



# **Northamptonshire County Council**

## **Children and Young People's Social Care**

### **Complaints and Representations Policy and Procedure**

#### **Complaints and Representations Service**

Policy Review Date: July 2015

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## Introduction and Context

The Children Act 1989 places a duty on all Councils to establish and publicise a procedure for the consideration of representations and complaints made to them about the services provided to them under the Act. This has been strengthened by new Regulations issued in 2006 and the procedure is also under-pinned by the Department for Education and Skills guidance “Getting the Best from Complaints” April 2007.

This procedure gives details of the arrangements for the reception, processing, resolution and recording of representations, complaints, comments and compliments. This procedure made by or on behalf of children and young people, or customers in receipt of social services from the Children and Young People’s Service.

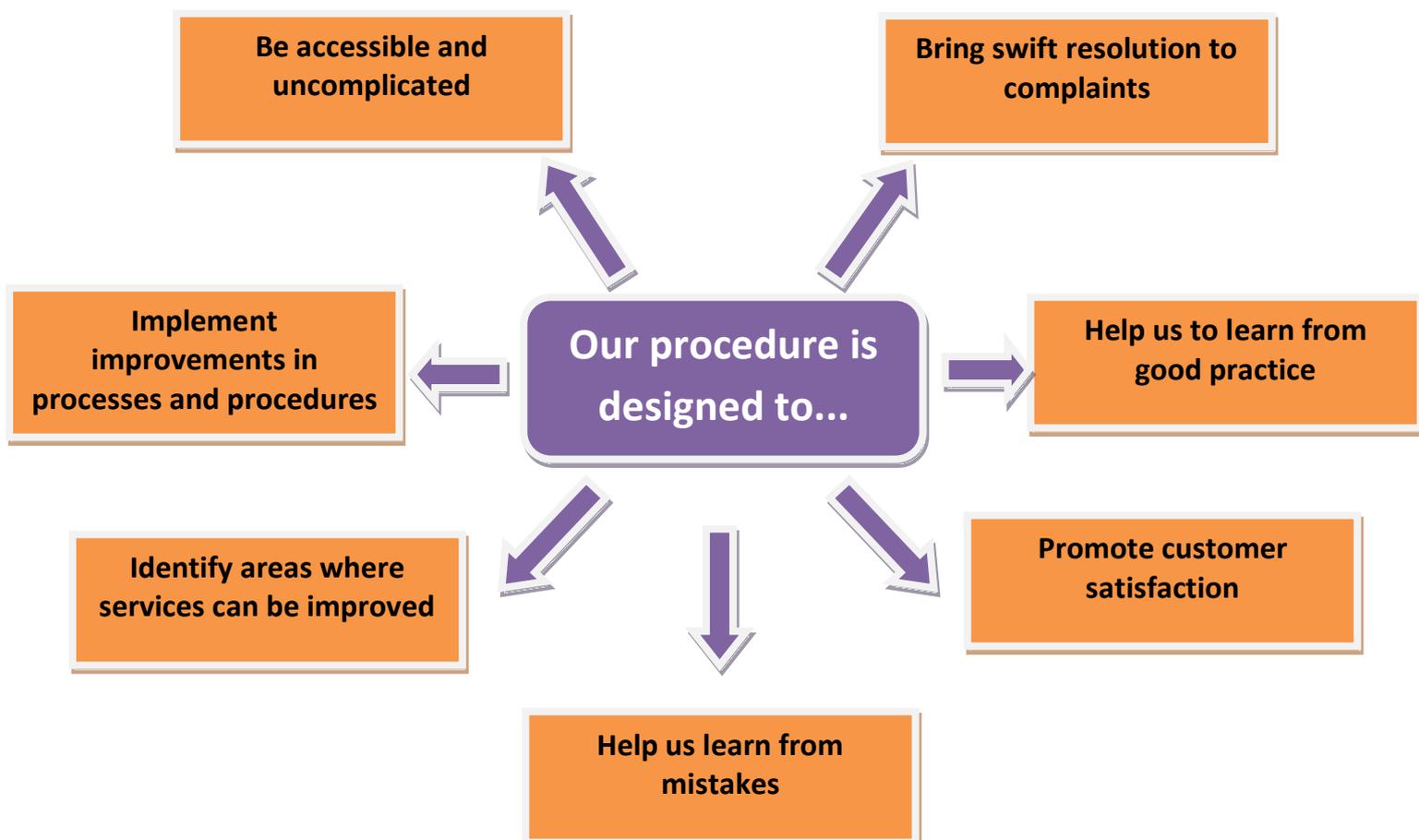
## Our Vision

**“To bring swift and satisfactory resolution for people who have complaints about our services and to directly use complaints improve the performance of our services.”**

## Our Key Values

We believe our customer's or others acting on their behalf has a right to:

- Make a complaint
- Appeal against a decision
- Be listened to
- Have their complaint investigated and resolved as quickly as possible
- Have their concerns taken seriously



# Our Core Principles

Our policy is about putting the customer, and/or their representative, at the centre of efforts to resolve the issues they have raised.

We recognise the importance of listening to our customers' experiences and views about our services – particularly if they are unhappy – and we want to make it as easy as possible for them to let us know their views.

**We will ensure that representations are dealt with in a way that is:**

1. **Open and Transparent** – information gathered about the issues raised and the way in which they have been handled will be shared in full
2. **Clear** – the representation and the way in which it will be handled will be agreed at the start with the complainant
3. **Responsive** – the needs of the customer will be taken into account in determining the method of addressing their concerns
4. **Flexible** – the complaint/representation handling will be determined by the nature of the complaint and views of the complainant
5. **Proportionate** – the efforts to resolve and time taken in addressing the issues raised will reflect the significance of those issues
6. **Accessible** – the procedure will be easy to access and use
7. **Timely** – complaint handling will be conducted in a timely way – rather than subject to preset timescales
8. **Resolution focussed** – at all points through the process we will look to resolution

**Complaints will be dealt with in a way that is most suitable to the issues raised. The way in which the complaint will be addressed will take into account the:**

- **Complainant's views**
- **Nature of the complaint**
- **Potential implications for the complainant**
- **Potential implications for the organisation**

**We want everyone who is involved to feel confident in the process and will achieve this through a procedure that ensures:**

- 1. Concerns are taken seriously**
- 2. Complaints are dealt with promptly and effectively**
- 3. There is a full response and a clear outcome for complainants**
- 4. Complaints are dealt with fairly and impartially**
- 5. All those involved in the process are treated with dignity and respect**
- 6. There is equality of access and standard of service for all complainants, with particular consideration for those people who may find it more difficult to use the process, for example people with disabilities, those whose first language is not English**
- 7. That your complaints drive learning and improvements for Northamptonshire County Council**

## Our Policy

Northamptonshire County Council promotes the right of its customers to raise a concern or make a complaint if they think something has been done incorrectly or if they feel it has been addressed in a non-satisfactory manner. Similarly customers may complain if they feel something that ought to have been done has not been done.

We also promote the rights of customers to comment on a Policy or Council decision which may affect them and express a compliment if things have gone well for them.

Information about how to make a complaint or express a compliment is easily accessible. There is information on the Council's website and our 'Have Your Say' leaflets are available in all Service Areas (e.g. Libraries, Country Parks) and reception areas of Council buildings.

In addition, on request, we will provide information on how to give feedback in other community languages, on audiotape and in Braille.

Complaints will be investigated objectively, fairly and thoroughly in a positive problem-solving manner.

No service will be delayed, suspended or withdrawn because a complaint has been made.

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 has been heard. Consideration by a Children Services Manager in consultation with the Complaints Manager will always be given to deferring a decision that will have a significant effect upon the life chances of the child until the complaint has been investigated.

We have mechanisms in place to ensure that any required lessons and service improvements have been achieved following customer feedback.

# Complaints

## What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered or the failure to deliver a service.

A complaint/representation can be made in person, in writing, by telephone or email or through the Council's website. Every effort should be made to assist people in making their complaint and any member of staff can take a complaint, if that is what the complainant wishes.

The word 'complaint' does not have to be used before it is dealt with as such. If it is evident that the person (complainant) is not happy and that the issues cannot be resolved immediately, it may well be appropriate to treat their concerns as a complaint.

## A complaint can be made by:

- Any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need;
- Any local authority foster carer (including those caring for children placed through independent fostering agencies);
- Children leaving care;
- Special Guardians;
- A child or young person (or parent of his) to whom a Special Guardian order is in force;
- Any person who has applied for an assessment under section 14F(3) or (4);
- 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 his representations being considered by them.
- Where a representative makes a complaint on behalf of a customer the Local Authority must be satisfied that there are reasonable grounds for the complaint to be made by the representative.

Any decision that a complainant is not a qualifying complainant will be made by the Complaints Manager, in consultation with the appropriate Service Manager and the complainant informed in writing.

## What can be complained about?

A complaint can be made about anything that is connected with the Local Authority exercising its social service function. For example:

- **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 or young person of the application of a local authority policy;**
- **an assessment, care management and review.**

## Time limits for raising a complaint

Complaints will only be considered if they are made within 12 months of the date on which the subject matter of the complaint occurred or within 12 months of the matter coming to the notice of the complainant unless the Complaints Manager, in consultation with the appropriate service manager, is satisfied that the complainant has good reason for failing to make the complaint within the time limit and notwithstanding the delay it is still possible to investigate the complaint.

The following factors may be relevant in deciding if a complaint should be accepted outside the one year time limit:-

- **Is it a genuine issue of vulnerability?**
- **If an investigation were to be conducted, how much benefit could be gained from it?**
- **Is there likely to be sufficient access to information or individuals involved, at the time, to enable an effective and fair investigation to be carried out?**

## Complaints which will not be considered under this procedure

- A complaint by a Local Authority, NHS body, Primary Care Provider or Independent Provider.
- A complaint by an employee of a Local Authority or NHS body about any matter relating to that employment.
- A complaint which is made orally and is resolved to the complainant's satisfaction by the end of the next working day after the complaint was made.
- The person wishing to complain does not meet the requirements detailed the section of this document 'Who may complain', or is not acting on behalf of such an individual.
- The complaint is in regard to actions and decisions of another local authority department, agency or body (e.g. Police or Court decisions).
- It concerns the level of resources available.
- It concerns a Policy that has been endorsed by the County Council.

- The same complaint where the subject matter of which has previously been investigated at all stages of the procedure and a formal response from the Local Authority has been issued.
- It regards services for which an alternative statutory appeals/complaints process already exists, e.g. Complaints/appeal against registration on the Child Protection Register.
- A complaint the subject of which is being or has been investigated by the Local Government Ombudsman

**Getting the best from complaints 2007 states further reasons or scenarios where a complaint may be considered by the Local Authority:**

***Under Part 4 of the Children Act, 1989,***

- The decision by the local authority to initiate care and supervision orders.
- The effect of the care order and the local authority's actions and decisions where a care order is made.
- Control of parental contact with children in care.
- How supervisors perform their duties where a supervision order is in force.

***Under Part 5 of the Children Act, 1989,***

- matters that do not relate to the Court and which are specifically actions of the local authority can be considered, 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.

Where social work information or a social work report has gone to Court, the child or young person can make a complaint about the report, for example its quality or accuracy, distinct and separate to the subsequent actions of the Court. If this complaint is upheld, the local authority should advise the child or young person what action it proposes to take with regard to the Court action.

With complaints about regulated services under the Care Standards Act 2000 and where services are delivered on the local authority's behalf or through an internal service that is regulated, the local authority will need to satisfy itself that the complaint can be considered under this procedure.

**Complaints may raise issues which need to be dealt with under other procedures for example:**

- Conduct that should be investigated under disciplinary or grievance procedures and tribunals.
- Allegations of criminal offences which should be investigated by the police
- Where legal proceedings are pending in relation to the substance of the complaint

## **Complaints where the subject matter is that of an issue that is part of a Court Proceeding**

Regulation 8 provides the local authority with discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:

- Court proceedings;
- Tribunals;
- Disciplinary proceedings; or
- Criminal proceedings.

If the local authority decides not to consider or further consider complaints subject to these concurrent investigations, they 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 to the local authority as long as it is within one year of the conclusion of the concurrent investigation.

## **Safeguarding and Complaints**

If at any point it becomes apparent that there are elements of the complaint that should be addressed through other procedures, that part of the complaint will be suspended and moved to another procedure as appropriate. However, wherever possible, complaints will be progressed alongside other procedures as long as that does not compromise any other process.

Complainants will be kept informed of any decisions by the Complaints Manager or Service Manager in this regard.

## **Complaints relating to a child**

Where eligibility is not automatic, the Council has the discretion to decide whether or not an individual has sufficient interest in the child's welfare to justify raising a complaint. In reaching a decision, the Complaints Manager Team will check with the child or young person (subject to their age and understanding) that he/she is content for the Complaint to be made.

## **Complaints made on behalf of a child**

Subject to the child/young person's understanding, we the Council will always confirm whether the complaint is being made on his/her behalf and that the complaint submitted reflects his/her views.

Where a complaint is received from a representative acting on behalf of someone in these circumstances, the Council has the discretion to decide whether or not the person is suitable to act as a representative or has sufficient interest in the individual's welfare. If the Complaints Manager considers that the representative is unsuitable or does not have sufficient interest, he/she must notify them in writing, explaining that no further action will be taken. The Complaints Manager should discuss this decision with relevant operational managers as appropriate.

## **Complaints made on by a child or young person and Voice of the Child.**

The Local Authority takes complaints made by children and young people seriously. The Local Authority has a dedicated Complaints Practitioner who takes the lead on resolving complaints made by a child or a young person.

The Voice of the Child is monitored throughout all complaints and the learning from them is recorded and reported back to senior managers within the Children and Young People's Services department.

If a young person wishes to make a complaint they will be offered an Advocate, this person will assist them in making their complaint and will explain about the complaints process. The Children's Rights Service will make the necessary arrangements to engage an Advocate. In addition, where required, an interpreter would be engaged.

### **On the spot complaints resolution**

If a person does not wish to make a formal complaint but wishes to share a problem they are experiencing, the Council wants to hear from them.

The Council would therefore record this as an "On the Spot" Complaint. All staff receiving such complaints are asked to record them so that they can monitor feedback which assists the Council in its future planning and development of its services, in the main these Complaints can be dealt with quickly (within one working day). Often for young people this is all they want, hence dealing with a problem as an "On the Spot" resolution at this point is far easier and better for the individual.

All staff are encouraged to deal with routine difficulties as they arise. These procedures are not intended to detract from staff's ability to use their initiative to solve problems informally, efficiently and effectively for the benefit of both service users and the service.

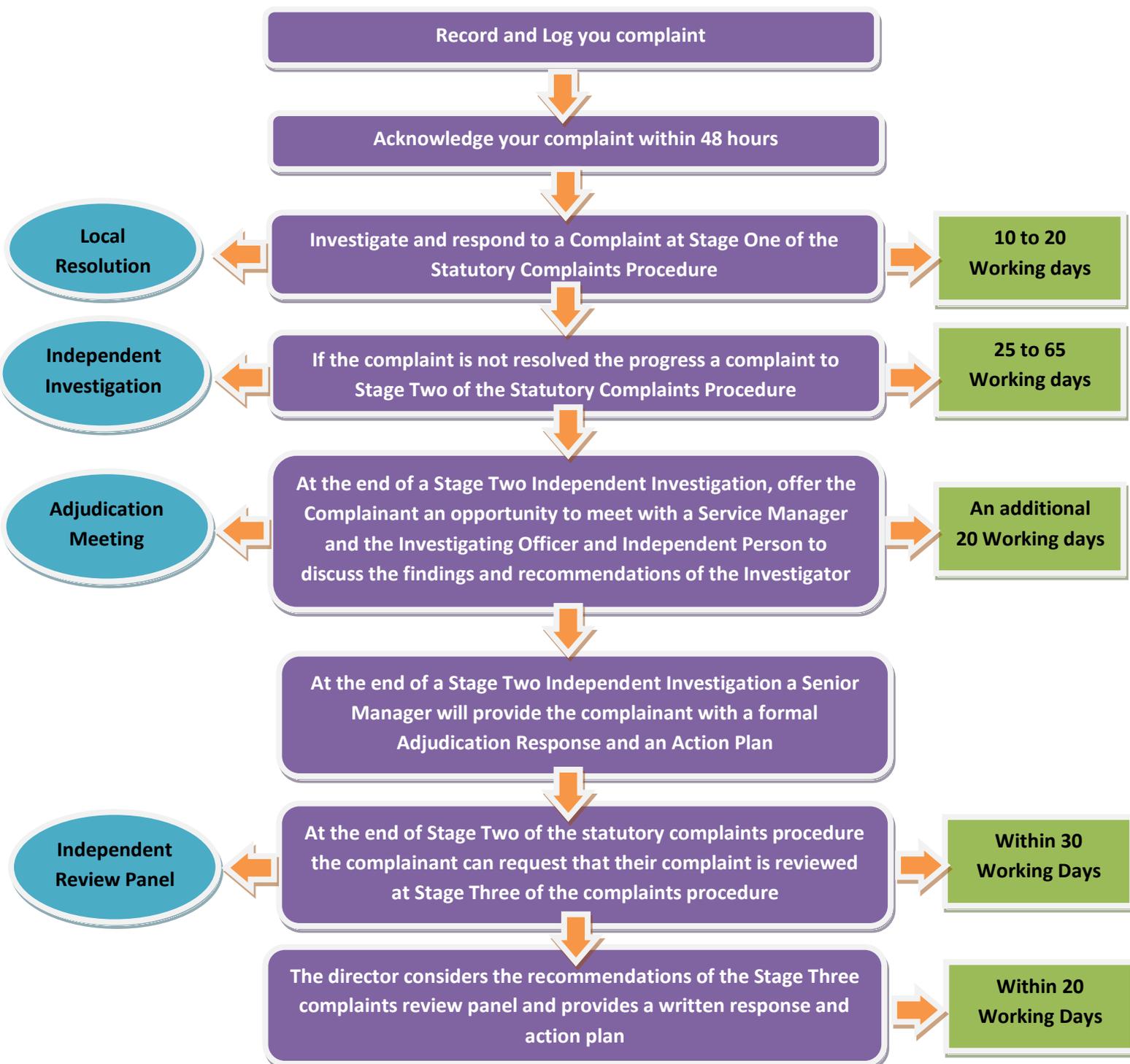
## Complaints Procedure and Process

**“Our aim is to put things right if they go wrong, as quickly as possible.”**

All our staff are trained to deal with routine difficulties as they arise and Managers responsible for delivery of our Services receive training in investigating complaints objectively and fairly.

The complaints procedure has three formal stages. It is there to support complainants and staff to reach a satisfactory resolution to the complaint.

**The Complaints Process Flowchart – [this chart depicts the process in summary]**



# The Three Stage Statutory Complaints Procedure

## STAGE ONE – Local Resolution (10 to 20 working days)

We aim to resolve all Stage one complaints within 10 working days whenever possible. The Manager of the service, which is the subject of the complaint, is responsible for investigating and responding to the complaint. He/she has 10 working days to investigate the complaint and report back in writing to the complainant their findings and proposed recommendations. This timescale may be extended, but for no longer than a further 10 working days if the Manager feels it is more complex. Any further extension to this timescale would need to be agreed with the complainant.

On receipt of a response the complainant has 20 working days in which to decide whether to accept or reject the proposed recommendations to resolve the complaint.

If the complainant is not satisfied he/she should contact the Complaints Manager. If the matter cannot be resolved by the Manager, it may be referred to his/her Line Manager, who will make further attempts towards resolution; this could include offering to arrange for mediation between the parties.

The Complaints Manager will advise the complainant about their right to progress to Stage Two and assistance will be offered.

## STAGE TWO – Independent Investigation (25 to 65 working days)

The Complaints Manager will decide whether a complaint should be dealt with under Stage Two. This may be because:-

- Resolution under Stage One has proved impossible
- After consultation between the Complaints Manager and Senior Managers the matter is deemed as complex or sufficiently serious.
- The timescales have elapsed for Stage One and the complainant has not received a response, nor agreed an extension to the timescale.

At Stage Two an Investigating Officer will be nominated. This is someone who is not within the line management of the service being complained about or an experienced Independent Investigator who is not employed by the Local Authority.

In addition an Independent Person (i.e. someone who is not an Elected Member, nor an employee of the Council, nor a spouse of an employee or member of the Council) will also be appointed.

The Investigating Officer will confirm the nature and details of the complaint with the complainant and consider all the circumstances arising from the complaint in line with the guidelines. He/she will have access to the records of staff involved and support from the Complaints Manager. He/she will submit a written report, with recommendations, to the Complaints Manager.

The Complaints Manager will pass the report to the relevant Senior Manager to consider and respond. The Senior Manager should reply in writing to the complainant, explaining how the Council will respond to the findings and recommendations of the investigation.

The overall timescale at Stage Two, once the complaint has been agreed, is 25 working days. However, there may be some cases when this timescale is impractical, for example where the complaint involves several agencies, or a key person is not available for part of the time.

In such a case the Complaints Manager must ensure agreement has been sought and given to extend the timescale. In any event the overall timescale for Stage Two should only be extended to a maximum of 65 working days. The complainant will also be offered the opportunity to meet with the Senior Manager to discuss the outcome of the complaint.

The complainant is then given 20 working days in which to decide whether to accept or reject the proposed recommendations to resolve the complaint.

If the complainant is not satisfied he/she should contact the Complaints Manager, the Manager or Senior Manager. If the matter cannot be resolved by the Senior Manager and mediation is deemed not to be appropriate, the Complaint may be referred to a Stage Three Review Panel.

### **STAGE THREE – Review Panel (convened within 30 working days from request)**

Where a complainant remains dissatisfied with the response under Stage Two he/she can request that their complaint is reviewed by a Complaints Review Panel set up on behalf of the Chief Executive of the Council. A request can either be made directly to the Chief Executive, the Head of Service or the Complaints Manager.

The Panel consists of:-

- An Independent Chairperson
- Two Independent Panellists
- The Complaints Manager who acts as the Advisor to the panel who advises on Policy and Procedures within the Council.
- A Clerk (representative of the Chief Executive) who will ensure that the complaint is dealt with objectively within the guidance from the Department of Education and Skills and that a true and accurate account of proceedings is taken.

Submissions may be made to the Panel either in person or in writing by the complainant (or an advocate). Consideration will be given to the need to use the services of a translator/interpreter.

The Panel's proceedings will be conducted in an informal style, consistent with a full hearing of all aspects of the matter under consideration.

The Panel will decide on its recommendations and the reasons for them will be recorded in writing.

Within 5 working days, the Chair will send copies of the recommendations to:-

- The complainant and/or the advocate
  - The Head of Services for Children
  - Any other person(s) he/she considers has sufficient interest in the case.
  - The recommendations will be written in the appropriate language.
- The Head of Services for Children has 15 working days from the date of the Panels decision to consider what action is to be taken and write to the complainant.

The Head of Services for Children will state his/her response to the Panel's recommendations, giving reasons for any action that he/she is taking (or not taking).

The letter will also explain that the complainant can pursue the matter further via the Local Government Ombudsman.

## **The Local Government Ombudsman**

**A Stage Three Complaints Review Panel marks the end of the Statutory Complaint's Procedure. If at the end of the Council's Complaints Process you are not satisfied you can refer your complaint to the Local Government Ombudsman.**

The Local Government Ombudsman is independent of all government departments, councils and politicians. It gives a service which is confidential and free of charge. The Ombudsman has the same powers as the High Court to obtain information and documents.

The Ombudsman will normally only accept a complaint if the Council's Complaints Procedure has been correctly and fully followed.

### **Contact details**

**Local Government Ombudsman  
The Oaks No. 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB**

**Web: [www.lgo.org.uk](http://www.lgo.org.uk)  
Tel: 0300 061 0614**

## **Remedies**

In the majority of cases if a complaint is upheld an apology will be offered and information will be given to the complainant as to what action the service will take to ensure the same situation does not arise again, for the complainant or future service users. The apology would be given by the Manager on behalf of the service complained about.

If maladministration has occurred causing an injustice to the individual, consideration will be given as to whether or not a financial remedy would be appropriate.

Where financial redress is necessary, Northamptonshire County Council operate a Maladministration and Compensation Panel, the complaints manager [or an Independent Person on their behalf] compares similar cases Locally and Nationally where the Local Government Ombudsman have made judgements as to what amounts should be offered to complainants. A briefing paper is prepared and a Panel which comprises of at least one senior manager and the complaints manager considers the findings of that comparison exercise and makes a compensation offer to the complainant in line with those findings.

## Other Forms of Representation

### Comments

If you wish to make a comment, either negative or positive in relation to a policy decision, practice or service, this will be recorded and your comment will be acknowledged within 3 working days. The relevant Director of the Service will be notified to enable them to take any action if necessary. When we review our Policies we take into consideration any comments made about a Policy.

We will take negative feedback seriously and where appropriate and in negotiation with the customer, we will log this as a complaint and as such, we a Complaint's Practitioner will encourage you to allow a service manager the right to reply and also to feedback to the customer what action the Local Authority has taken to put the situation right.

### Compliments

If you wish to express a compliment this will recorded and shared with the Service/or member of staff it relates to. We will acknowledge compliments within 3 working days.

All compliment statistics will be reported in Quarterly and Annual Reports and the information gathered from them will assist in improving our service to all our customers.

## Record Management and Data Protection

All aspects of this Complaints Policy and Procedure meet the requirements of the legislation regarding Data Protection and Freedom of Information.

Any personal information obtained in relation to a complaint is only to be used for that purpose.

## Learning from Complaints

It is a vital part of the process that services learn from the representations that are made about their provision. The process that addresses complaints will identify any areas for improvement or learning and will make suggestions for the actions that will be taken.

This will be addressed in the response. Where necessary, action plans will be drawn up and responsibilities assigned. Staff guidance will ensure that this learning is central in the process.

## Unreasonably Persistent complainants

From time to time we will come across complainants who seek to raise a number of complaints or who become unreasonable in their conduct or expectations around contact with officers of the Local Authority.

Whilst every effort should be made to address objectively any concerns that are raised, we must also seek to be proportionate and not to expose our staff to unreasonable behaviour.

When the relationship has become unworkable, the Complaints Manager together with the Director of Adults Social Care Services will consider the matter under the policy for unreasonable persistent complaints.

## Mediation

For some representations the option of mediation may be appropriate. For example where there has been a breakdown in the relationship between the service and the service user or where emotions are running high. In these circumstances mediation is an option that will be considered.

The Complaints Manager will make the necessary arrangements, after gaining the agreement of both parties. Mediation is not possible without the agreement of those concerned. Mediation by an experienced mediator will allow both sides to:

- **express their own views, (and with the support of an advocate)**
- **think about how to put things right**
- **come together to reach a solution**

# Glossary of Terms

**Advocate** – An Independent Person who will assist children and young people through the complaints process, ensuring that their views are heard. Advocates may be those that are appointed by the Children’s Rights Service, or nominated by the young person themselves.

**Approved Social Worker (ASW)** - A Social Worker who has appropriate competencies in dealing with people who have mental health disorders.

**Children’s Rights Service** – A part of the Children and Young People’s Service. The Children’s Rights Service is responsible for the management of the formal Advocacy Service.

**Complaints Manager** – An officer of the Council with the designated responsibility for ensuring that the Council has a clear and easily accessible Complaints Procedure. The complaints manager is independent of operational line management and of direct service providers (e.g. children’s social work).

**Independent Person** – Is a person who is neither an Elected member nor an employee of the Council, nor a spouse of an elected member or employee. They are appointed to provide an objective element in the Complaints Procedure at Stages Two and Three.

**Investigating Officer (IO)** – Person with overall responsibility for investigating the complaint at Stage Two. Where the Investigating Officer is a member of staff, the Investigating Officer should not be within line management of the service being complained about.

**Panel** – A group of three people, which includes an Independent Chair and two Independent Panellists, who are appointed by the Council to consider a complaint, at the request of a complainant who remains dissatisfied. The Panel may make recommendations to the Head of Services for Children for his/her consideration and action.

**Registered Complaint** – Refers to a complaint made or recorded in writing and sent or referred to the Complaints Manager with designated responsibility for assisting in the co-ordination of the Complaints Procedure.

**Team Manager** – Person, at local service level, responsible for investigating and responding to Stage One complaints.

**Senior Manager** – Person with overall operational responsibility for the management of services.



## Section 3 – What is your complaint?

- What do you want from the Local Authority that will resolve the complaint for you?

Desired Outcomes
1.
2.
3.
4.
5. – Do you feel as though a meeting with a Manager would resolve your complaint?

## Section 3 – What is your complaint?

Background to your complaint – Please tell us what happened.	Part One
1.	
2.	

## What is your complaint? - Continued

**Background to your complaint – Please tell us what happened. Part Two**

3.

4.

**Please continue on a blank sheet if required.**

### What to do next?

**Please return this form to:**

 <p><b>The Complaints Manager Complaints and Representations Service Northamptonshire County Council County Hall Guildhall Road Block Floor 2, Northampton, NN1 1DN</b></p>	 <p><u><a href="mailto:customerfeedback@northamptonshire.gov.uk">customerfeedback@northamptonshire.gov.uk</a></u></p>
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