u>Stage 3</u></p> <p align="center">Appeal to the Complaints Board</p>	(i) Acknowledge receipt written request from complainant to move to stage 3.	Comments, Compliments & Complaints Officer	Within 2 days of receipt of notification from the complainant
	(ii) Complaints Board convened.	Comments, Compliments & Complaints Officer	Within 5 days of receipt of notification from the complainant
	(iii) Complaints Board meets to review the complaint.	Complaints Board	Within 28 days from appointment of Complaints Board
	(iv) Complaints Board report their recommendation in writing to the Chief Executive.	Chair of Complaints Board	Within 5 days following completion of the Complaints Board
	(v) Complainant advised of Chief Executive's determination in writing.	Chief Executive	Within 2 days following receipt of recommendation from Complaints Board

*** In the event that the NIGALA is unable to comply with a timescale, the reason must be recorded in writing.**

APPENDIX 2

The Family Proceedings Rules (Northern Ireland) 1996

Powers and duties of guardian ad litem

4.12

- (1) In carrying out his duty under Article 60(2), the Guardian ad Litem shall have regard to the principle set out in Article 3(2) and the matters set out in Article 3(3)(a) to (f) as if for the word “court” in that section there were substituted the words “guardian ad litem”.
- (2) The Guardian ad Litem shall:
 - (a) appoint a solicitor to represent the child unless such a solicitor has already been appointed, and
 - (b) give such advice to the child as is appropriate having regard to his understanding and, subject to rule 4.13(1)(a), instruct the solicitor representing the child on all matters relevant to the interests of the child, including possibilities for appeal, arising in the course of the proceedings.
- (3) Where the Guardian ad Litem is the Official Solicitor, paragraph 2(a) shall not require him to appoint a solicitor for the child if he intends to act as the child’s solicitor in the proceedings, unless:
 - (a) the child wishes to instruct a solicitor direct; and
 - (b) the Official Solicitor or the court considers that he is of sufficient understanding to do so.
- (4) Where it appears to the Guardian ad Litem that the child:
 - (a) is instructing his solicitor direct, or
 - (b) intends to, and is capable of conducting the proceedings on his own behalf,he shall inform the court and thereafter:
 - (i) shall perform all of his duties set out in the rule, other than duties under paragraph (2)(a) and such other duties as the court may direct,
 - (ii) shall take such part in the proceedings as the court may direct, and
 - (iii) may, with leave of the court, have legal representation in his conduct of those duties.
- (5) The Guardian ad Litem shall, unless excused by the court, attend all directions appointments in and hearings of the proceedings and shall advise the court on the following matters:
 - (a) whether the child is of sufficient understanding for any purpose including the child’s refusal to submit to a medical or psychiatric examination or other assessment that the court has power to require, direct or order;

- (b) the wishes of the child in respect of any matter relevant to the proceedings, including his attendance at court;
 - (c) the appropriate forum for the proceedings;
 - (d) the appropriate timing of the proceedings or any part of them;
 - (e) the options available to it in respect of the child and the suitability of each such option including what order should be made in determining the application;
 - (f) any other matter concerning which the court seeks his advice or concerning which he considers that the court should be informed.
- (6) The advice given under paragraph (5) may, subject to any order of the court, be given orally or in writing; and if the advice be given orally, a note of it shall be taken.
- (7) The Guardian ad Litem shall, where practicable, notify any person whose joined as a party to those proceedings would be likely, in the guardian ad litem's opinion, to safeguard the interests of the child, of that person's right to apply to be joined under rule 4.8(2) and shall inform the court:
- (a) of any such notification given,
 - (b) of anyone whom he believes may wish to be joined to the proceedings.
- (8) The Guardian ad Litem shall, unless the court otherwise directs, not less than 7 days before the date fixed for the final hearing of the proceedings, file a written report advising on the interest of the child; and the proper officer or chief clerk shall, as soon as practicable, serve a copy of the report on the parties.
- (9) The Guardian ad Litem shall serve and accept service of documents on behalf of the child in accordance with rule 4.9(2)(b) and (3)(b) and, where the child has not himself been served, and has sufficient understanding, advise the child of the contents of any document so served.
- (10) The Guardian ad Litem shall make such investigations as may be necessary for him to carry out his duties and shall, in particular:
- (a) contact or seek to interview such persons as he thinks appropriate or as the court directs,
 - (b) if he inspects records of the kinds referred to in Article 61, bring to the attention of the court and such other persons as the court may direct all such records and documents which may, in his opinion, assist in the proper determination of the proceedings, and
 - (c) obtain such professional assistance as is available to him which he thinks appropriate or which the court directs him to obtain.
- (11) In addition to his duties under other paragraphs of this rule, the Guardian ad Litem shall provide to the court such other assistance as it may require.
- (12) A party may question the Guardian ad Litem about oral or written advice tendered by him to the court under this rule.

APPENDIX 3

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 6) 1989

Duties of guardian ad litem

- 6.
- (1) The Guardian ad Litem shall:-
- (a) ensure, so far as is reasonably practicable, that any agreement of the making of the adoption order is given freely and unconditionally and with full understanding of what is involved;
 - (b) confirm that the parent or guardian has been given an opportunity of making a declaration under Article 17(5), that he prefers not to be involved in future questions concerning the adoption of the child;
 - (c) investigate all the circumstances relevant to any such agreement or declaration;
 - (d) where it is proposed to free for adoption a child whose parents were not married to each other at the time of his birth and whose father is not his guardian, take all reasonable steps to identify any person claiming to be the father in order to be able to advise the court:
 - (i) of that person's views;
 - (ii) of whether that person intends to apply for an order under Article 7(1) or 10 of the Order of 1995;
 - (iii) of any matter relevant to the determination of an application under the Order of 1995.
 - (e) on completing his investigations make a report in writing to the court, drawing attention to any matters which, in his opinion, may be of assistance to the court in considering the application, and shall notify the applicant that he has done so.
- (2) With a view to safeguarding the interests of the child before the court, the Guardian ad Litem shall, so far as is reasonably practicable:
- (a) investigate:
 - (i) the matters alleged in the application, the report supplied by the applicant and, where appropriate, the statement of facts supplied under rule 4A.4; and
 - (ii) any other matters which appear to him to be relevant to the making of an order freeing the child for adoption;
 - (b) advise whether, in his opinion, the child should be present at the hearing of the application; and
 - (c) perform such other duties as appear to him to be necessary or as the court may direct.
- (3) With a view to obtaining the directions of the court on any matter, the Guardian ad Litem may at any time make such interim report to the court as appears to him to be necessary and in such a case the Master shall notify the applicant.

- (4) The court may, at any time before the final determination of the application, require the Guardian ad Litem to perform such further duties as the court considers necessary.
- (5) The Guardian ad Litem shall attend any hearing of the application if so required by the court.
- (6) Any report made to the court under this rule shall be confidential.