

Children's Social Care Complaints, comments and compliments Policy & Procedures

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Introduction

Some services within Sefton Council are subject to specific legislation, which defines the council's obligations to service users. For this reason it is not possible to have a single policy to cover all services. This guidance is intended to detail the policy and procedures for complaints about children's social care services and provide guidance to staff on how to respond when they receive a complaint.

There are separate procedures for:

- Schools and Children's Centres
- Other services (Corporate Complaints)
- Adult Social Care Complaints

It is important that all members of staff are aware of procedures for different services as they may be asked for this information by the people they have contact with. It is important that their requests for advice are dealt with quickly and supportively.

The children's social care procedures have been drawn up in line with the ***Children Act 1989 Representations Procedure (England) Regulations 2006*** and the guidance ***Getting the Best from Complaints***.

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

Contact details for all individuals and organisations named in the document are given in the **Useful Contacts** section on Page 20.

Copies of complaints leaflets and this procedure can be provided in other languages or formats on request from the Customer Contact Centre. Details are given in the **Useful Contacts** section on Page 20.

What remedy can you expect?

If we have done something wrong, or failed to do something we should have done, we will apologise and try to put things right (e.g. provide you with a service you should have had)

If we can do things differently to make things easier for you, we will try to do this.

It may be that as a result of a complaint, changes are made to policies and procedures to improve services and prevent further complaints.

In the case of a serious complaint, it may be necessary for disciplinary action to be taken against a member of staff. This will be a decision for managers and will be a separate and confidential process.

We will only make a financial payment if there has been a quantifiable financial loss.

Comments and Compliments

We also welcome comments and compliments from service users and colleagues. This information allows us to celebrate good work that has been done by staff and understand what we are getting right. This helps us to improve all our services.

Children Act Representations Policy

This is a statutory procedure, which applies to any comment, compliment or complaint about the provision of services under Parts 3, 4 and 5 the Children Act 1989 and Part 3 of the Adoption and Children Act 2002.

A complaint is defined as:

An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.

The intention of this policy and procedure is to promote opportunities for concerns to be addressed as close to the point of service delivery as possible. Frontline staff are encouraged to take a positive view of complaints and will be trained and resourced to respond quickly and effectively to most concerns. Staff will ensure that all comments and complaints regarding the service are taken seriously and dealt with fairly and consistently.

A complaint can be made regarding any Children's Social Care service, including

- An unwelcome or disputed decision
- Concerns about the appropriateness of a service
- Delay in decision making or provision of services
- Delivery or non-delivery of services, including complaints procedures
- Quantity, frequency, change or cost of a service
- Application of eligibility and assessment criteria
- The impact on a child of the application of a policy
- Attitude / behaviour of staff
- Assessment, care management and review

Legal, criminal, child protection or disciplinary proceedings may take precedence over complaints procedures and timescales.

A child or young person should be able to make suggestions for a change to be made to the service they receive without this being framed as a complaint. This may become a complaint if the young person feels their views are not being listened to. General comments or suggestions about improvements to the service will not be dealt with as complaints, and will be referred to the Children and Young People's Participation Officer.

Any young person who wishes to make, or is considering making a complaint must be offered an advocate to support them in this. They may choose someone they know and trust, ask for somebody independent or choose not to have one.

Complaints can be made by phone, email, on-line form, face to face or in writing.

Who can complain?

- Any child who is looked after, in need, subject of a Special Guardianship Order or being placed for adoption
- Their parent, or any person with parental responsibility for them
- Their Foster Carer
- Care leavers
- Special Guardians
- Persons wishing to adopt a child
- Any person to whom adoption services extend
- Any other person who the authority deems has interest in the child's welfare (including friends and other young people).

Where someone complains on behalf of a service user or parent/guardian, they must give us the service user's permission to act for them in writing. The Local Authority has the discretion to decide whether or not this person is suitable to act on behalf of the service user, or has the best interest in the welfare of the service user. If it is felt that the individual is not acting in the best interest of the service user, or that they are not suitable to act on the behalf of the service user, the council will notify them in writing giving a full explanation.

Role of the Advocate:

The advocate should provide independent and confidential information, representation and support to the person making the complaint. The role of the advocate in the complaints procedure is:

to empower the complainant by enabling them to express their views, wishes or feelings, or by speaking on their behalf; to seek the resolution of any problems or concerns identified by the complainant by working in partnership with them and only with their agreement;

to support the complainant pursuing a complaint through every stage of the complaints procedure and provide them with information about their rights and options, helping them clarify the complaint and the outcomes they are seeking; and to speak for or represent the complainant at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

Making a complaint will not affect any service provision. We will try to resolve the complaint in as short a time as possible, and will keep the complainant informed throughout the process. Where something has gone wrong we will apologise and try to put things rights as quickly as possible.

Complaints Procedure

What we do:

In many cases a concern can be resolved immediately and there will be no need to engage the complaints procedure. If the person who receives the complaint cannot resolve it within 2 working days they should notify the Complaints Officer by telephone or email and ensure that the complainant is given information on how to contact the Complaints Officer.

Any complaints made on behalf of a child or family by a Councillor, M.P. or solicitor should be referred to the Children's Complaints Officer before any action is taken.

Complaints will be dealt with at Stage One unless the Department and the complainant agree that it should immediately progress to Stage 2. This will only be agreeable if

- No appropriate manager is available to respond at Stage 1
- The complainant, the Complaints Manager and the Head of Service agree that it is appropriate to seek an independent investigation from the outset.
- The complainant, the Complaints Manager and the Head of Service agree that there is no prospect of resolving the complaint within the Stage 1 timescale

STAGE ONE Local Resolution

The person who receives the Complaint should notify the Children's Complaints Officer and keep a written record of the date it was received, action taken to resolve it and the outcome. The Complaints Officer will notify the relevant managers and agree who will respond. This should be the manager closest to the point of service delivery unless that individual is

- The subject of the complaint, or
- Was actively involved in the decision-making or implementation of the issues in the complaint.

Any individuals who are the subject of a complaint will be notified of the details of the complaint and given the opportunity to comment. They must be offered support from their line manager to assist them in co-operating with the procedure and working positively with the complainant.

The Complaints Officer will provide the complainant with a copy of the complaints procedure and information about advocacy services within 3 working days.

The complainant must be provided with a written response within 10 working days of the date the complaint was received. If the complaint is complex this can be extended for a further 10 working days with the agreement of the Complaints Manager.

In some cases there may be a need for further action to be taken to enable the complaint to be resolved. This should be negotiated with the person making the complaint and confirmed in writing.

If the complaint is in respect of a proposed change to a care-plan, placement or service, action taken to implement the decision should be frozen until the outcome of the complaint is known, unless doing so would place the child at risk. All other services and processes should continue as this may assist in resolving the complaint.

Any individuals who are the subject of a complaint will be notified in writing of the outcome.

If a response has not been provided within 20 working days, or the complainant is not satisfied with the response, they can request that the process moves to Stage Two.

STAGE TWO Investigation

A request for a complaint to progress to Stage 2 must be made within 20 working days of:

The expiry of the local authority's timescale for a response at Stage 1, or
Receipt of the response at Stage 1, whichever is the latter.

Timescales for Stage 2 apply to the date when the written complaint is agreed.
If the complaint is made verbally, or the details are unclear, the Complaints Officer must produce a written record of the details of the complaint and the desired outcomes and agree this with the complainant.

The Complaints Officer will appoint an Investigator and an Independent Person to consider the complaint. Wherever possible, Independent People will be appointed based on their knowledge of the service area to which a complaint relates. All Independent People will provide a DBS check and references to ensure their suitability to carry out this type of work.

Staff should co-operate with all requests for information pertinent to the investigation of the complaint. This may include participating in interviews with the Investigator, access to files, policies and procedures and demonstration of systems. If staff have any concerns about the disclosure of information they should seek advice from the Complaints Manager or their line manager.

The complaints service will not influence or interfere with the impartiality of the investigation however they will monitor and quality assure the process against a framework of expectations to ensure fairness and consistency.

Investigations should be completed and a response sent to the young person within 25 working days. This may be extended to a maximum of 65 working days to ensure a full and thorough investigation. There is however a duty on the local authority to deal with complaints as efficiently as possible. If the investigation cannot be completed within 25 working days, the complaints manager must write to the young person giving the reasons why and the date on which they can expect to receive a response.

Once investigations are complete, the Investigating Officer must compile a report of their findings, recommending any further action that needs to be taken. The Independent Person must also produce a brief written account of whether the investigation has been conducted fairly and the report is accurate and complete.

These reports must be submitted to the Head of Service for adjudication. The response should include what actions are to be taken in light of the findings and recommendations and timescales for their implementation. The response must also contain information on the complainant's right to progress the complaint to Stage 3. The Adjudicating Officer should consult with the Complaints Manager and the Independent Person when drafting the response. A copy of the Investigation report should be sent to the young person with the written response. A note should be placed on the young person's file to indicate that a complaints file also exists.

Any individual who was the subject of a complaint will be notified in writing of the outcome of the complaint. Where the entire complaint was in relation to the actions of a single individual, that individual will be provided with a copy of the report and the response. If the complaint relates to a number of issues, or names more than one individual, disclosure of all or part of the report and response will be at the discretion of the Complaints Manager. This approach is necessary to safeguard the confidentiality of young people, staff and carers.

It is the responsibility of the Adjudicating Officer to ensure that the recommendations are implemented. The Complaints Manager should monitor implementation and report to the Director on progress.

STAGE THREE Review Panel

If the complaint is not resolved, the young person has 20 working days to request that it be considered at Stage 3. This request must be made in writing and explain the reasons why they are dissatisfied. The request must be acknowledged within 2 working days.

A Review Panel will be arranged if the request demonstrates that

- The report or response at Stage 2 was incomplete or inaccurate
- The complaints procedure has not been followed
- The department has acted unreasonably in the consideration or resolution of the complaint

Early referral can be made to the Ombudsman if the complainant and the Complaints Manager agree that a review panel is unlikely to provide a different outcome to that of the Stage 2 response, and

- The report and response at Stage 2 is robust and complete
- All complaints have been upheld
- There is a clear action plan for delivery, and
- The majority of the desired outcomes are met.

If the request for a Review Panel is accepted the Complaints Manager will appoint an Independent Person to Chair the panel. The Chair will be consulted on the membership of the panel and who should attend. The Complaints Manager will then appoint 2 Independent Panellists who must not have had any previous involvement in the investigation of the complaint. These appointments will be confirmed in writing.

The Investigator and Independent Person involved at Stage 2 should attend the hearing. The Chair may decide to proceed without them if lack of availability will result in excessive delays in resolving the complaint. The Adjudicating Officer must attend if she has rejected any of the Investigators findings or recommendations. If the report has been accepted in full, they may delegate this responsibility. The complainant will also be invited to attend. The Panel can proceed without the complainant at their request. The Complaints Manager must attend to advise the panel on procedure. Other local authority representatives may also be required to attend.

The Complaints Manager will provide all parties with the same set of papers 10 days in advance of the hearing. These should include information from Stage 1 and Stage 2 of the procedure and any other relevant information e.g. policies and procedures. Information on the process of the hearing and roles and responsibilities, should also be included.

The Chair will have discretion about whether to accept any other information.

The panel hearing must take place within 30 working days of the request being received. Their role is not to re-investigate the complaint or deal with new complaints, but to establish whether the Department has made every effort to resolve the complaint. They may make recommendations for remedies, redress or service improvements to aid in the resolution of the complaint.

The complainant has the right to a representative to support them or speak on their behalf. This should not be a lawyer acting in a professional capacity.

The hearing should be conducted professionally, but as informally as possible, particularly where the complainant is a child. Arrangements will be made for the provision of interpreting services and assistance in communication wherever necessary.

If any complaint is made about the proceedings of the Review Panel during the hearing, the panel must decide if there is a need for any further action.

The Panel will send a report on their findings and recommendations to the complainant and the Director of Young People and Families within 5 working days of the hearing. The Director should consult with the local authority representative at the hearing, the Complaints Manager and the Independent Person regarding the response. The local authority must respond to the complainant within 15 working days of receiving the panel's report. The response should detail what actions are to be taken in light of the findings and recommendations and timescales for their implementation. The response must also contain information on the complainant's right to refer the matter to the Local Government Ombudsman if they are not satisfied with the response.

Local Government Ombudsman

A complaint can be referred to the Local Government Ombudsman at any time. In most cases the Ombudsman would expect the Local Authority to consider a complaint initially.

The Ombudsman will consider complaints if the complainant is not satisfied with the outcome at Stage 3. The Ombudsman will consider if there has been "maladministration" by the local authority and whether this has caused an injustice. The Ombudsman can make recommendations for the Local Authority to take actions to resolve the complaint.

Adoption complaints

Complaints from prospective adopters about assessment, training or matching will be dealt with under the corporate complaints procedure.

The approval or non-approval of prospective adopters is subject to an appeals process and will not be covered by the complaints procedure.

Complaints from Foster Carers

Complaints from Foster Carers on behalf of the children they look after will always be handled under the Children Act Procedure.

Foster Carers can also make complaints in their own right. Complaints that refer to issues that affect the children they look after, or other children in the household, will also be dealt with as Children Act complaints.

Complaints that are exclusively about services to the Foster Carer e.g. provision of training and support will be handled under Sefton's corporate complaints procedure.

The registration or de-registration of foster carers is subject to an appeals process and will not be covered by the complaints procedure.

Complaints about Foster Carers

Complaints and concerns from children and young people or their parents about Foster Carers registered with the Local Authority will usually be dealt with under the Children Act complaints procedure. Some serious complaints may be dealt with under Sefton's Allegations procedures. The Fostering Service manager and Complaints manager should liaise with each other and the child's social worker to ensure that

- Children are safeguarded
- The foster carer is given access to support
- Concerns are addressed and any necessary action is taken
- The complainant receives a response

If the child is still placed with the foster carer, unless there is a risk of harm, we will seek to resolve issues and maintain the child in the placement.

A record of any complaints, the outcome and resolution will be kept on the foster carer's file.

Sometimes, as a result of a complaint, a report may be made to the fostering panel. This process will remain confidential and will not be shared with the complainant.

Complaints about Children's Homes

Complaints from children and young people or their parents / carers about Children's Homes run by Sefton will be handled under the Children Act complaints Procedure.

Complaints from members of the public about Children's Homes run by Sefton will be dealt with under the Corporate Complaints Procedure

Complaints about Children's Homes run by other organisations must be made to the organisation concerned. Sefton Council will however liaise with the organisation to ensure the welfare of any child involved.

Withdrawal of Complaints

Complaints may be withdrawn orally or in writing at any time. The Complaints Officer must be informed immediately if this happens. The Complaints Officer must then contact the person making the complaint confirming their decision.

The Complaints Officer, Service Manager and Head of Service may review the issue of concern and consider whether further investigation is required through other internal management systems.

Limits of Procedure

Complaints will normally need to be lodged within 12 months. Historic complaints may be considered if made by a person who, at the time of the issue being complained about, was under the age of 18, and was not able to, or not confident in raising the issue. This limit can only be extended if it is still possible to consider the complaint effectively and efficiently. There should be a presumption in favour of accepting the complaint unless there are clear reasons not to e.g.

- Insufficient access to information or individuals
- No benefit to the complainant in proceeding

A complaint will not be accepted if it has already been dealt with at all stages of the procedure.

If a complaint is refused, the Complaints Manager must write to the complainant informing them of the decision and informing them how to contact the Local Government Ombudsman.

Anonymous Complaints

Anonymous complaints must be recorded and referred to the Complaints Manager in the same way as other complaints. Anonymous complaints fall outside the scope of the statutory complaints procedure. The Complaints Manager will discuss the details of any anonymous complaints with the relevant Service Manager. If there is sufficient information contained in the complaint it will be investigated in the same way as other complaints. If there is insufficient information to support an investigation, the complaint will be recorded and closed.

Complaints in relation to Court Proceedings

Complaints can be made regarding

- Application for care and supervision orders
- The effect of a care order on a child or young person
- The local authority's actions and decisions where a care order is made
- Performance of duties where a supervision order is in force
- Application for and duties in relation to child assessment orders
- Application for Emergency Protection Orders
- Decisions relating to the return of children who have been removed on an Emergency Protection Order
- Quality / accuracy of social work information and reports provided to court
- The duties of the local authority in relation to the placement of children for adoption by adoption agencies

This procedure is not an appeals process and cannot overturn a court's decision.

If a complaint is received regarding the application for, duties in relation to, or effects of legal orders, the Complaints Manager must establish whether the complaint is about the actions of the local authority and its staff or the decision of the court. If the complaint is about the decision of the court, the complainant will be encouraged to seek legal advice about making an appeal. This will not be dealt with as a complaint. If the complaint is about the actions of the local authority and its staff it may be considered under this procedure.

If proceedings are ongoing, they cannot be frozen pending the outcome of a complaint. The Complaints Manager must advise the complainant that the outcome of the complaint cannot overturn a court's decision. If the substance of the complaint alleges inaccuracies in the information provided to court that might influence the decision of the court, the complainant will be encouraged to seek legal advice to address this within the court arena. This will be treated as a concurrent consideration.

Other matters may be considered while proceedings are ongoing e.g.

- Attitude / behaviour of staff
- Delays in providing services
- Failure to make appropriate contact arrangements

If the complaint is resolved before court proceedings are concluded, the Service Manager must consider whether the outcome has a bearing on the court proceedings, and advise the court as necessary.

If court proceedings have concluded, the Complaints Manager must inform the complainant that the complaints procedure cannot overturn the decision of the court. If the outcome of the complaint finds that inaccuracies in the information provided to court may have influenced the decision of the court, this may form the basis for the complainant to make applications to the court for a decision to be reviewed.

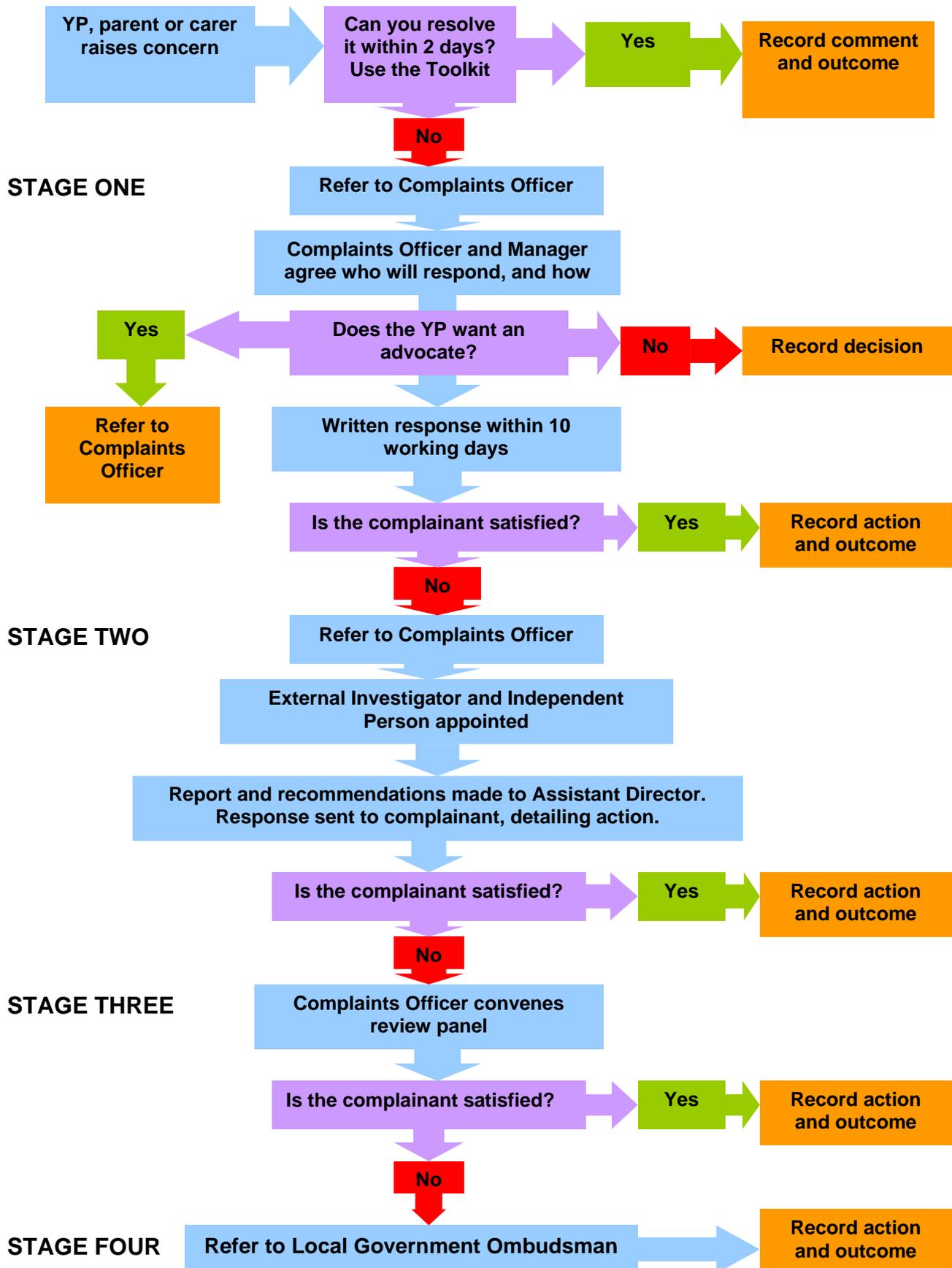
Parental Responsibility, Contact and Private Law proceedings

Sometimes, families don't agree about who a child should live with or what contact the child can have with other family members. The local authority cannot make these decisions unless a court order is made. Social workers may be involved with the family to complete an assessment or because the child is subject of a plan. Social Workers and other professionals may make recommendations about where the child should live or who they can have contact with but only someone with parental responsibility can make the decision.

If you are unhappy with the decisions that are made about residence and contact, we will advise you to seek legal advice. We cannot investigate these matters under the complaints procedure, because it is not the local authority who make the decisions.

We can investigate complaints about

- Quality / accuracy of social work information and reports provided to court
- Attitude / behaviour of staff



Unreasonable Complaints

In a small number of cases people pursue their complaints in a way which is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. The nature or frequency of their contacts hinders our consideration of their (or other people's) complaints. These actions can occur either while their complaint is being investigated, or once the Council has concluded the complaint investigation.

A complaint can be regarded as unreasonable when the person making the complaint

- Refuses to specify the grounds of a complaint, despite offers of assistance
- Refuses to co-operate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- Changes the basis of the complaint as the investigation proceeds.
- Raises numerous, detailed but unimportant questions; insisting that they are answered.
- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint
- Seeks an unrealistic outcome
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint
- Makes covert recordings of meetings
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of other organisations.

A complaint will also be considered unreasonable if the person making the complaint does so

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information

The behaviour may include one or two isolated incidents, or an accumulation of incidents or behaviour over a longer period.

In most cases, the Complaints Manager should discuss the concerns with the complainant informally before invoking the procedure. If the behaviour continues the Complaints Manager should write to the complainant explaining what behaviour is unreasonable and asking them to change it. If the complainant fails to make the required changes, the Complaints Manager should seek advice from the Head of Service and legal services before deciding what action to take. The presumption should be in favour of not restricting access unless it is absolutely necessary. In the case of a serious incident of aggression or violence the concerns and action should be put in writing immediately.

Recording, Reporting and Improving Service Delivery

The Complaints Officer will keep a record of all complaints received, what action was taken to resolve them, the outcome and compliance with timescales.

To assist in this, staff should notify the Complaints Officer of all complaints received in line with the specified procedures.

The information will be recorded in either the Corporate Complaints Database or the Children's Services Complaints Database. Access to the Corporate Database is limited to named individuals within each department. Access to the Children's Services Database is limited to named individuals within Children's Services Business Support Unit.

An annual report on this information will be produced and submitted to leadership and committee.

A young people's version of the report will be made available. The purpose of this is to enable children and young people to see that their concerns and suggestions are taken seriously and to identify any patterns, trends or areas for service improvement.

Where patterns or weaknesses in service delivery are identified, these will be discussed with the relevant team or management group to agree ways to improve overall service delivery.

In addition to the annual report, summary reports will be produced throughout the year to highlight good practice and significant issues particular to certain service areas. This will encourage service development as an ongoing response to issues raised in complaints.

Useful Contacts

Sefton Council

Bootle One Stop Shop, 324/342 Stanley Road, Bootle
Southport One Stop Shop, Cambridge Arcade, Southport

0345 140 0845
Minicom 0151 934 4657

www.sefton.gov.uk

Children's Complaints Officer

1st Floor Magdalen House, 30 Trinity Road, Bootle, L20
3NJ

0345 140 0845
childrenscomplaints@sefton.gov.uk

Local Government Ombudsman

PO Box 4771, Coventry CV4 0EH

0300 061 0614
www.lgo.org.uk

Children's Participation Officer

Corporate Parenting Team, Merton House, Bootle

Sefton's Information, Advice and Support Service (SENDIASS)

Redgate Annexe, Redgate, Formby

0151 934 3226
0151 934 3334

Sefton Carers Centre

27-37 South Road, Waterloo

0151 288 6060

Sefton Advocacy

Gordon House, Leicester Street, Southport PR9 0ER

01704 500 500

Citizen Advice Bureau

24 Wright Street SOUTHPORT PR9 0TL
Goddard Hall, 297 Knowsley Road BOOTLE L20 5DF

01704 531456
0151 922 1114
0300 123 4666

Ofsted

www.ofsted.gov.uk

03000 616161

Care Quality Commission

www.cqc.org.uk

Children's Commissioner

www.childrenscommissioner.gov.uk

Children's Rights Director

www.rights4me.org

Department for Education

www.education.gov.uk

Department of Health

www.gov.uk/dh