

**Slough Children's  
Services Trust**

**[www.scstrust.co.uk](http://www.scstrust.co.uk)**

# **Complaints Procedure 2016**

## **Scope of this procedure**

This procedure covers complaints and representations received in respect of services to children.

Those wishing to make complaints in relation to a Looked after Child can, at any time, refer their complaints to the Regulatory Authority.

This procedure does not apply to complaints of Significant Harm, which must be dealt with under the Berkshire Child Protection Procedures.

Please also see the Young Persons Guide to Children and Families Act 2014.

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## Who may make a complaint?

### A representation or complaint may be made by:

- Any child who is a Looked after Child or who, although not looked after, is a Child in Need
- A parent or person with parental responsibility
- A foster carer
- Such other person as the authority consider has sufficient interest in a child's welfare to warrant a complaint or representation being considered by them
- An eligible young person, relevant young person or former relevant young person
- A qualifying young person under the leaving care procedures
- A person aged up to 24 who is or was a former relevant or qualifying young person and whom the local authority may still assist in connection with education and training
- Special guardians
- A child in respect of whom a Special Guardianship Order is in force
- Any person who has applied for an assessment for Special Guardianship Order
- Any child who may be adopted, their parents and guardians
- Any person wishing to adopt a child
- Any person to whom arrangements for the provision of adoption support services extend
- Adopted persons, their adoptive parents, birth parents and former guardians

Where a complaint is made on behalf of a child, the complaints coordinator should confirm where possible that the child is happy for this to happen and that the complaint submitted reflects his or her views.

## What may be complained about?

**A complaint may arise as a result of many things relating to statutory children's social care functions such as:**

- 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 complaints procedures
- Quantity, frequency, change or cost of a service
- Attitude or behaviour of staff
- Application of eligibility and assessment criteria
- The impact on a child of the application of a local authority policy
- Assessment, care management and review

This is not an exhaustive list and the investigating officer should seek legal advice as necessary.

**Specifically, a complaint may be about the following:**

- The decision to initiate care proceedings
- The effect of a Care Order and the actions and decisions where a Care Order is made
- Issues relating to contact between parents and children subject to Care Orders
- How supervisors perform their duties where a Supervision Order is in force
- Actions regarding applications for and duties in relation to Child Assessment Orders
- Matters relating to applications for Emergency Protection Orders and decisions relating to the return of children who have been removed
- The quality or accuracy of social work information or a social work report provided to a court
- The conduct of a social worker in court

**In relation to adoption, a complaint may be about the following:**

- The provision of adoption support services insofar as these enable adoptive children to discuss matters relating to adoption

- Assessments and related decisions for adoption support services
- Placing children for adoption, including Parental Responsibility and contact issues (see Placement for Adoption Procedure)
- Removal of children who are or may be placed by adoption agencies
- Removal of children in non-agency cases
- The carrying out of duties on receipt of a notice of intention to adopt

**The carrying out of duties in respect of:**

- Considering adoption for a child
- A proposed placement of a child with prospective adopters
- Adoptive placements and reviews
- Adoption case records
- Contact
- Parental Responsibility prior to adoption abroad

**In relation to Special Guardianship Order, a complaint may be about the following:**

- Financial support for Special Guardians
- Support groups for children to enable them to discuss matters relating to Special Guardianship
- Assistance in relation to contact with parents for children
- Therapeutic services for children
- Assistance to ensure the continuation of the relationship between the child and their Special Guardian or prospective Special Guardian

**A senior manager in children's services has discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:**

- Court proceedings
- Tribunals
- Disciplinary proceedings
- Criminal proceedings

If the manager decides not to consider or further consider complaints subject to these concurrent investigations, s/he must write to the complainant explaining

the reason for their decision and specifying the relevant concurrent investigation.

Once the concurrent investigation has been concluded the complainant may resubmit their complaint as long as it is within one year of the conclusion of the concurrent investigation.

## **Time limit for complaints**

The Trust does not need to consider complaints made more than one year after the grounds to make the complaint arose. In these cases, the complaints coordinator should write to advise the complainant that their complaint cannot be considered, explaining the reasons why. This response should also advise the complainant of their right to approach the Local Government Ombudsman.

The time limit can be extended at the the Trust's discretion if it is still possible to consider the representations effectively and efficiently and/or where it would be unreasonable to expect the complainant to have made the complaint earlier, for example, where the child was not able to make the complaint or did not feel confident in bringing it forward in the year time limit.

## **Informing children about the complaints procedure**

Children must be informed about the complaints procedure in a variety of ways suitable to their needs and level of understanding. Copies of relevant leaflets should be provided. Such information must include an explanation of the role of an advocate and provide contact details for advocates to make complaints on children's behalf.

Where children, or those acting on their behalf, express a wish to make a complaint, they should be given any information or advice they require on how to use the complaints procedure. Their options must be carefully explained including information and advice on alternative methods for resolving their dissatisfaction. For all complaints made by or on behalf of children, help must always be offered to obtain an advocate.

Where a child wishes to make a complaint, s/he should be referred to the relevant manager.

If the complaint is made by or relates to a child in foster care or residential care, it may also be directed to the Regulatory Authority.

## Receiving complaints

Comments, complaints and compliments may be made orally or in writing, including by email or text. Some complaints can be received via the Local Government Ombudsman.

All comments, complaints and compliments about services to children should be recorded either by the front-line manager who receives them and forwarded to the complaints coordinator.

In relation to complaints, the emphasis should be on a speedy resolution reached locally wherever possible.

However, where a complaint includes an allegation of Significant Harm, the matter must be directed to be dealt with under the Berkshire Child Protection Procedures and must be referred to the Referral and Assessment Team for this purpose immediately.

Staff may not deal with complaints relating to their own practice and must pass such matters to their own manager.

## Stage one - local resolution

If comments made by users about a service indicate dissatisfaction with the service, the front-line service provider or the line manager receiving the complaint should in most instances try to resolve them quickly, if they have the delegated responsibility to do so. Wherever appropriate, complainants should be asked to agree to a 'local' resolution. In all cases where complaints are received, the complaints coordinator must be informed.

**When the complaints coordinator receives a complaint directly, this will be considered under stage one and s/he will:**

- Acknowledge the complaint within two working days, notifying the complainant of where the complaint has been forwarded and the timescale within which a response will be sent, and establish whether the child has or requires an advocate
- Notify the appropriate line manager
- Request that the line manager attempt to resolve the complaint within 10 working days and send a copy of the response to the complaints coordinator
- If it is not possible to respond within the above time scale - e.g. where files or records need to be checked or a key member of staff is not available - the line manager above) must inform the complaints coordinator who will send a holding letter to advise the complainant of the delay. However the maximum period for a complaint to remain at stage one is 20 working days, unless the complainant has agreed to an extension of time

**Complaints made by children in foster care or residential care should be recorded as follows:**

- Where the complaint relates to the child's placement in residential care, the fact that the complaint was made and resolved should be noted in the home's Daily Log, and a summary of the complaint and the manner in which it was resolved should be recorded in the Complaints Log and in the child's Daily Record. Where the complaint involves sensitive personal information, such details should not be held in the Complaint Log, which is a public record. The manager should consult the complainant to ensure that the matter was dealt with appropriately before countersigning the Complaints Log
- Where the complaint relates to the child's foster home, the foster carer should record brief details in the child's Daily Record. The foster carer should inform the supervising social worker as soon as practicable as well as, where appropriate, the child's social worker. The complaint should be recorded in the Complaints Log held by the fostering service and where appropriate in the child's electronic record

The manager for each team or service has to keep a record of complaints dealt with 'locally' and their outcomes. This record should then be forwarded to the complaints coordinator.

If the matter cannot be resolved to the user's satisfaction within 20 working days, the complainant must be advised that he or she has a right to proceed to stage two and given assistance to do so as necessary. The complainant may, however, agree to extend the deadline for the stage one process.

## Stage two - investigation

If the complaint cannot be resolved at stage one the complainant can ask for the complaint to be investigated under stage two.

Complainants should be encouraged to make a written complaint, but do not have to do so. A complaint may be accepted in any form. Where a complaint is not in writing, however, consideration should be given to appointing an officer to meet the complainant to make a written record of the complaint which is then agreed with the complainant.

## Action on receipt of complaint

### Upon receiving a complaint, this will be passed to the relevant head of service for action:

- In some circumstances, contact the complainant directly to discuss whether it may be possible to mediate or negotiate a settlement
- At this stage the head of service will decide whether the complaint should be investigated under this procedure or whether it should be referred elsewhere, for example under staff disciplinary procedures;
- Ensure that a copy of the complaint is sent to any staff member named in it and to that person's line manager, unless to do so would prejudice the investigation of the complaint;
- Nominate an investigating officer (who is not involved in the management of the services to the child concerned) to complete the investigation. It may be necessary to appoint an officer outside of the Trust to jointly investigate;
- Acknowledge receipt of the complaint within seven days, and advise the complainant of how the complaint is being dealt with, the timescales and the name of the investigating officer.

## The investigation

### Upon being appointed, the investigating officer will:

- Conduct an investigation, interviewing the complainant and staff as appropriate;
- Produce a report making recommendations about action to be considered;
- Send a copy of the report to the head of service bearing in mind that this, together with the local authority's response, needs to be sent to the complainant within 25 working days of the receipt of the complaint. If this timescale is not possible, the Investigating Officer should consult with the head of service and agree a timescale for extension. In any event, this extension must not exceed a full response to the complaint within 65 working days.

The complaints coordinator will inform the complainant of this agreement and the reason for the extension to the timescale, and wherever possible obtain the complainant's agreement to the new timescale.

- Staff and carers need to be aware that it is a legal requirement upon the authority to undertake investigations when a complaint is made. It is therefore essential that they cooperate with the investigation and provide

information to the investigating officer through their verbal responses to questions and access to written material.

## Action following investigation

### **Upon receiving the investigating officer's reports the complaints coordinator will:**

- Send a copy of the report(s) to the relevant manager of the service complained about and, if the complaint concerns front-line service providers, the staff themselves
- Ask the head of service for his or her adjudication, in consultation with others as necessary, and what action the local authority will be willing to take in relation to the investigation's recommendations
- Send a copy of the investigating officer's report to the complainant. This must be sent within a maximum of 65 working days of receipt of the complaint
- Advise the complainant of the right to submit a request to the complaints coordinator within 20 working days that the complaint proceed to a stage three review panel
- Monitor the outcome of the complaint in terms of consumer satisfaction with the process and the eventual outcome, and the implications for future service delivery and training

## Stage three - review panel

If the complainant is not satisfied with the outcome of the complaint, s/he has 20 working days to ask for the response to be reviewed by a review panel. The request should be made to the complaints coordinator and acknowledged in writing within two working days. The complaints coordinator will ensure a review panel is set up and meets within 30 working days of the complainant's request being made.

### **The review panel must be made up of three people, who must not be:**

- Employees of the Trust
- Members of the Trust board;
- A spouse or partner of either of the above

One member will be appointed as the panel chair.

The complainant should be notified of the panel's date and location in writing at least 10 working days before the review panel meets and be invited to attend.

The complainant should also be informed of his entitlement to be accompanied by another person and for this person to speak on his behalf.

Those persons involved with the investigation at stage two (e.g. the investigating officer, and the independent person) should also be invited to attend.

The chair should make the final decision on attendees (including asking the local authority to make specific members of staff available to provide specialist advice or opinion).

Panel papers should be sent to panel members and other attendees as soon as these have been agreed by the chair and no later than 10 working days before the date of the panel. These should normally include: information on stage one (as relevant), the stage two investigation report(s), the local authority's adjudication, any policy, practice or guidance information relevant to the complaint, and any comments that the complainant has submitted to the panel. The papers should also include information on any local practice around panels, such as conduct, roles and responsibilities.

The review panel's recommendations should be recorded in writing and copies sent to the chief executive of the Trust within five working days.

The chief executive of the Trust must respond to the recommendations of the review panel and make the decisions known to the complainant within 15 working days, explaining the authority's decision and reasons.

In terms of the complaints procedure, there is no further action that the complainant can take to progress a complaint.

Complainants should be advised of their right to make representations to the Local Government Ombudsman if they are still not satisfied.