

Children's and Social Care Complaints Procedure

The Statutory Complaints Procedure, used for complaints raised by, or on behalf of children receiving a service from Children's Social Work Services, has three stages:

- Stage One - Local resolution.
- Stage Two - An independent complaint investigation.
- Stage Three - An independently chaired Review Panel.

Stage One – Local Resolution Stage 1 offers the relevant social work team, the first opportunity to consider the complaint and respond on behalf of the Directorate. In most cases and where possible, this involves the Team Manager/Assistant Team Manager at the closest point to the service delivery seeking to resolve the complaint as early as possible.

Good practice would be for the service to liaise with the customer as soon as possible to agree the complaints to be investigated. This gives us the opportunity to either apologise for any mistakes made and correct any resulting disadvantage (upholding the complaint); or establish that the work undertaken was correct and enables us to explain this to the complainant (not upholding the complaint).

It is important that the response is informative, accurate, fair, timely and as helpful as it can be. There is an initial statutory 10 working day timescale for responding to the complaint, with an extension to 20 working days with the agreement of the complainant, where complaints are complex or if time is needed to appoint an advocate.

Stage Two - Investigation -Where a complainant is unhappy with the outcome of their Stage 1 complaint, they can request consideration of their complaints at Stage 2.

All Stage 2 investigations are carried out by an Independent Investigating Officer, alongside an Independent Person, as required by the regulations. The Independent Investigating Officer and Independent Person, compile a report with findings, conclusions and recommendations. A relevant Senior Manager (normally the Service Manager) then adjudicates the reports and provides a formal response to the complainant, along with an action plan to implement any recommendations or changes arising from the learning from the complaint.

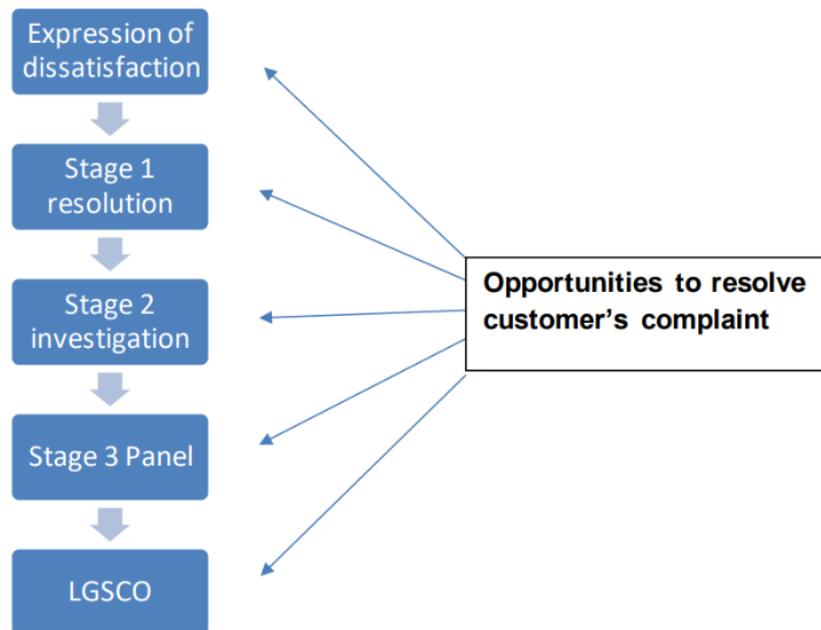
The timescale for a Stage 2 investigation is 25 working days; however, this can be extended to 65 working days, with the agreement of the complainant, if there is a significant amount of detail or involve complex issues to investigate.

Stage Three – Review Panel- where a complainant remains unhappy with the outcome of the Stage 2 investigation, they can request a Stage 3 Review Panel.

The Panel is made up of three independent people consisting of a Panel Chair and two Panel Members. A Stage 3 Panel is administered by the Customer Relations Team who provide the necessary administrative arrangements in forming the panel papers and by attending the stage 3 Panel Hearing.

The timescale for setting up the Panel is 30 working days.

The Panel's remit is to review the investigation; however, it cannot re-investigate a complaint. The Panel provides their findings in writing to the complainant within 5 working days. After this the Director then considers the Panel's findings and produces the Local Authority's response to the Panel's findings, which is sent to the complainant within 15 working days of receipt of the Panel Hearing report.



Complaints about other areas of Children's Service:

The procedure for dealing with some complaints linked to children's service can be investigated and considered under the Corporate Complaints Procedure (non-statutory complaints procedure) if the matter cannot be considered under the Children's Statutory Complaints Procedure.

The Ombudsman in its (via its Guide 'Guide for Practitioners - Children's Statutory Complaints Process March 2021' confirms the following areas of Children's Services instead to be exempt from the Children's Statutory Complaints Process:

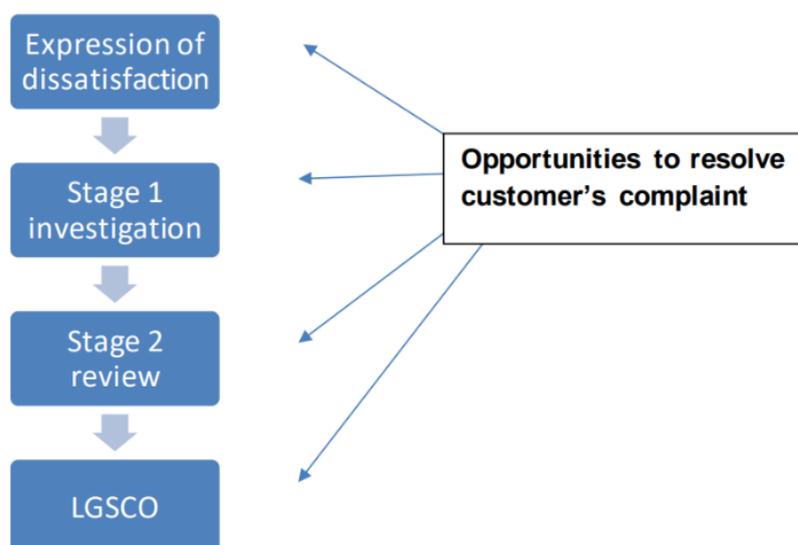
- Early Help
- Child Protection including Section 47 and Child Protection Conference
- Assessments of potential Foster Carers and Adopters and Foster carer registration
- Section 7 and Section 37 court reports

Corporate Complaints Procedure has two stages:

Stage One- This stage is like Stage 1 of the Statutory Complaints Procedure and offers the relevant Team Manager, the first opportunity for considering the complaint and responding on behalf of the Directorate. It is good practice, where appropriate, for the Team Manager to contact the complainant to resolve complaints as early as possible. Complaints at this stage should be responded to from 10 to 30 working days. The 30 working days' time frame should only be in exceptional circumstances, linked to more complex complaints and with the agreement of the complainant.

Stage Two- If the customer is not satisfied that the investigator's response has answered all the points raised/they are not happy with the resolution, then they can request to proceed to Stage 2 of the procedure. A review of the Stage 1 complaint response at Stage 2 is a review to consider whether any other actions can be recommended to help resolve the complaint. This is reviewed by (or on behalf of) Customer Relations Team. The review and response to any recommendations made via a stage 2 review is sent out by the Senior Manager from the service to which the complaint originates from to complete the two stage complaints process. This should be completed within 30 working days.

The Local Government & Social Care Ombudsman (LGSCO) -_If a complainant remains unhappy after exhausting all stages of a complaints process, they can take their complaint to the LGSCO. A complainant can access the LGSCO at any point during the complaint process; however, the LGSCO normally allows the Local Authority the opportunity to process a complaint through every stage of the appropriate complaint's procedure, before investigating it themselves. Complaints referred to a Local Authority by the LGSCO to process under the relevant complaints process are classed as 'premature' complaints- <https://www.lgo.org.uk/>



Education Services predominately use the Corporate Complaint Procedure to manage their complaints. Although in some rare cases where there is a service overlap with the Children and Families Service, we would then consider using the Children's and Social Care Complaints Procedure.