



Children's Social Care Complaints & Representations Policy & Procedure

Our commitment

Our Vision is a Borough where all our children and young people feel and are safe, are well cared for, emotionally healthy, resilient, and achieve their potential, regardless of background.

Wokingham Children's Services is committed to striving for better outcomes for our service users and one way of ensuring this is to respond carefully to complaints and compliments by developing a culture of listening to our service users and acting on what we learn.

The purpose of this policy is to enable staff to manage such feedback and take action where there are highlighted areas for improvement.

Contents

Introduction	3
Key principles of this procedure	3
Role of the Complaints Manager	4
What constitutes a complaint...?	4
Who can make a complaint...?	5
What information do we need to progress the complaint...?	5
Are there any time limits for submitting a complaint...?	6
How can complaints and representations be submitted...?	6
How are complaints and representations recorded...?	6
Early resolution.....	6
Stage 1 - Local resolution	7
Stage 2 - Independent investigation.....	7
Stage 3 - Independent review panel.....	9
Local Government & Social Care Ombudsman (LGSCO).....	10
Exemptions.....	10
Compliments	11
Templates.....	11
Contact details.....	11
Data Protection	12
Appendix 1 - Role of Adjudicating Officer.....	13

Version	Date	Description
1	17/02/2021	New Policy and Guidance for SC Complaints & Representations
2	11/03/2021	Final version approved at CDLT
3		
Document Approvals		
Author:	Michael Bateman	
CDLT:	Approved on 11/03/2021	

Introduction

We aim to provide excellent services to all of the children, young people and families we come in to contact with; however, we acknowledge that despite our best intentions, things do sometimes go wrong. When this happens, we want to put things right.

Wokingham Childrens Services is committed to striving for better outcomes for our service users and one way of ensuring this is to respond carefully to complaints and compliments by developing a culture of listening to our service users and acting on what we learn. Our response to complaints (namely the way in which we investigate, respond to the complaint and take action to improve our performance) is an important indication of our capacity to improve.

The following document incorporates statutory guidance and regulations and offers staff and service users a comprehensive account as to how complaints, representations and compliments will be handled by the service.

Wokingham Childrens Services is required to operate a three stage statutory complaints procedure under the Children Act 1989 Representations Procedure (England) Regulations 2006. Additional guidance is offered in the Department for Education and Skills document "Getting the most from Complaints".

Listening to feedback and learning from complaints and compliments is an important component of the Children's Services Quality Assurance Framework which aims to gather the intelligence and learning from complaints and to use it to make improvements to the service.

Key principles of this procedure

In order to ensure that we adhere to the above process effectively and helpfully, we have developed the following key principles that will underpin our approach to managing feedback:

Continuous learning - we will listen to what our service users have to say and ensure that any learning from their feedback is actioned swiftly

Accessible - details of the procedure are easily accessible to both our internal and external service users

Jargon-free - all responses and processes will be written in 'Plain English', with consideration given to the level of details required by the target audience

Communicative - we will ensure that service users are kept updated regularly throughout their engagement of the process

Respectful - we will ensure that all service users are treated with dignity and respect

Pro-active - an emphasis will be placed on resolving complaints at the earliest opportunity to reduce any unnecessary distress on our service users

Role of the Complaints Manager

It is the responsibility of the Children's Services Complaints Manager to ensure that all complaints and representations are handled in line with the statutory guidance outlined in the introduction of this document.

In addition, it is also the responsibility of the Complaints Manager to:

- capture details of and monitor all complaints and representations;
- provide advice and guidance to officers around effective complaints management;
- act as point of contact with the Local Government & Social Care Ombudsman on any social care complaints;
- provide quarterly and annual reports to Children's Services leadership; and
- report back to the Council's Audit Committee on the complaints function – as is required by the Constitution.

What constitutes a complaint...?

The Children Act 1989 - section 26 (3) - states that all functions of the local authority under part 3 of the Act may form the subject of a complaint. In addition, the Council is required to consider not just complaints, but also representations and compliments. Each of these can be defined as follows:

Complaint - a verbal or written expression of dissatisfaction or concern about the actions, decisions or apparent failings for which someone wants a response

Representation - a comment on the particular service which can be positive or negative that does not necessarily require a response, but does need to be recorded and potentially actioned

Compliment - an expression of satisfaction in relation to a service received.

The statutory guidance is more targeted at managing complaints received. The following are some common examples of such matters that are considered as complaints:

- 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 services – including the complaints procedure;
- quantity, frequency, change or cost of a service;
- attitude/behaviour of staff;
- application of eligibility and assessment criteria;
- the impact on a child or young person of the application of Council policy;
- assessment, care planning and review – *such as factual errors in assessments.*

The above list is not exhaustive by any means, and there may be other circumstances that would be considered within the scope of the statutory complaints procedure. If there is ever any question around whether a complaint/representation is in scope this can be discussed with the Complaints Manager.

Where a complaint is received from a representative acting on behalf of a child or young person, we should ordinarily confirm – where possible – that the child or young person is happy for this to happen and that the complaint accurately reflects their views.

Where there is a valid complaint against the Council that is **not** covered by the scope of the statutory policy, then it is likely that it will need to be considered under the [corporate complaints process](#), which is managed by the Customer Delivery Team. If there are any queries about complaints considered under the corporate process you can contact the team using the following details:

E-mail: customerrelations@wokingham.gov.uk

Phone: (0118) 974 6000

Who can make a complaint...?

There is a prescribed list of who is able to submit a complaint under the statutory complaints process. The Council must consider complaints and representations made to it by:

- any child or young person (or parent/someone who has parental responsibility) who is being looked after by the LA or is not looked after but is in need;
- any local authority foster carer;
- children leaving care;
- Special Guardians;
- a child or young person (or parent) to whom a Special Guardian order is in force;
- any person who has applied for an assessment under section 14F (3) or (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 adoption services extend;
- adopted persons, their parents, natural parents and former guardians; and
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where there is any ambiguity around whether a complaint/representation falls within the scope of the above, contact should be made with the Complaints Manager to clarify.

In instances where there are disagreements a referral can be made to the Local Government & Social Care Ombudsman for an independent opinion.

What information do we need to progress the complaint...?

One of the most important parts of the complaints process is ensuring that the concerns outlined by the service user are clear and concise. This will enable us as officers to target investigations and our responses.

Sometimes service users will find it difficult to outline their concerns in such a manner – particularly in instances where there are emotive foundations to a complaint. It can therefore be helpful to draw out the relevant details that will help us to better understand their concerns and enable us to respond as swiftly and as clearly as possible.

It is useful to establish the following details with the service user:

- what service it is they are wanting to complain about;
- why it is they are unhappy with the service;
- names of any officers they have come in to contact with;
- where necessary, dates of any meetings/conversations that have given rise to their complaint;

- what they feel could have been done better/avoided; and
- what resolution/s they are seeking via the complaints process.

The above list is by no means exhaustive; however, if we are able to establish the above key points, then it will enable a much smoother and efficient response.

Are there any time limits for submitting a complaint...?

The statutory guidance states that any complaints made should be submitted within 12 months of the incident/action giving rise to the service user's concerns.

The Council should, however, consider any exceptional circumstances where a complaint could not be submitted sooner. Discussions can be held with the Complaints Manager around the application of the rule.

How can complaints and representations be submitted...?

Complaints or representations can be submitted to the Council via any communication channel, whether that be e-mail, letter, verbally, social media etc.

Where a complaint or representation has been made verbally, it is important that the officer discussing the matter with the service user captures details and validates this with them – whether this be at the end of the discussion, or after it has taken place by e-mail/letter.

Further details around addresses that can be used to submit a complaint or representation to can be found in the section 'Contact Details'.

How are complaints and representations recorded...?

The Complaints Manager has access to a web based solution for securely recording details of complaints and representations.

This system is used for:

1. recording all details of complaints and representations;
2. documentation associated with such cases;
3. learning and actions arising from complaints; and
4. running quarterly and annual reports.

It is very important that any cases considered under the scope of this process are shared with the Complaints Manager so that they can be recorded and monitored appropriately.

Early resolution

It is widely recognised that making a complaint can be a distressing action for a service user. It is therefore important that, wherever possible, we are seeking to resolve complaints at an early a stage as possible.

Early resolution is an informal stage in this process. Upon receipt of a complaint, the concerns and desired outcomes of the service user should be reviewed by the Team Manager/Complaints Manager to identify whether there is the potential for resolving it without the need for a formal response.

If it is considered that early resolution could be achieved, then a discussion should be arranged between the Team Manager and the service user – whether this is over the phone or via an MS Teams call. This should be organised within **three working days** of receipt.

Following the discussion, a written response should be sent by the Team Manager/Complaints Manager setting out what was discussed and any actions that will be taken forward to address the concerns. It is important that the Complaints Manager is kept informed of progress with any early resolution cases for the purpose of recording, monitoring and learning.

Stage 1 - Local resolution

Where it has been established that (i) a service user wishes to complain (ii) a complaint is considered within the scope of the statutory process and (iii) early resolution has either been unsuccessful or not appropriate, then it must be considered as a formal Stage 1 complaint.

Upon receipt of a complaint at Stage 1 a written acknowledgement must be sent to the service user within **one to two working days**. This acknowledgement should provide details of who will be investigating/responding to the complaint and detail when a response will be sent by.

The complaint should then be passed to the relevant Team/Service Manager for investigation and drafting a response. The statutory timescale for responding to a complaint at this stage is **10 working days**.

There is the possibility of extending the deadline to **20 working days** for more complex cases. Should this be identified at any stage during the investigation, the Team/Service Manager will need to contact the Complaints Manager so that such an extension can be agreed with the service user.

Once a draft response to the complaint has been prepared, it should be sent to the Complaints Manager for a quality assurance check. The final draft will then be passed back to the relevant Team/Service Manager to sign off and send out to the service user.

Stage 2 - Independent investigation

Where a service user is unhappy with the response they have received at Stage 1, they may request for their complaint to be escalated to Stage 2. The statutory guidance provides the service user with the **right** to escalate, meaning they do not need to provide substantial reasoning to support their request for escalation.

Stage 2 of the process involves an investigation by an independent team made up of two officers: an investigating officer (IO) and an independent person (IP). These officers will typically be professionals from outside of the Council, selected from a schedule maintained between the Council and other Berkshire local authorities.

Upon receipt of the escalation, it is the Complaints Manager's responsibility to send an acknowledgement to the service user within **one to two working days**, also requesting consent from the service user for their contact/complaint details to be shared with the IO/IP.

Once consent has been received the Complaints Manager will make contact with IOs/IPs to identify their availability to conduct the investigation. As part of this process, the Complaints Manager will confirm the rates charged by the officers, including any costs for travel, and will carry out all relevant checks (i.e. Disclosure & Barring Service, CV evidence).

Once availability has been confirmed and rates established the Complaints Manager will send formal appointments to the IO and IP, along with brief details of the complaint itself and contact information for the service user. A further update will also be sent to the service user informing them of the appointments. There is no specified timescale for the appointments; however, the aim would ordinarily be **three to five working days**.

The investigating team will then agree a meeting/discussion with the service user to capture their Statement of Complaint (SoC). This document will capture details of the complaints and any desired outcomes the service user has, and will form the scope of the investigation. A copy of the SoC will be shared with the Complaints Manager to ensure that all complaints are within scope, after which the statement will be finalised.

From the day the SoC is finalised, there will be between **25 to 65 working days** for the investigation and response to be completed. As part of their investigations, the IO/IP will likely require access to records relevant to the case and to staff for interviews. The Complaints Manager will act as the point of contact between the IO/IP and Council staff, and will ensure any requests are actioned in a timely manner.

Once the investigations have been concluded, the IO will submit their report to the Complaints Manager. This report should outline:

1. each complaint made by the service user;
2. the steps taken to investigate each complaint;
3. their findings;
4. the outcome on each complaint – i.e. upheld, not upheld, partially upheld; and
5. any recommendations to remedy the complaint/s.

The Complaints Manager will then make contact with a ‘Senior Officer’ within Children’s Services – ordinarily one of the Assistant Directors – so that the complaint can be adjudicated on and a response prepared.

The adjudication response must outline the Council’s views on each of the findings and outcomes reached by the IO. It should also state whether we agree with the findings and, where we do not, it must explicitly provide reasons why. The same must be done for any recommended actions and a commitment should be given as to when the actions will be completed by.

Once a final draft has been agreed, it should then be signed off by the ‘Senior Officer’ and sent out to the service user, along with a copy of the IO’s full report. Any agreed actions/remedies will be recorded by the Complaints Manager on the central action log for monitoring.

If the service user remains dissatisfied with the response at Stage 2, then there will always be the option to have further discussion to understand the reasons why and what more can be done to resolve their concerns. This should be achieved within **three working days** of the service user’s request for a discussion.

Stage 3 - Independent review panel

If the service user remains unhappy with the response to their complaint at Stage 2 – and further mediation cannot be achieved – then they may request escalation to Stage 3. Again, it is their **right** under the process to request escalation.

Stage 3 of the process involves organising an independent panel of three officers. As with the previous stage, these officers will typically be professionals from outside of the Council, selected from a schedule maintained between the Council and other Berkshire LAs. The panel meeting will also need to be attended by the service user, any representative they wish to bring, the IO/IP at Stage 2 and the adjudicating officer

It will be the responsibility of the panel to:

- listen to all parties;
- consider the adequacy of the Stage 2 investigation;
- obtain any further information that may help resolve the complaints;
- to review each of the complaints and reach findings; and
- to recommend any service improvements/remedies.

It is important to note that it is not the responsibility of the panel to reinvestigate the complaints nor should it consider any new complaints that have not been considered at Stage 2.

The statutory guidance requires that the panel meeting must be held within **30 working days** of the receipt of the request, meaning all actions detailed below must be completed within this timeframe.

Upon receipt of the escalation, it is the Complaints Manager's responsibility to send an acknowledgement to the service user within **one to two working days**, also requesting consent from the service user for their contact/complaint details to be shared with the panel members.

As soon as consent has been provided, the Complaints Manager will make contact with potential panel members to identify their availability. As part of this process, the Complaints Manager will confirm the rates charged by the officers, including any costs for travel etc.

Once availability has been confirmed and rates established the Complaints Manager will send formal appointments to the panel members, along with details of the complaint and contact information for the service user. A further update will also be sent to the service user informing them of the appointments.

The Complaints Manager would then make contact with all required attendees at the panel to agree:

1. time/date for the panel to be held; and
2. the means by which it will be held – i.e. in person, over the phone/MS Teams etc.

With a time/date agreed an Outlook invitation will be sent to all attendees by the Complaints Manager. In addition, panel packs containing all documentation pertinent to the complaint will be prepared and shared with the attendees ahead of the meeting.

Once the meeting has been held, the panel members will have **5 working days** in which to prepare a report outlining their findings and any recommended actions/remedies. They must then send this to both the Complaints Manager and the service user.

As with the previous stage, the Complaints Manager will then make contact with a 'Senior Officer' within Children's Services – ordinarily one of the Assistant Directors or the Director – so that the complaint can be adjudicated on and a response prepared. The Council has **15 working days** in which to do this.

Again, the adjudication response must outline the Council's views on each of the findings and outcomes reached by the IO. It should also state whether we agree with the findings and, where we do not, it must explicitly provide reasons why. The same must be done for any recommended actions and a commitment should be given as to when the actions will be completed by.

Once a final draft has been agreed, it should then be signed off by the 'Senior Officer' and sent out to the service user, along with a copy of the IO's full report. Any agreed actions/remedies will be recorded by the Complaints Manager on the central action log for monitoring.

Local Government & Social Care Ombudsman (LGSCO)

The LGSCO is a service independent of the Council and is responsible for reviewing and investigating complaints made about local authorities. The Ombudsman is considered the 'final stage' in the complaints process.

Where a complainant remains dissatisfied with the outcome of a Stage 3 review panel, then their option will be to escalate to the LGSCO. The adjudication response sent following the panel will inform them as such.

The Customer Relations Officer responsible for managing corporate complaints acts as the 'Link Officer' to the Ombudsman. They will in turn act as the point of contact between the LGSCO and the Complaints Manager.

The LGSCO will typically raise a number of investigation enquiries, which the Complaints Manager will engage with the relevant service area about. Once responses have been prepared, these will be passed to the Customer Relations Officer to communicate to the LGSCO.

The LGSCO will then prepare a draft decision notice, which effectively outlines what they have investigated, their findings on each of the complaints, the outcomes, and any recommended actions/remedies. The Council and the service user will have the opportunity to comment on the draft decision before it has been finalised.

Once the decision has been finalised it will be sent to both the Council and the service user. If there are any actions/remedies, the Complaints Manager will record these on the central action log and engage with relevant officers to ensure these are progressed within the agreed timescales.

Exemptions

There are of course certain exemptions set out in the statutory guidance where it is not appropriate for the Council to consider complaints under the scope of this process.

Instances where exemptions apply include the following:

- when the person wishing to complaint does not meet the requirements of "who can make a complaint...?";
- the complaint is not in relation to the actions or decisions of the local authority;

- the same complaint has already been dealt with at all stages of the process; and/or
- where to do so would prejudice concurrent investigations – i.e. court proceedings, tribunals etc.

In any instance when we are refusing to consider a complaint because of an exemption, it is imperative that the reasons for the exemption are clearly communicated to the person/s wishing to make said complaint – preferably in writing so there is a kept record.

We should also ensure that we direct the service user to the LGSCO if they disagree with the decision to classify their complaint as exempt.

Compliments

Despite the focus of the statutory guidance predominantly being on managing and responding to complaints, we also seek to learn from the compliments we receive from service users.

It is of huge importance to share all of the positive feedback we receive, as well as best practices that make a difference to children and their families. If any of our staff receive positive feedback, then they are encouraged to share this with their Team/Service Manager.

In addition staff can send details through to the Complaints Manager using the contact details at the foot of this document, who will ensure the feedback is recorded and reported through our quality assurance processes, and documented in quarterly/annual reports.

Templates

It is important that the responses we send out on complaints are not only clear and concise, but that we are also maintaining a level of consistency that can be expected by our service users.

To aid this, a 'library' of complaints documentation has been developed and can be accessed at the [following link](#). It includes e-mail and letter templates that can be used by any officers who may come in to contact with complaints.

Contact details

If any staff or service users need to make contact with the Complaints Manager, then the following contact details can be used:

E-mail: ChildrensServicesComplaints@wokingham.gov.uk

Post: Complaints & Representations Manager
Quality Assurance, Children's Services
Shute End
Civic Offices
RG40 1BN

Phone: 07768414894

Data Protection

The Council will maintain complaints records in confidence, in line with the provisions of General Data Protection Rules (GDPR) legislation and the Council's Privacy Notices.

Appendix 1 - Role of Adjudicating Officer

As has been highlighted in the above policy and procedure, stages two and three of the statutory social care complaints process require the Council to appoint an internal senior officer within Children's Service to act as Adjudicating Officer.

In co-operation with the Complaints Manager, it will be the Adjudicating Officer's responsibility to consider the reports provided by the investigating team/panel members and identify:

1. the Council's response;
2. its decision on each point of complaint; and
3. any action to be taken (along with timescales for implementation).

To aid with this process, the Adjudicating Officer will have access to all reports associated with the complaint, any details captured throughout the complaints process, a structure for a response, and will have a point of contact in the Complaints Manager for assistance with any queries related to the process.

Once a review of the above documentation has been completed, it will then be the Adjudicating Officer's responsibility to write to the complainant with their response, along with:

- a complete copy of the investigation/panel report; and
- any report completed by the Independent Person.

The Adjudicating Officer at Stage 2 will also be required to attend any panel hearing held at Stage 3. This is typically to provide the panel with reasoning for any views/decisions outlined in the adjudication response, and to address any queries the panel may have around these.