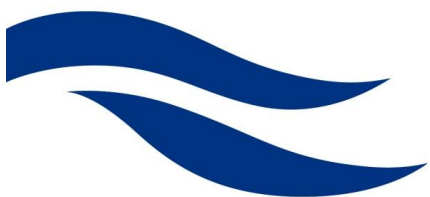


# Children's Social Care Representations and Complaints Procedure



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## 1. Introduction to the procedure

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### 1.1 Introduction

1.1.1 This procedure relates to representations covered by the Children Act 1989 Representations Procedure (England) Regulations 2006. These new regulations and guidance came into force on 1st September 2006.

1.1.2 The regulations and the guidance document from the Department for Education and Skills *Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others* provide the basis of this procedure. They also provide a source of additional detail and information. They can be found in full at:

- [www.everychildmatters.gov.uk/resource-and-practice/IG00152](http://www.everychildmatters.gov.uk/resource-and-practice/IG00152) (guidance)
- [www.opsi.gov.uk/si/si2006/20061738.htm](http://www.opsi.gov.uk/si/si2006/20061738.htm) (regulations)

1.1.3 Many of the complaints relating to Safeguarding and Specialist Services will be covered by this procedure. However, there are a number of routes for representations and complaints regarding Child and Adult Services that may be applicable, including the Corporate Complaints Procedure and the Child Protection Complaints Procedure.

### 1.2 Outcomes

1.2.1 People who make representations should have their concerns resolved swiftly and as near to the point of service delivery as possible.

1.2.2 Complaints and representations are used to indicate areas which are working well and where development is needed, and result in action to improve services and methods of delivery.

### 1.3 Principles

1.3.1 The Child and Adult Services department is committed to the principles of diversity, equality and participation. These principles underpin the way in which all our services are provided.

1.3.2. All complainants will be treated with equal respect regardless of their age, ethnicity, gender, gender reassignment, sexuality, marriage or civil partnership, pregnancy or maternity, faith or disability.

1.3.3. Hartlepool Borough Council adopts the eleven principles for a good procedure as set out in the guidance *Getting the Best from Complaints*. They are:

1. The complaints procedure should be clear and easy to use.
2. It should ensure that people who use the service are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
3. It should ensure, as far as possible, even-handedness in the handling of complaints.
4. It should ensure that any concerns about the protection of children are referred immediately to the relevant team or to the Police. If there are any doubts at all the Local Authority Designated officer will be able to advise.
5. It should make sure that as many complaints as possible are resolved swiftly and satisfactorily at local level.
6. It should ensure a fair process and adequate support for everyone involved in the complaint.
7. It should ensure that the child or young person receives a full response without delay.
8. It should enable any local authority purchasing services in the independent sector, to exercise its continuing duty of care.
9. It should secure sensible and effective links with other procedures in local government.
10. It should safeguard the child or young person's rights of access to other means of redress, such as the Local Government Ombudsman.
11. It should ensure that local authorities monitor their performance in handling complaints, deliver what they promised, learn from complaints and use this learning to improve services for everyone who uses them.

## 2. Scope of the complaints procedure

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### 2.1 Decisions regarding scope and eligibility

- 2.1.1 It should always be considered whether a complaint is eligible to be considered under this procedure, and whether a complainant is eligible to complain under this procedure. Where this is not clear, a decision will be made by the complaints manager after taking appropriate legal advice where necessary.
- 2.1.2 If a complainant or their complaint does not fall within the scope of this procedure, the person will be informed of this and of alternative processes that may consider their representation if these are available.

### 2.2 Definitions

- 2.2.1 This procedure uses the definition of a complaint given by the Local Government Ombudsman. This is also the definition used by the corporate procedure:

“A complaint is an expression of dissatisfaction, however made, about the standards of service, actions, or lack of action by the Council or their staff affecting an individual customer/service user or a group of customers/service users.”

- 2.2.2 Complaints of a general nature which are not concerned with an individual case fall outside of this definition. In such circumstances other procedures may be used. The complaints officer will be able to advise.
- 2.2.3 Anonymous complaints referring to a specific child may be considered under this procedure.
- 2.2.4 Issues of concern of a general nature or anonymous complaints may still be recorded, investigated and acted upon. They may be defined as concerns (see section 3.3) or referred to other procedures.
- 2.2.5 Representations are not always complaints:
- Service users may make compliments; an expression of satisfaction with the standards of service and actions of the Council or its staff.
  - Comments are suggestions for improvement or change and observations about services and actions made without expressing dissatisfaction.
  - Concerns, raise possible problems or highlight possible risks, but do not express dissatisfaction.

- An appeal requests that a decision is reviewed without expressing dissatisfaction at how the decision was reached.
- Representations may also be simply a request for a service or a request for information.

## **2.3 Making a representation**

2.3.1 Representations do not have to be made in writing. The service will consider representations made in a number of ways, for example:

- In person by speaking to a member of staff or to the complaints officer
- By telephone
- In writing by letter or on a complaints feedback form
- Via the Council's website or by email
- By fax
- Using languages other than English

2.3.2 If a representation is resolved immediately there is no need to engage the complaints procedure. However, the complaints officer should be notified for recording purposes.

## **2.4 Time limit for making a complaint**

2.4.1 Complaints must be made no later than one year after the grounds to make the complaint arise.

2.4.2 The time limit can be extended at the Council's discretion. This decision will be made on a case by case basis by the complaints officer following discussions with the Assistant Director. Possible grounds include:

- It would not be reasonable to expect the complainant to have made the complaint within the time limit;
- It is still possible to consider the complaint effectively and fairly;
- The Council believes that there is benefit in the complaint proceeding; and/or
- Action should be taken in light of human rights-based legislation.

## **2.5 Who may complain?**

2.5.1 Under the procedure, complaints may be made by:

- Any child or young person who is being looked after by the local authority or who is in need (or a parent or person with parental responsibility for such a child or young person);

- Local Authority foster carers and foster carers from independent agencies who are caring for children placed by the local authority;
- Children leaving care;
- Special Guardians;
- A child or young person (or their parent) to whom a Special Guardianship order is in force;
- Any person who has applied for an assessment under section 14F(3) and (4) of the Children Act, 1989;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;
- Any other person whom arrangements for the provision of adoptions services extend;
- Adopted persons, their parents, natural parents and former guardians; or
- Any other person whom the Council considers has sufficient interest in the child or young person's welfare to warrant their representation being considered.

Council staff and other professionals working with the child may not use this procedure to make a complaint.

## 2.6 What may be complained about?

2.6.1 A complaint may arise as a result of many things relating to statutory social services functions (see guidance document and regulations). In brief these include:

- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Delivery or non-delivery of service including complaints procedures;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Applications of eligibility and assessment criteria;
- The impact on a child or young person of the application of a Council policy;
- Assessment, care management and review;
- Certain adoption related functions;
- Functions relating to Special Guardianship support services;
- Social work information or social work reports that have gone to court; and/or
- Actions of social work staff in multi-agency settings.

## **2.7 Concurrent Investigations**

2.7.1 If a complaint related to a matter being considered or investigated for other proceedings the Council may decide not to consider the complaint or to stop considering a complaint already in progress if:

- The complainant has stated in writing to the Council that they are taking or intend to take proceedings in any court or tribunal;
- The Council is taking or proposing to take disciplinary proceedings against any person;
- The Council has been notified that any person is conducting an investigation in contemplation of criminal proceedings; and/or
- The Council has been notified that criminal proceedings are pending.

2.7.2 Notice of this decision must be given in writing to the complainant.

2.7.3 When the concurrent investigation has been discontinued or completed the complainant may resubmit their complaint. This must be done no later than one year after the date the concurrent investigation ended.

## **2.8 Complaints already considered at all stages of the procedure**

2.8.1 The complaints procedure does not apply when the same complaint has already been dealt with at all stages of the procedure.

## **3. Handling and considering representations**

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### **3.1 Deferring (freezing) decisions**

3.1.1 If the complaint is about a proposed change to a care plan, placement or a service, the decision may need to be deferred (frozen) until the complaint is considered. Decisions will be taken on a case by case basis, but there should generally be an assumption of freezing the decision unless there is a good reason against it.

3.1.2 This decision to defer will be made through detailed discussion and risk assessment between the complaints officer and manager responsible for the service, with advice from more senior managers as necessary. The decision will take into account, work being undertaken with the child or young person, the effect of the decision upon the mental or physical well-being of an individual involved, leaving a child or young person in a place where they may be at risk.



## **3.2 Providing advocacy and support**

- 3.2.1 Access to advocacy is a statutory requirement for children and young people making a complaint or other representation.
- 3.2.2 The Council welcomes the use of advocacy by people making representations.
- 3.2.3 All staff should be made aware that advocacy for children and young people is available through the National Youth Advocacy Services (NYAS) purchased by the Council. Adults complaining on behalf of a child may also benefit from an advocacy provider.
- 3.2.4 The complaints officer will provide information on advocacy to all people who make a complaint or other representations where appropriate. They will assist the complainant in obtaining an advocate as appropriate.
- 3.2.5 Support in understanding the complaints process and in making a complaint will be provided by the complaints officer.
- 3.2.6 Where a complaint is made by a child or young person, the complaints officer will offer to meet with the complainant to discuss the complaints process and ensure that questions or concerns are addressed.
- 3.2.7. In supporting people through the complaints process and in providing advocacy the Council will consider the varying needs of the complainants.

## **3.3 Representations other than complaints**

- 3.3.1 Representations that are not complaints should be handled locally in the first instance.
- 3.3.2 Where a representation that is not a complaint requires formal acknowledgement and recording these should be reported to the complaints officer.
- 3.3.3 Where these representations require it, a response should be made to the issues raised and any actions required should be set out. These should be communicated to the person making the representation.
- 3.3.4 Children, young people and service users will be made aware of how to make representations other than complaints.

3.3.5 Children, young people and adults have the same rights to advocacy whether the representation is a complaint or not.

### **Compliments**

3.3.6 Any compliments received should be passed on to the complaints officer for inclusion in formal monitoring. The manager and individual members of staff concerned will be informed of the compliment, by the person receiving the compliment or the complaints officer. Compliments will be acknowledged in writing by the complaints officer where appropriate.

### **Concerns**

3.3.7 A concern is a representation which can be dealt with swiftly without a need for a formal investigation. However, the person expressing the concern must always be given the option of using the formal complaints procedure.

### **Comments and suggestions**

3.3.8 Comments and suggestions will be acknowledged and responded to if appropriate.

### **Requests for service or information**

3.3.9 Where a representation is simply a request for a service or a request for information, this will be passed to the appropriate person or responded to directly.

## **3.4. Withdrawing a complaint**

3.4.1 The complainant may withdraw their complaint verbally or in writing at any time.

3.4.2 Any such withdrawal must be notified to the complaints officer immediately. The complaints officer will write to the complainant to confirm withdrawal of the complaint.

3.4.3 The Council will consider whether or not it wishes to continue considering the issues raised by the complaint through an internal management review.

3.4.4 The complainant may seek to reinstate the complaint at a future date subject to time limits in making a complaint.

### **3.5 Problem solving and resolution**

3.5.1 Attempts to resolve an issue should not end once a complaint has been made. There are a number of methods of resolution that may be considered which do not require a full investigation of the complaint:

- The provision of an apology or explanation;
- Conciliation and medication;
- A re-assessment of the child or young person's needs;
- Practical action specific to the particular complaint;
- A review of practice; and
- An assurance that the Council will monitor the effectiveness of its remedy.

### **3.6 Redress**

3.6.1 Under Section 92 of the Local Government Act 2000, local authorities are empowered to remedy injustice arising from maladministration. Remedies may include, but are not limited to, financial redress. Remedies should:

- Be appropriate and proportionate to the injustice;
- Put the complainant in the position he would have been in if it were not for the fault;
- Consider the financial compensation where the above is not possible;
- Take into account the complainant's views and desired outcome;
- Take into account the complainant's own actions.

### **3.7 Unreasonably persistent complainants and unreasonable complainant behaviour**

3.7.1 Whilst the Council tries to respond to the needs of all complainants in a fair and timely manner, in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the Council. A policy has been formulated to deal with the very small number of complainants whose frequency of contact with the Council, insoluble and persistent complaints or unacceptable behaviour makes it necessary for special measures to be taken (see the Corporate Complaints and Comments Procedure).

### **3.8 Abusive, offensive or threatening behaviour**

3.8.1 Hartlepool Borough Council has a policy and procedure relating to violence and aggression toward employees, which complements the Corporate Health and Safety Policy.

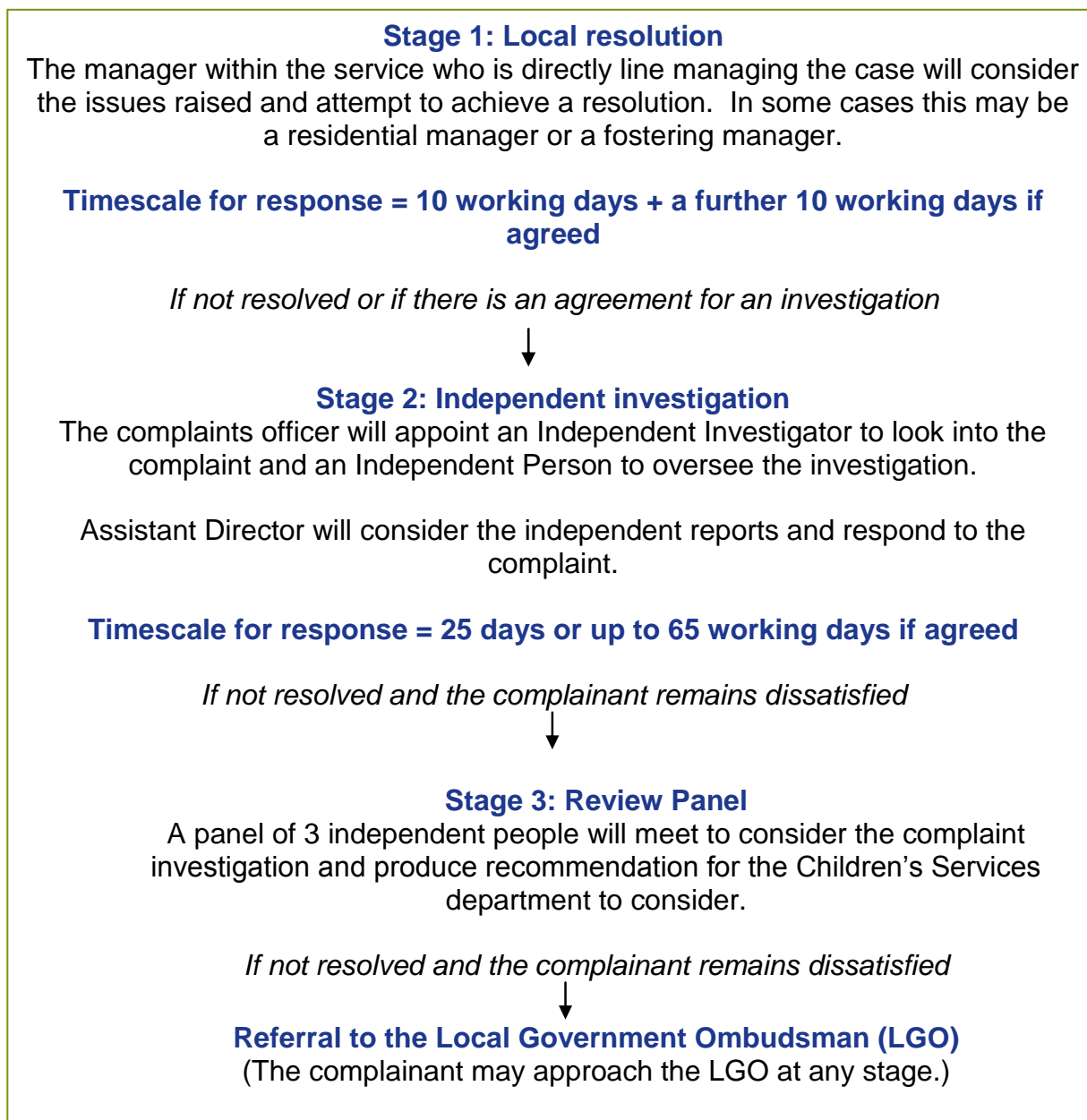
3.8.2 Where an employee encounters abusive, offensive or threatening behaviour the complaints officer will consider suspending the complaint until this issue is resolved.

## 4. The three stages of complaints handling

### 4.1 Overview of the three stages of complaints handling

4.1.1 The statutory complaints process has three stages; Local Resolution, Independent Investigation and Review Panel. Each stage has statutory timescales attached.

**Figure 1: Overview of the Children's Social Care complaints process**



<b>4.2. Stage 1: Local resolution</b>	<b>Responsible officer</b>	<b>Timescale</b>
4.2.1 Complaints are made in many ways and to different parts of the Council. If a complaint is made verbally, an initial written record of the complaint should be made by the member of staff. It is important that complaints forms or written records have the date marked on them at the point of receipt to allow timescales to be accurate.	All staff	Immediately
4.2.2 It is important that all complaints received are passed to the complaints officer. This should be done on the day of receipt.	All staff	Immediately
4.2.3 A complaint is made on the day on which it is first received by the Council. The start date may be at a later date if this is requested by the complainant and agreed with the complaints officer. Where the Council has to consider if a person has sufficient interest to warrant their complaint being considered under the procedure the start date may be when this is decided.	Complaints officer	
4.2.4 Before the consideration of the issues is initiated, the complaints officer will consider the eligibility of the complaint and the complainant to be considered under the social care procedure and any other particular issues. These considerations will involve senior managers and legal advice as necessary on a case-by-case basis.	Complaints officer	
4.2.5 The complaints officer will liaise with the relevant head of business unit to arrange for the Stage 1 consideration.	Complaints officer	Same day
4.2.6 The head of business unit will consider the impact of the complaint on any member of staff and determine how best to notify and offer support to the member of staff involved.	Head of business unit	

<p>4.2.7 The head of business unit, in consultation with the complaints officer will determine who should look into the complaint at Stage 1. Normally the line manager responsible for the case (responding officer) will respond in the first instance. In some cases this may be a fostering manager or a residential manager.</p>	<p>Head of business unit</p>	<p>Same day</p>
<p>4.2.8 The complaints officer will record the complaint and acknowledge the complaint in writing to the complainant (and by their other preferred form of communication if indicated). The acknowledgement will include the name of the manager who will respond to the complaint. The acknowledgement will be sent within 3 working days of the complaint being received.</p>	<p>Complaints officer</p>	<p>Within 3 working days</p>
<p>4.2.9 The complaints officer will provide the complainant with information on the complaints process and offer assistance and guidance on following the procedure, including help in obtaining an advocate. If the complainant is a child, this will include an offer to meet with the child or young person and provision of a NYAS leaflet outlining their services and contact details.</p>	<p>Complaints officer</p>	<p>Within 3 working days</p>
<p>4.2.10 If necessary, the timescale for Stage 1 can be suspended until an advocate has been appointed.</p>	<p>Complaints officer</p>	
<p>4.2.11 The responding officer will contact the complainant to confirm and clarify the issues of their complaint. They will look into the issue raised in the complaint and seek to resolve these satisfactorily.</p>	<p>Responding officer</p>	<p>Within 3 working days of being appointed</p>
<p>4.2.12 The local authority should aim to provide a complete response in 10 working days. Most Stage 1 complaints should ideally be concluded within this time.</p>	<p>Responding officer</p>	

4.2.13 In exceptional circumstances the complaints officer may agree an extension of up to 10 working days.	Complaints officer	
4.2.14 The complaints officer should inform the complainant when the 20 day time limit has elapsed. After the 20 day period the complainant has the right to move to Stage 2 of the process. This 20 day period can be extended with the complainant's agreement or request.	Complaints officer	
4.2.15 A response should be made, in writing, to the complainant confirming the agreed resolution or responding to the issues raised in the complaint. It is good practice to offer to meet with the complainant to communicate and explain this response. The relative timing of the written response and meeting should be decided by the responding officer for each individual case. The response will include notice of the right to a Stage 2 investigation.	Responding officer	Within 10 working days unless otherwise agreed with the Complainant and Complaints officer
4.2.16 The responding officer and head of business unit should consider what issues or lessons the complaint raises for practice and any actions that may be implemented to improve services.	Responding officer	
4.2.17 The head of business unit will consider how best to feedback findings to any members of staff involved.	Head of business unit	
4.2.18 A copy of the response should be sent to the complaints officer, along with details of any learning issues and any actions that will be taken.	Responding officer	
4.2.19 The complaints officer will record the time taken to respond and keep a copy of the response provided. This will be recorded and reported along with learning from complaints.	Complaints officer	
4.2.20 After receiving the response, a complainant has the right to request consideration of the complaint at Stage 2. There is no statutory time scale for this but complainants should	Complainant	Within 20 working days of receiving stage 1 response



be advised that wherever possible this should be done, in writing, within 20 working days.		
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<b>4.3</b>	<b>Stage 2: Independent Investigation</b>	<b>Responsible officer</b>	<b>Timescale</b>
4.3.1	The complaints officer will acknowledge a Stage 2 complaint request in writing to the complainant. They will provide information on the complaints process and advocacy, and offer support for the process.	Complaints officer	Within 3 working days of receipt of the complaint request
4.3.2	The complaints officer, in consultation with the assistant director and head of business unit, will appoint an Investigating officer to consider the complaint at Stage 2. The investigating officer will usually be a manager within the authority unless there are exceptional circumstances.	Complaints officer	Within 3 working days of receipt of the complaint request
4.3.3	The complaints officer, will make arrangements for the appointment of an independent person to oversee the investigation. This person will be appointed through the contractual arrangements in place or through a pool of approved independent persons.	Complaints officer	Within 3 working days of receipt of the complaint request
4.3.4	The start date for a Stage 2 complaint is the day that a copy of the terms of the complaint is agreed and signed by the complainant. Where the Council and the complainant have agreed that a complaint will move directly to be considered at Stage 2; the date of this agreement will be the start date.	Investigating officer Complaints officer	
4.3.5	If the complaint is submitted orally, the Council must prepare a written record of the representation, invite the complainant's comments and amend the record as necessary. The start date will be the date the final written record is agreed and, if possible, signed by the complainant.	Investigating officer	
4.3.6	The complaints officer will liaise with the head of business unit to consider the impact of the complaint on any member of staff and determine how	Head of business unit	

	best to notify and offer support to the member of staff involved.		
4.3.7	The investigating officer will conduct an investigation into the complaint, overseen by the independent person. The investigation should aim to be completed and a report provided in time to allow compliance with timescales.	Investigating officer	Within 25 working days unless otherwise agreed with the complainant and the complaints officer
4.3.8	The complaints officer will be a point of contact for the investigating officer and independent person and will support them in conducting their investigation.	Complaints officer	
4.3.9	All staff will co-operate with the investigation, for example in providing information, making files available, being available for interview, providing meetings rooms etc.	All staff	
4.3.10	The initial timescale of 25 working days may be extended to a maximum of 65 working days in exceptional circumstances. The complaints officer will determine the length of any extension if one is required.	Complaints officer	
4.3.11	Where timescales will be exceeded, it is important to maintain a dialogue with the complainant and if possible reach an agreement on a reasonable time. The complaints officer will inform the complainant of the reason for the delay and the date by which they should receive a response. Under no circumstances should the time of 65 working days be passed.	Complaints officer	
4.3.12	The investigating officer should write a report in plain language giving their findings, conclusions and outcomes against each point of complaint (i.e. upheld or not upheld). It may recommend how to remedy any injustice to the complainant.	Investigating officer	

4.3.13 The independent person should provide a report once they have read the investigating officer's final report.	Independent person	
<p>4.3.14 A senior manager, usually the assistant director, will make the response. They should consider the complaint, the Investigating officer's findings and recommendations; independent person's report, and the complainant's desired outcomes. They should include the decision on each point of complaint and any actions to be taken (with timescales).</p> <p>The response to the complainant will include a copy of the investigation report and independent persons report. It will give details of the right to progress to a Stage 3 Complaints Review Panel.</p>	Assistant director	Within 25 working days unless otherwise agreed with the complainant and the complaints officer
4.3.15 The assistant director and head of business unit will consider how best to feed back findings to any member of staff involved.	Assistant director	
4.3.16 A copy of the response, any actions and other learning points should be sent to the complaints officer.	Assistant director	
4.3.17 The complaints officer will record the time taken to respond to the complaint, the outcomes and monitor the implementation of recommendations.	Complaints officer	
4.3.18 After receiving the response, if the complainant is still dissatisfied they are eligible to request further consideration of the complaint by a Stage 3 Complaints Review Panel. They should make this request, in writing, up to 20 working days after receipt of the Stage 2 response.	Complainant	Within 20 working days of receiving stage 2 response

## 4.4 Stage 3: Complaints Review Panel

4.4.1 A Review Panel will consist of an independent chair and two independent panellists. Independent means a person who is neither an elected member nor an officer of the Council to which the representation have been made, either currently or during the three years preceding the Panel, nor the spouse or civil partner of such a person. The Independent Person appointed at Stage 2 may not be a member of the Panel.

4.4.2 Review Panels are designed to:

- Listen to all parties;
- Consider the adequacy of the Stage 2 investigation;
- Obtain any further information and advice that may help resolve the complaint to all parties satisfaction;
- Focus on achieving resolution for the complainant by addressing the clearly defined complaints and desired outcomes;
- Reach findings on each of the complaints being reviewed;
- Make recommendations that provide practical remedies and creative solutions to complex situations;
- Support local solutions where the opportunity for resolution between the complainant and the Council exists;
- To identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and
- Recommend any service improvements for action by the Council.

4.4.3 The Review Panel should not reinvestigate the complaint, nor consider any substantively new complaints that have not been included at Stage 2.

4.4.4 The Review Panel should provide a demonstrably fair and accessible process for all participants.

4.4.5 The Review Panel should provide an atmosphere that is accommodating to all attendees. This is particularly important where the complainant is a child or young person.

4.4.6 The complaints officer convenes the Stage 3 Panel.

4.4.7 The Panel should normally be structured in three parts; pre-meeting, presentations and deliberation.

4.4.8 Stage 3 timescales are summarised below:

<b>Action</b>	<b>Time</b>
Complainant requests Review Panel	Up to 20 working days after receipt of the stage 2 response
Complaints officer acknowledges request	Within 2 working days
Council appoints Chair and confirms attendees and content of Panel papers with Chair	Within 10 working days of the complainant's request for a Review Panel
Council agrees the other panellists and date for Review Panel	Within 30 working days of the complainant's request for a Review Panel
Council circulated Panel papers	No less than 10 working days of the date of the Review Panel
Review Panel produces its written report	Within 5 working days of the Review Panel
Relevant Director issues response to complainant	Within 15 working days of receiving the Review Panel's report.

#### **Attendance at the Panel**

4.4.9 The complainant has a right to attend the Panel and should be assisted in attending as appropriate. The Panel can proceed in the complainant's absence at the complainant's request.

4.4.10 The Panel is not a quasi-judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, the complainant has the right to bring a representative to speak on their behalf.

4.4.11 The Investigating Officer and Independent Person involved in the Stage 2 investigation should attend and contribute as relevant to their roles.

4.4.12 The officer who responded to the complaint at Stage 2 should attend as should the Adjudicating Manager.

4.4.13 The Complaints Manager, a representative of the Legal Division, and anyone providing administrative support should also attend the Panel.

4.4.14 The Chair should make the final decision on attendees.

## **Panel Report**

4.4.15 The Panel is required to produce a written report containing a brief summary of the representations and their recommendations for resolution of the issues including their reasons for them.

4.4.16 The Panel must send a copy of their report to the complainant, the Council, the Independent Person from stage 2 and any other person with sufficient interest within 5 working days of the Panel meeting.

## **Council response**

4.4.17 The Council must send its response to the Panel's recommendations to the complainant (and other participants as necessary) within 15 days of receiving the Panel's report.

4.4.18 The response should set out how the Council will respond to the recommendations and what action will be taken. If a recommendation is not taken up, the response must demonstrate the reasoning behind this.

4.4.19 The response must be developed by the Director of Child and Adult Services. Comment should be invited from all attendees, including the Independent Person at stage 2.

4.4.20 The response should advise the complainant of their right to refer their complaint to the Local Government Ombudsman if still dissatisfied.

## **5. Managing the complaints process**

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### **5.1 Monitoring and quality assurance**

5.1.1 The development officer will monitor the operation and effectiveness of the complaints procedure.

5.1.2 The development officer will ensure outcomes from complaints and representations are fed back to operational staff, managers and elected members. This will allow learning from complaints to inform improvements in services and service delivery, and for the complaints procedure to be a measure of performance and means of quality control.

## **5.2 Publicity**

- 5.2.1 The complaints officer will ensure that information regarding the complaints procedure is available.
- 5.2.2 Written information will be straightforward and tailored to different age groups. Attention will be given to making information accessible to all.
- 5.2.3 Information will be made available via printed leaflets and posters and via the Council's website. One of the main methods of communicating the right to complain and the right to advocacy will be through staff talking to service users and their representatives.
- 5.2.4 Particular efforts will be made to ensure that children and young people in contact with Safeguarding and Specialist Services are aware of the complaints process and their rights to advocacy and support.

## **5.3 Information and training for staff**

- 5.3.1 Staff play a key role in supporting the complaints and representations process in their every day interactions with service users. Staff should be open and supportive of comments, even expressions of dissatisfaction and to promote the right to complain and to advocacy. Information and training should be available to support front line staff in this, and for managers to support their staff in maintaining a positive view of complaints and representations as an opportunity to learn.
- 5.3.2 The complaints officer will arrange a planned programme of training and awareness raising to ensure the strategy so that the procedure is known and understood.
- 5.3.3 We recognise the importance of ensuring that staff who undertake complaints investigations are supported in this activity. Regular supervision will be delivered by the line manager of the person dealing with the complaint and will provide:
  - An environment that encourages professional development.
  - A confidential way to reflect on the work being done, and the impact it may have on the member of staff and their ability to do the job.
  - An opportunity to develop the key skills and knowledge needed to perform the role of complains investigation effectively.

Line managers have a key role in working with staff during the investigation process. They should listen to concerns, support report writing and work to identify lessons learned and find reasonable, realistic actions that support their implementation.

## **5.4 Recording**

5.4.1 Records will be kept to enable:

- Children and young people to see that their concerns and suggestions are being dealt with and that a thorough and fair consideration has taken place.
- The organisation to demonstrate that complaints lead to improvement in service planning and delivery.
- Feedback from representations and complaints lead to improvements in service planning and delivery.

5.4.2 The complaints officer will keep a record of all communication and reports in connection with each representation/complaint and whether there was compliance with timescales.

5.4.3 All functions of the complaints procedure will adhere to the requirements of the Data Protection Act 1989 and the Freedom of Information Act 2000.

5.4.4 Investigating officers should retain all papers relating to the investigation including notes of interviews, for a minimum of 2 years. Whilst ensuring accessibility, this information should remain confidential.

All final documents relating to a case should be retained on the individual case file. The complaints officer will keep a separate file on each complaint, containing all reports, letters and any other relevant papers.

An electronic database of all complaints will be maintained.

## **5.5 Appeals**

5.5.1 There shall be a right of appeal regarding findings of a complaint against the practice of any Officer.

5.5.2 Appeals must be notified by the employee, in writing, to the relevant Chief Officer in Child and Adult Services.

5.5.3 The appeal will be arranged as soon as practicable and at least within two months of the date of receipt of the appeal letter. However depending on the circumstances this period may be extended and this will be communicated to the employee.

5.5.4 The employee will be given a minimum of 14 calendar days' notice of the date of the appeal hearing or earlier if both parties agree.



5.5.5 Appeals against the findings of Stage 1 and Stage 2 Complaints will be heard by one relevant Chief Officer and a representative of the Chief Workforce Services Officer. The employee may be accompanied by a Trade Union Representative (if they are a Member) or a work colleague.

5.5.6 The outcome of the appeal is final and there is no further right of appeal.

## **5.6 Diversity monitoring**

5.6.1 Public Authorities have statutory duties under the Equality Act 2010 to monitor the impact of their policies on service users. Therefore, where possible and appropriate, complainants must be asked to define their race, religion or belief, sex, gender reassignment, any disability, sexual orientation and age.

## **5.7. Annual report**

5.7.1 The Development officer will provide an annual report for staff, relevant elected members and this should be made available to the regulator and general public.

5.7.2 The report will contain:

- Representations made to the Council
- The number of complaints at each stage and any that were considered by the Local Government Ombudsman
- Which customer groups made the complaints
- The types of complaints made
- The outcome of complaints
- Details about advocacy services provided under these arrangements
- Compliance with timescales
- Learning and service improvement
- A summary of statistical data about the age, gender, disability and ethnicity of complainants
- A review of the effectiveness of the complaints procedure.

## **6. Relationship with other procedures**

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### **6.1 Working with other procedures**

6.1.1 There are a number of other procedures that have a significant bearing on the complaints procedure; these may be within the Council and with other agencies. This includes, amongst others:

- Staff grievance and disciplinary procedures
- Child protection
- Court orders
- Cross boundary issues with other local authorities
- Multi-agency work with other public, private and voluntary bodies
- Other complaints procedures
- Regulated services

6.1.2 Where a complaint refers to other procedures or a concurrent investigation, the relationship with the other procedures should be made clear. It is essential that complaints are separated to the appropriate agencies or joint action is agreed upon. There should be effective co-ordination between the agencies involved and complainants should be provided with clear information as to how inter-agency matters will be dealt with.

6.1.3 Complaints procedures will be kept separate from grievance procedures and disciplinary procedures.

6.1.4 Where consideration of a complaint leads to concerns about the welfare of children these should be referred immediately to Children's Social Care or the Police. The handling of any associated complaint can be suspended if necessary.

6.1.5 Complaints may be investigated at the same time as a concurrent procedure is taking place unless this would compromise or prejudice the concurrent investigation.

6.1.6 Where a complaint crosses boundaries with other agencies or procedures we will:

- Suspend the complaint if necessary
- Co-ordinate and co-operate with other agencies involved
- Ensure a streamlined approach to the service user where possible
- Agree a joint investigation or separate investigation
- Be clear with the service user about what is happening and why
- Provide a single clear reply response that covers all aspects where possible
- Take the shorter of any timescales
- Ensure the process is not confusing for the complainant

*We issued this document in June 2012 and updated the information in January 2018.  
We will check the information is up to date in January 2021.*



