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**Children, Families and Lifelong Learning**

**Children Act 1989 Complaints Procedure**

# **Introduction**

This document is a quick reference tool for staff responding to complaints in Children’s Social Care Services. If you have any queries, please contact the Customer Relations Team, who will be able to provide you with specific advice.

This procedure should be read in conjunction with the Department for Education and Skills guidance 2006 “Getting the best from complaints” (children).

# **Qualifying individuals**

* 1. Service Users and their representatives, known as “Qualifying Individuals”, have a statutory right to use the complaints procedure.

Where a service user’s representative has support from an advocate (professional or other):

“The Local Authority should ensure consent is obtained from the representative giving permission to the advocate to complain on their behalf. The Local Authority should also seek the service user’s permission for personal and confidential information to be shared with their representative’s advocate.”

Complaints from people who are not the service users, or their representatives may in some cases also qualify under this procedure. Please contact the Customer Relations Team for clarification and advice.

All service users have the right to make representations (comments); these are not complaints although they should receive a response in line with Stage 1 of this procedure.

People who are not ‘qualifying individuals’ who ‘do not qualify’ may be able to use the Council’s corporate complaints procedure. Details can be found on Surrey County Council web pages:

[All other council services complaints - Surrey County Council (surreycc.gov.uk)](https://www.surreycc.gov.uk/council-and-democracy/contact-us/complaints-comments-and-compliments/all-other-council-services)

# **Exclusions**

In some cases, it may not be possible to use the complaints procedure; for example: personnel matters, contractual issues, and where court proceedings are under way.

# **Advocacy**

Children and young people receiving services from Surrey County Council Children’s Services, who want to make a complaint, have a right to independent advocacy.

Advocacy is also available for young people with EHCP plans, in certain cases.

Reconstruct is the commissioned provider for the Council.

Children and young people can get in touch with Reconstruct by speaking with their allocated social worker or SEND Case Officer, or contact Reconstruct directly using the link below.

[Reconstruct](https://info.reconstruct.co.uk/surreyportal)

# **Responsibility for Responding & Recording**

Team Managers are responsible for ensuring that the complaint is responded to within timescale, and that the response is comprehensive. Complainants must also be advised of their right to progress the complaint.

Complaints, comments and compliments are recorded by the Customer Relations Team. If you receive any of these, which have not already been logged, please forward them to the Customer Relations Team. You do not need to wait to hear back from them before you start looking into the issues raised.

# **‘Getting it sorted’.**

The main objective is to resolve complaints as early as possible: “Get it sorted”. This means responding quickly and effectively to avoid things going further. All staff are responsible for trying to sort things out. Throughout the procedure the person responding to the complaint should consider other methods of resolving the complaint. This may include mediation, arranging a meeting, taking specific action etc. Advice on options available can be obtained from the Customer Relations Team and is available on their [SharePoint](https://orbispartnerships.sharepoint.com/sites/children_schools_families/SitePages/Customer%20Relations%20Team.aspx) site.

# **Deferring decisions**

If the complaint is about a proposed change to a care plan, a placement or a service, the decision may need to be deferred (frozen) until the complaint is considered. However, care should be taken if deferring a decision is likely to have a significant effect on the mental or physical wellbeing of the person concerned.

The decision to defer should normally be made through detailed discussion and risk assessment between the Customer Relations Team and the senior manager responsible for the service, within the context of the work being undertaken.

# **Stage 1 – Local Resolution**

Complaints will normally be sent to the team manager providing the service. Exceptions to this are where there is a conflict of interest, or if the complaint is progressing to Stage 2 immediately. Where this happens, there will be a conversation between the Customer Relations Officer and the team manager/service manager.

The Team Manager should consider all reasonable options for resolving the complaint.

The timescale for responding at Stage 1 is ten working days from the date the complaint is received. This may be extended by another ten working days if agreed with the complainant and where there is a legitimate delay, for example in arranging advocacy support.

Complainants must be advised of their right to progress the complaint if they are not happy with the Stage 1 outcome. This is normally done in the Stage 1 response.

The Stage 1 response is to be sent to the Customer Relations Team to ensure quality and completeness of response. The Customer Relations Team will send the response to the complainant from Casetracker.

# **Stage 2 – Investigation**

All Stage 2 requests must be sent immediately to the Customer Relations Team, who will assess these requests and where appropriate, progress the complaint. At Stage 2, the Customer Relations Team can use their discretion to decide the most appropriate way to resolve/respond to the complaint, with the agreement with the complainant. These can include:

* Peer review;
* Mediation; or
* Independent Investigation.

The Customer Relations Officer arranges the appointment of an Independent Investigator (IO) and an Independent Person (IP) to investigate the complaint.

Staff are required to co-operate with complaints investigations and mediation meetings and ensure that the IO and IP have access to all information they request.

After the mediation meeting a senior manager responsible for the service complained about will formally respond to the complaint setting out the agreements reached during mediation and acknowledge any errors or omissions with appropriate apologies. There will be a memorandum of agreement written up after the meeting.

For independent investigations, the IO will write a report of their investigation based on the statement of complaint; the statement of complaint is agreed at the outset with the complainant. The investigation report will include findings for each complaint heading and will also consider the Stage 1 response if relevant.

The IP will write a brief report saying if they felt the investigation was fair and thorough and whether they agree with the Investigator’s conclusion.

The reports are sent to the Customer Relations Team, who will quality check the report and send the reports to the relevant manager (usually Assistant Director (AD) for the service being complained about). The AD is responsible for writing the response to the report, which sets out if the service accepts the findings or not and what action will be taken.

The complainant will be offered the opportunity to discuss the investigation report and the Council’s response at a meeting chaired by the relevant senior manager.

If a Peer Review is commissioned, the review will be overseen by an appointed independent person. The review will be carried out by a manager from outside the line management of the service being complained about. The review will be a review of the files, and the manager will write a report with their findings. The report will be shared with the Customer Relations Officer who will commission the independent person to oversee the review report. The independent person will write a report of their findings. Both reports will then be shared with the senior manager for the service being complained about so that they can write the formal response to the complaint. Copies of both reports are usually sent to the complainant with the formal response.

The Customer Relations team sends the letter of response, with the IO and IP reports, to the complainant. The timescale for responding at Stage 2 is 25 working days from the date the statement of complaint is signed. This can be extended to a maximum of 65 working days for complex cases.

The response letter will set out the next steps for the complainant, if they are not happy with the Stage 2 outcome.

# 5. **Stage 3 – Review Panel Hearing**

If the complainant is not happy with the outcome of Stage 2, they can ask for a review panel to consider their complaint. Review panels are arranged and managed by the Customer Relations Team. Panels cannot reinvestigate the complaint but can review the handling of the complaint, the Stage 2 response and they can make recommendations.

Each panel is made up of three independent panelists. The Stage 2 IO and IP, and the manager who responded at Stage 2 will also attend, as will the Customer Relations Manager. A panel clerk will attend to take notes (the Customer Relations team will arrange this).

The complainant (and a representative) will also be invited to attend, but they do not have to. Staff members involved in the complaint will not need to attend. The Panel will hear views from the complainant, if they are attending, the service representative, and the Stage 2 IO and IP.

The panel will write a report containing their findings and recommendations to the Director; this must happen within five working days from the date of the panel. The Customer Relations team will send the report to all other attendees of the panel meeting. The Director will send a formal response to the complainant, based on the Panel findings and recommendations. The Director has fifteen working days from the date the Panel report is submitted, to send the response.

The Director’s letter completes the complaints procedure; it will notify the complainant of their right to complain to the [Local Government and Social Care Ombudsman](https://www.lgo.org.uk/) (LG&SCO).

# **Contact information**.

# [Customer Relations Team](https://www.surreycc.gov.uk/council-and-democracy/contact-us/complaints-comments-and-compliments/children-and-education-send)

[Online complaints form](https://app.casetracker.uk/capture/forms/details)

Email: be.heard@surreycc.gov.uk

Telephone: 01483 519095

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