

Procedures and Guidance

Children's Services

Children's Social Care Services Complaints and Representations



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West Sussex County Council Children's Social Care Services complaints and representations procedures

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Feedback

We welcome feedback about our policies and procedures so if you have any comments about this guidance please email to feedback@westsussex.gov.uk.

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West Sussex County Council Children's Social Care Services complaints and representations procedures

1. Policy and Principles

This document sets out the complaints and representations policy, procedure and guidance for Children's Social Care.

This document should be seen as a public document. It should be made available to those who request it, without having to make a Freedom of Information request. Members of the public, complainants and advocates can ask for a copy from the Customer Relations Team.

Write to: The Customer Relations Team County Hall, West Street, Chichester, West Sussex, PO19 1RQ
Phone: 01243 777100
Email: feedback@westsussex.gov.uk

1.1 Legislation, Regulations and Government Guidance

- The Children Act 1989;
- The Children Act 1989 Representations Procedure (England) Regulations 2006;
- 'Getting the Best from Complaints': Social Care Complaints and Representations for Children, Young People and Others, 2006.

In cases where there is a statutory appeals process, or West Sussex County Council (WSSCC) do not directly provide a service, WSSCC may be limited to checking that the appeals processes or external service provider's complaints procedures have been carried out correctly.

1.2 Key Principles

Complaints and Representations are handled according to the 2006 guidance 'Getting the Best from Complaints'.

1.3 Complaints Handling Context

The Council must learn from complaints and representations and get the best from them.

Complaints and representations play an important part in performance management at Service, Council, Member and national level, so accurate data collection is critical.

Quality of service is at the heart of complaints and representation handling, and quality is the responsibility of all staff.

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Staff are expected to promote early resolution, keep a customer informed about the progress of their complaint or representation and provide a full response without delay.

Children and young people, particularly those with special needs and disabilities, may need extra help to make their complaint or representation. Help may be best provided by a relative or friend, or by the provision of an advocate.

Even in the context of a complaint there may be opportunities to record elements of good practice and compliments, which will be shared with relevant staff and their managers.

1.4 Equalities Statement

It is a fundamental principle of West Sussex County Council's policies that all people are equally valued, regardless of their age, disability or impairment, colour, ethnic or national origin, nationality, race, religion or belief, gender, sexual orientation, marital status, responsibility for dependants, trade union membership status and activity, and or political views or affiliations. We are therefore committed to promote equality of opportunity:

- As a provider of services;
- As a large employer of people.

We will make sure services are equally accessible and relevant to all clients and our recruitment and employment practices and procedures will actively promote equal opportunity.

We will use our influence and community leadership to promote understanding and harmony between people. We will help to develop strong, secure, self-reliant, self-confident communities free from unlawful discrimination.

We will work with other agencies and organisations in seeking to eliminate discrimination, harassment and attacks on any group or individual.

We will monitor the effectiveness of what we do in these areas and continuously seek to improve our performance.

2. Definitions

2.1 What is a Compliment, Representation or Complaint?

2.1.1 Compliments

Many customers who use our services wish to give a compliment about the services they receive. We welcome compliments and thank people who take the time and trouble to give them.

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A compliment is an expression of satisfaction, however made, about the standards of service, or action by the County Council or its staff, affecting an individual customer or group of customers.

2.1.2 Representations

A representation allows children and young people (or their representatives), parents and carers to comment on the services they receive, to ask for changes to be made, and ask about services they would like to receive. They can also comment about the place they live and the services they value the most.

People can therefore make representations without them being complaints.

Concerns raised by people who have 'insufficient interest' under the Children Act to access the complaints procedure may be accepted as representations to ensure that they are properly considered.

2.1.3 Complaints

A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the County Council or its staff, affecting an individual customer or group of customers.

Where the matter can be addressed immediately or a constructive and acceptable suggestion made to achieve resolution, it is not necessary to use the formal complaints procedure. This should be recorded as 'day to day' business.

Where the concern cannot be resolved immediately it should be logged as a complaint, usually at Stage 1. Staff will need to ensure they have details of the reasons for the complaint, a note of which staff have been already been involved in the complaint and what the complainant would like to happen as a result of their complaint.

In some cases dissatisfaction with services should not be dealt with under our complaints procedure but under an external organisation's own complaints procedure, for example: Independent Residential Children's Homes complaints procedures. Appeals procedures and external complaints procedures are described in sections 7 and 8.

2.2 Who is entitled to make a complaint?

For complaints about social care services provided to children and young people there are statutory regulations concerning who can complain. The Children Act 1989 Representations Procedure Regulations 2006 is the legislation for dealing with complaints and representations about social care services for children and young people. The legislation states that the following may make a complaint:

- Any child or young person (or a parent of his/hers or any person who is not a parent but who has parental responsibility for him/her) who is being looked after by the local authority or is not looked after by them but is in need;

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- 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/her) to whom a Special Guardian order is in force;
- Any person who has applied for assessment for Special Guardianship support services;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;
- Any other person to whom arrangements for the provision of adoption support services extend;
- Adopted persons, their parents, natural parents and former guardian, and;
- Any person that the local authority considers has sufficient interest in the child or young person's welfare.

If in doubt about an adult making a complaint on behalf of a child, the wishes and views of the child must be considered and taken into account. This is particularly the case where the complainant might discover information about a child or young person, which they would not be entitled to if they had made an access to records request instead.

It would also be a concern if the adult wished to have their complaint investigated without the knowledge of the child or young person or without the young person being kept informed.

The local authority has the discretion to decide whether or not a person making a complaint on behalf of a child is suitable to act in this capacity or has sufficient interest in the child's welfare. If the Complaints Manager decides that the person does not have sufficient interest then they will notify them in writing and explain that no further action will be taken.

Complaints about Children's social care services which are not made on behalf of a child (for example staff conduct) may be considered under the Council's Corporate Complaints Procedure.

2.3 Anonymous complaints and the confidential reporting policy

Complaints may be made anonymously. Staff taking an anonymous telephone call or receiving an anonymous email should explain that although the matter will be taken seriously, anonymous complaints cannot be dealt with under the complaints procedure and without additional evidence it may not be possible to fully resolve the concerns expressed.

The [confidential reporting policy](#) is a way for **staff** to anonymously report concerns about services. It applies to employees, volunteers and contractors working for the County Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

2.4 What may be complained about?

Complaints about all functions of the local authority under Part 3 of the Children Act 1989 can be considered under this procedure, 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;
- Quantity, frequency or charge of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on an individual of the application of a local authority policy.

2.5 What cannot be complained about?

This procedure does not apply when:

- The person wishing to complain does not meet the requirements of "Who is Entitled to Make a Complaint" and is not acting on behalf of such an individual;
- The complaint is solely in regard to actions and decisions of another local authority department, agency or body (e.g. Police, Court decisions, Child Protection Conferences);
- Matters should be dealt with under other procedures such as:
 - Disciplinary proceedings;
 - Grievance procedure;
 - Complaints from staff about personnel issues;
 - An appeals process already exists and has not been used such as Adoption/Fostering Panel Appeals;
- The local authority decides that to consider the complaint would prejudice any of the following concurrent investigations:
 - Court proceedings;
 - Tribunals;
 - Disciplinary proceedings;
 - Criminal proceedings;
- A court has made, is making, or is about to make, a determination on the matters which are the subject of the complaint (please consult with the Complaints Manager and/or Legal Services);
- The same complaint has already been dealt with through all stages of the complaints procedure;
- A person is raising an objection to policy. Policy matters should be directed to the Cabinet Member with the support of the appropriate senior manager, so that a consistent approach can be taken, and response made.

2.5.1 Complaints in Abeyance

A complaint may be put in abeyance if disciplinary procedures or grievance procedures are under way; or parts of the complaint are directly about issues

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that are being specifically adjudicated upon in court.

The Complaints Manager/Legal Services will advise when the remainder of the complaint can re-start and which, if any, parts can be dealt with.

2.6 Considering complaints about events that took place over the 1 year time limit

Normally the local authority does not need to consider complaints made more than one year after the grounds to make the representation arose.

However there are special considerations for young people who would like to make a complaint about something that happened to them in their past. If a young person only becomes aware of an issue years after it happened, or they did not feel able to make a complaint at the time, they can ask the Complaints Manager to consider their complaint under this procedure. The Complaints Manager will need to consider whether it will be possible to conduct a fair and thorough investigation and will need to take the following into account:

- Do records still exist and if so do they have enough information in them to provide evidence about the complaint?
- Are the staff who were involved at the time still available?
- If the events took place a long time ago, is it fair to expect staff to remember all the details if there are no records to provide evidence?

If the complaint relates to child protection matters, those aspects of the complaint will be dealt with under the Council's Historic Abuse Protocol as per the Pan-Sussex Child Protection and Safeguarding Procedures. The Protocol can be found on the 'Allegations against someone who works with children' page of the West Sussex Safeguarding Children Board website.

2.7 Objections to County Council policies

If staff carry out a legitimate County Council policy correctly, it would be inappropriate for them to be the subject of a complaint. However, the Council must respond to the representation. Policy matters should be directed to the appropriate senior manager, so a consistent approach can be taken, and response made, including taking appropriate actions regarding any necessary changes to policy/guidance.

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2.8 Parallel Complaints

There are occasions where the Council receives complaints from 2 parties regarding the circumstances of the same young person(s). For example:

- Two members of the family make similar complaints at the same time;
- An adult who may or may not be the parent and a young person may both be complaining about the same thing;
- The adult and young person may disagree about whether a complaint should be made or not;
- Two people might be making complaints which have a direct effect upon one another.

The central issues for consideration are:

- Who is the primary complainant;
- Is it reasonable for the adult's wish to prevail where the young person has been most affected by the issues involved in the complaint;
- How should the complaint be investigated;
- Who should investigate it;
- Might information arise through investigation to which the person making the complaint is not entitled. For example, will information come to light to which they would not be entitled through request for access to records?

In such cases the Complaints Manager will decide, in consultation with service management how the investigation will be managed and how the response(s) should be issued.

2.9 Discriminatory Incidents

West Sussex County Council is committed to ensuring everyone living in West Sussex is free from discrimination.

If a customer making a complaint feels that a discriminatory incident has taken place, the complaint will be investigated appropriately and it will be recorded on the complaint record that the complainant perceived the incident to be of a discriminatory nature.

Advice on how to report a discriminatory incident can be found on the [report a hate crime incident](#) webpage

If an incident is perceived to be particularly serious and there is a risk to anybody involved it should be reported to the police by dialling 999.

2.10 Handling unacceptable behaviour and unreasonably persistent complainants

WSSC staff should follow the County Council [procedure and guidance on handling unreasonably persistent complaints and unacceptable behaviour](#).

2.11 Dealing with Complaints and the Media

Whilst most complaints remain strictly confidential some come to the attention of the media or are likely to do so. This usually occurs if the complaint has a degree of public interest, is politically or otherwise sensitive, or has a current high profile. Whatever the reason, the handling of media involvement is a specialist task and the following principles must be observed:

- Media contact should be managed by communications professionals. It is only too easy to be 'led' into saying things, which will be regretted later;
- Media and complaints handling should remain separate otherwise it can compromise those dealing with the complaint;
- The fact that the complainant has gone to the media, local or national, does not absolve the Council from its responsibility to maintain confidentiality;
- A balance has to be struck between being responsive rather than defensive, without compromising the confidentiality of the individual.

Steps to be taken in the event of media interest:

- The member of staff should immediately notify their manager;
- When the manager becomes aware of actual or potential media interest, they must immediately advise the senior manager and the Complaints Manager. It will then be agreed which senior manager will brief the Communications Team and lead on the complaint from the operational point of view;
- The senior manager will brief other relevant senior managers and Elected Members and ensure that all other managers involved are kept informed as appropriate;
- In planning media management staff directly involved must provide information. This is a priority because having the full facts in advance will place the council in a professional light and it will avoid having to be vague or even to retract later.

Although the complaint and the media are handled separately, the successful management of each is professionally dependent upon the other.

3. Getting Support

The complainant may ask whether they can have someone to support him/her. The following options can be considered:

- A friend;
- A relative;
- A neighbour;
- An advocacy service.

The choice should be carefully thought through in order that the complainant does not lose control of his or her own complaint, does not lose the opportunity

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to express their feelings direct, and does not find that they have shared confidential information with someone who may not be fully trusted with it.

3.1 Advocacy

Children and young people who want to make a complaint [will be offered the assistance of an advocate](#) to help them.

Vulnerable adults may also need the help of an advocate to make a complaint. (see '[Advocacy for Adults](#)' on our website)

Advocacy is about helping a person speak out about what they want and ensuring they understand their rights. An advocate can also speak out on a person's behalf and help sort out problems that affect them.

The following definition is from the Advocacy Charter 2002:

"Advocacy is taking action to help people say what they want, secure their rights, represent their interests and obtain services they need. Advocates and advocacy schemes work in partnership with the people they support and take their side. Advocacy promotes social inclusion, equality and social justice."

It is completely up to each person whether or not he or she wants to have an advocate. If a person is unsure, they can talk to their social worker or the Customer Relations Team for information and advice about getting an advocate.

3.2 Independent Reviewing Service

Independent Reviewing Officers chair Looked After Children's Reviews. They are not responsible for making complaints on behalf of children or young people. However they will make sure that children and young people know about the complaints procedure and that they know they have a right to have an advocate supporting them.

When the Customer Relations Team receives a complaint, they may contact the child or young person's Independent Reviewing Officer to discuss how best to deal with the problem. If there is a serious complaint, especially about a child or young person's care plan, then the Independent Reviewing Officer should be told about the complaint and should be involved in trying to resolve the concerns.

4. Stage 1 - Local Resolution

4.1 Overview

Complaints and representations must be dealt with as quickly as possible. Most importantly, discussions should take place with the complainant in order to promote early local resolution. Where this happens, the working relationship between staff and people who use services is likely to be improved.

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The manager responsible for the case (for example the team manager/ team leader) will usually investigate and respond to the complaint at Stage 1.

Any learning points will be recorded by the Complaints Manager who will confirm that the relevant actions have been implemented.

4.2 Receiving Complaints

Complaints must be accepted initially in any format which the complainant chooses, including orally, in writing, by e-mail or text message or website facility.

When a complaint or representation is made direct to the service, the manager will ensure that the communication is 'date-stamped' and recorded, and will notify the Customer Relations Team.

The manager who is currently dealing with the case is usually responsible for dealing with the complaint. If the case is closed, it belongs to the team who most recently dealt with the case. Sometimes complainants may lodge their complaint with the wrong team and it is the responsibility of the officer who receives the complaint to pass it to the correct team within 1 working day.

The manager should respond to a complaint within 10 working days of receiving it.

The 'start date' for receiving the complaint should be the day that the County Council received the complaint. However the manager can take an extra 10 working days to respond if circumstances make it necessary, for instance:

- An advocate is needed;
- Key staff are on holiday;
- The complaint is very complicated (e.g. involving more than one part of the service).

If the manager needs the extra 10 working days, then they must explain to the complainant as soon as possible and the reason must be sent to the Customer Relations Team and recorded on the complaint file.

The safety and protection of children and young people is a higher priority than the investigation of a complaint. If the complaint concerns the safety of a child, child protection procedures should be instigated immediately and the complaint suspended until the issue of protection and safety has been concluded.

Complainants should be provided with information about the Local Government Ombudsman office. Children's complaints leaflets contain this information and therefore should be sent out to the complainant.

Staff directly involved in the complaint may require additional support and supervision and can be referred to the staff counselling service if appropriate (also see Appendix 1).

4.3 Resolving Complaints

Stage 1 is the time to attempt problem solving. Staff can use tact, diplomacy and flexible thinking to find a satisfactory solution for all concerned.

All elements of the complaint under Stage 1 should be fully addressed within 10 working days whenever possible and the manager should consider whether a telephone call or a meeting with the complainant will be the best way to sort things out.

If a complaint is resolved during a meeting or telephone call, that date will be recorded as the date the complaint was responded to, however the manager must confirm the outcome of the discussion in writing to the complainant, as soon as possible.

If the manager feels that a discussion with the complainant would not be appropriate then they should send the full written response within 10 working days. If more time is needed, the complainant should be advised that the complaint may take up to 20 days to respond to.

The manager should bear in mind that even if fault is found, an apology is usually sufficient. If the complainant is 'out of pocket' as a result of the fault then the Service should arrange restitution.

If there have been learning points for the Service, then the manager should tell the complainant what they were. If procedures are to be changed as a result, then we should tell the complainant what they are and how they will be changed.

If the complainant has experienced 'time and trouble', anxiety or distress in bringing the complaint to our attention, then the Complaints Manager can advise on the scale of payment recommended by the Local Government Ombudsman to settle such local disputes with an ex-gratia goodwill payment.

The formal response letter should indicate to the complainant that if they remain dissatisfied they are asked to contact the responding manager or the Complaints Manager, who will explore the possibilities for resolution of any outstanding issues. If resolution fails at this stage the Complaints Manager will discuss further options with the complainant.

4.4 Transition from Stage 1 to Stage 2 and the opportunity for mediation

If the complainant remains dissatisfied someone neutral may still mediate on the issues which are 'sticking points', should the complainant see this as a positive option.

Before any mediation meeting, the service representative must know the key 'demands' of the complainant and have obtained authority from the relevant senior manager to agree a range of resolutions. Equally they must be clear

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about what is not negotiable. Acquiring authority only after the meeting may cause the opportunity for an immediate resolution to be missed.

If the mediation has been successful, the manager must write to the complainant confirming the agreed resolution.

5. Stage 2 - Review by Senior Manager or Independent Investigation

5.1 Overview

If the complainant is not happy with the response to their complaint at Stage 1 they can request Stage 2 of the complaints procedure. Under the Children Act 1989 Representations Procedure Regulations 2006 this involves an off-line review of the complaint and formal response by an appropriate senior manager; or an independent investigation.

Stage 2 does not imply that problem-solving activity is abandoned. At any stage during the review or investigation if it becomes clear that the complaint is now capable of resolution then the Complaints Manager should be advised.

5.2 Senior Management Review

A Stage 2 complaint review can be requested orally or in writing, however the details of the complaint must be agreed in writing.

An acknowledgment should be sent out within 3 working days of the request being made.

If the complaint is made directly by the young person, they should be advised of their right to be supported by an advocate, and assisted to identify a suitable advocate if they wish. The advocate may accompany the young person to any meetings; or act as their representative should the young person wish it.

The relevant senior manager should arrange for an off-line investigation and report by an appropriate manager.

The investigating manager will review the Stage 1 investigation and response to ensure that he or she is satisfied with the way the complaint has been dealt with.

The investigating manager should consider whether a meeting might be the best way to sort things out. If a complaint is resolved during a meeting or telephone call, that date will be recorded as the date the complaint was responded to, however the outcome of the discussion must be confirmed in writing as soon as possible.

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The report is sent to the senior manager and the Complaints Manager. The senior manager should then respond to the complaint in an 'adjudication letter' accompanied by a copy of the report, abridged if necessary (see 5.3.4). The overall timescale for this process should not exceed 20 working days. This can be extended but the reasons for the extension must be explained to the complainant as soon as possible and the Complaints Manager must be notified.

5.3 Independent investigation of complaints

If an off-line review is not appropriate or is unavailable the Complaints Manager must ensure the complaint is allocated to an Independent Investigating Officer and Independent Person. After a thorough investigation the Investigating Officer and Independent Person will submit their reports to the appropriate senior manager who will then respond to the complainant in writing.

5.3.1 The Process

The standard of proof in an investigation must be the civil standard of 'balance of probabilities'.

The Complaints Manager will:

- Clarify the statement of complaint, ensure that the issues are able to be investigated, and that the desired outcomes of the complainant are achievable;
- Acknowledge the complaint, including advice about any potential delays, e.g. for legal advice, and initiate the investigation process;
- Identify an Investigating Officer, with the appropriate level of knowledge and skill for the particular complaint. The Investigating Officer will be recruited from the external pool of investigators;
- Identify an Independent Person with the appropriate level of knowledge and skill for this particular complaint from the external pool of Independent Persons;
- Ensure that the Investigating Officer and the Independent Person both receive full details of the complaint;
- Send formal standard letters explaining the process and contact details to the complainant, the Investigating Officer, and the Independent Person
- Receive the draft Statement of Complaint from the Investigating Officer and confirm that; the issues have been investigated at stage one; the desired outcomes are achievable; and that all aspects are able to be investigated

The Investigating Officer will carry out the investigation within the timescales set by the legislation and guidance, which is that the Service should respond to the complaint within 25 working days from the date when the Statement of Complaint is agreed. If an advocate is required, or there are exceptional circumstances or complexities, then a further 40 working days is allowed. However the reason for the extension must be recorded.

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At all times any departure from the original 25-day timescale should be as a result of a continuing discussion with the complainant and on the advice of the Complaints Manager.

The complainant can withdraw from the investigation at any stage. Where this is the case the Investigating Officer will notify all parties, tell them the reason why and what, if anything, the complainant wants to happen next. In turn, the Complaints Manager will confirm the withdrawal in writing to all parties including the complainant.

If the Complaints Manager feels the complaint merits continued investigation, regardless of the withdrawal, it will be conducted as an internal review outside of the complaints procedure. The complainant having withdrawn their complaint would not be entitled to be involved or to see the report of the internal review.

During the course of interviews with the complainant, staff and other professionals who may be involved, the Investigating Officer must ensure that a record is kept of each interview and that the interviewee has the opportunity to check the record for factual errors. This avoids the final report being unnecessarily questioned due to oversights, misunderstandings or contradictions between file record and the interviews.

5.3.2 Investigation Reports

Prior to the completion of their report of the investigation, the Investigating Officer and Independent Person should contact the complainant to clarify any outstanding issues that may have arisen in the process of the investigation.

Upon completion of the investigation the Investigating Officer will submit a report of their findings, conclusions and recommendations to the Complaints Manager who will consider any issues of data protection or factual accuracy and suggested ways of resolving the complaint.

The report should:

- Include all relevant information;
- State whether each point of the complaint is upheld, partly upheld, not upheld or that there is no finding;
- Distinguish between fact, feelings and opinions;
- Separately address findings, conclusions and recommended actions;
- Suggest ways to remedy the complaint where possible.

On receipt of the report the senior manager should respond to the complaint in an 'adjudication letter' accompanied by a copy of the report, abridged if necessary (see 5.3.4). Stage 2 investigation reports are commissioned and therefore owned by the Council. However, the Service's usual practice is to give a full copy of the report to the complainant together with the adjudication letter.

Decisions about sharing the report with anyone else will be agreed by the Complaints Manager, who will confirm when the report can be shared with the complainant.

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The Independent Person will also present a separate report which will focus on the thoroughness and fairness of the investigation.

The Service will give a full copy of the Independent Person's report to the complainant.

On receiving the investigation report, if the complainant feels there are factual inaccuracies in the report then a meeting between the Investigating Officer, the Independent Person, the complainant and the Complaints Manager may be helpful.

5.3.3 Investigation Documentation

When the investigation report is completed, it is a self-contained account of the investigation; no background papers, interview notes or draft need be retained. These must be returned to the Complaints Manager for confidential destruction. The records will be retained for one year after the complaint is closed or an Ombudsman review completed.

The Investigating Officer will provide the Complaints Manager with an electronic copy of the report. A copy should be retained by the Investigator for future reference until the complaint is concluded, after or before a review by the Ombudsman. At the point of conclusion the Investigating Officer must pass all their records and documentation to the Complaints Manager.

These points also apply to the Independent Person's documentation and report.

5.3.4 Abridged Reports

In exceptional circumstances and after discussion with all those concerned, the senior manager(s) and the Complaints Manager may decide to authorise an abridged Stage 2 report for distribution rather than the full report.

This may be because the Stage 2 report includes third party or disciplinary matters to which the complainant is not entitled.

The fact that the report is abridged and the reasons why, should be shared with the complainant by the Complaints Manager. An alternative is for the Investigating Officer to provide the senior manager(s) with a confidential report of these matters.

Equally, the report may include sensitive material, which could severely affect the emotional and psychological health of the service user, carer or staff member. In this event the opinion of the Investigating Officer, Independent Person, senior manager(s), and Complaints Manager will be sought and recorded. The abridged Stage 2 report will be clearly marked as such on the front page.

See Appendix 2 for a summary of best practice for Investigating Officers and Independent Persons.

5.4 Resolution

5.4.1 Stage 2 Resolution

At Stage 2 the Council is still seeking a resolution.

At the end of Stage 2 there may be a number of potential outcomes:

- The complainant may accept the Service's response and agree that the complaint may be closed subject to the completion of any actions agreed by the Service as part of the resolution;
- They might ask for their complaint to be put in abeyance pending the outcome of certain steps the local authority has agreed to take;
- Alternatively, the complainant may not agree with the Service's response and insist that the complaint progress to Stage 3.

5.4.2 Stage 2 Resolution meetings

Where the outcome is less decisive it may be decided that a discussion or meeting between the complainant and a senior manager may help to resolve the matter.

The purpose of such a resolution meeting is not to re- investigate but to confirm which parts of the complaint have been resolved and to negotiate any areas of disagreement. The following outline agenda will assist that process:

- To discuss the outcome of the investigation with the complainant;
- To agree on actions to be taken, by whom and by when;
- To identify any outstanding issues of dissatisfaction;
- To confirm any further remedy the complainant has in mind;
- To determine whether there is a basis for a resolution now;
- To advise about rights to take their complaint to the next stage.

The intention is to conclude the meeting with an agreed action plan leading to a full and final settlement.

If a complaint has been investigated under the Children Act Representations Procedure Regulations 2006, the Investigating Officer and Independent Person may also be present at the Stage 2 resolution meeting.

After the meeting the Complaints Manager will confirm any ongoing arrangements to support the complainant if required, and ensure that the meeting notes accurately reflect the following:

- The areas of agreement and continuing dispute and whether the complaints were upheld or otherwise;
- List what actions will be taken by the Council, by whom, and when;
- Apologies or other remedies to be made if fault is found;
- How the senior manager will ensure the recommendations are implemented as soon as possible and the expected timescale.

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5.5 Service Learning

After the conclusion of Stage 2, the appropriate senior manager must ensure that any front line workers are given a de-briefing session to explain the outcome and implications of the Stage 2 outcomes for future work with the complainant and other service users.

Any learning points will be recorded by the Complaints Manager who will confirm that the relevant actions have been implemented.

5.6 Early Referral to the Local Government Ombudsman under the Children Act 1989 Representations Procedure Regulations 2006

Where there has been a wholly reasonable and appropriate investigation and resolution at Stage 2 and it is unlikely that a Review Panel would produce a different outcome, the Complaints Manager should discuss the possibility of an early referral with the complainant.

The Local Government Ombudsman will need to be assured of the following:

- There is a robust Stage 2 report;
- There is a completed Stage 2 response letter;
- All significant complaints about service delivery have been resolved;
- The action plan in the Stage 2 response letter reasonably meets desired outcomes.

Where this is the case, and the complainant agrees, the Complaints Manager can approach the Local Government Ombudsman requesting that s/he take the complaint prior to a Stage 3 Review Panel.

The complainant can also ask the Local Government Ombudsman to intervene at any time, for example if the complainant has lost all faith in the local authority's ability to manage their complaint.

6. Stage 3 – Review Panel

6.1 Overview

If the complainant is not happy with the response to their complaint at Stage 2 they can request Stage 3 of the complaints procedure. This is the final opportunity for the local authority to try to resolve the complaint.

Stage 3 is a review of how the complaint has been investigated and what action has been taken to try to resolve the complaint; it does not usually involve any reinvestigation of the complaint. Under the Children Act 1989 Representations Procedure Regulations 2006 an independent panel will review the complaint and

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make recommendations to the Director of Children's Social Care (or equivalent) who will then respond to the complainant.

The standard of proof applied during a review must be the civil standard of 'balance of probabilities'.

6.2 Stage 3 Independent Review of Complaints Under the Children Act 1989 Representations Procedure Regulations 2006.

Under the Children Act 1989 Representations Procedure Regulations 2006 the complainant can request a Stage 3 Review Panel up to 20 working days after receiving the Stage 2 letter of response from the appropriate senior manager.

The request for Stage 3 must be in writing and set out the complainant's reasons for being dissatisfied with the outcome of the investigation. The letter must be dated and signed by the complainant. Alternatives to a signature should be discussed at an early stage with the Complaints Manager, if the complainant has special needs.

Complaints Manager must acknowledge the request in writing within 3 working days of the request.

The Review Panel should happen within 30 working days of the request being made. The Independent Review Panel will follow the procedure set out in 'Getting the Best from Complaints'.

6.2.1 Review Panel Preparation

The Panel should be made up of three independent people - an independent Chairman, and 2 independent panellists. The persons appointed as independent panellists should not be elected members nor employees of West Sussex County Council, nor spouses or co-habitees of employees or members of West Sussex County Council. Former members of West Sussex County Council staff can be considered eligible as long as at least three years have elapsed since the County Council employed them. Independent Panellists are taken from a panel of people recruited by the Complaints Manager.

The Service must be mindful of the specific needs of children and young people if an Independent Review Panel is required and ensure the following:

- That the Independent Review Panel will safeguard and promote the rights and welfare of the child or young person concerned;
- That the wishes and feelings of children and young people directly affected by the complaint are ascertained, recorded and taken into account wherever practicable;

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- That the best interests of a child or young person are prioritised at all times. Where the complaint is made by a person deemed to have a sufficient interest in the child's welfare, the child or young person's views must be sought with regard to the complaint.

The Complaints Manager should send the complainant an information sheet on Stage 3 so that they know what to expect at the Panel, and offer any other informal advice and assistance they need. The complainant can at any time contact the Complaints Manager for guidance and support. The complainant can ask for an advocate and one other supporter to accompany them at the Independent Review Panel. More supporters can attend only with the prior agreement of the Chairman.

The Complaints Manager can organise and pay for an advocate to help and represent any children and young people making complaints at a Review Panel. Solicitors may attend but cannot act as a legal representative, and the Council will not pay for a solicitor to attend the Review Panel. Ideally no party should feel the need to be represented by lawyers at the Review Panel.

The Review Panel should not reinvestigate the complaints, nor should it be able to consider any substantively new complaints that have not been first considered at Stage 2.

The Complaints Manager will prepare relevant papers and background information for the panellists in advance of the hearing. These will include the relevant complaint correspondence between the complainant and the Council and the Stage 2 Investigation Report and Independent Person's Report. Panel papers should be sent to participants a minimum of 10 working days prior to the Review Panel.

The complainant should supply:

- Statements of reasons why he or she is seeking a review;
- Relevant personal correspondence and reports;
- Evidence to support their case;
- Details of the remedy they are seeking (e.g. an action or an apology);
- Details of people they will bring with them to support their case.

The Complaints Manager must consider what provision should be made for people:

- Whose first language is not English;
- Who have difficulties with mobility;
- Who have particular communication needs;
- Who have particular dietary needs.

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6.2.2 Review Panel Meeting

Review Panel participants must be aware that Review Panels are usually set for a full day, although every effort will be made to ensure the complainant need only attend for the morning session, as long as this is consistent with ensuring the complainant has a full chance to be heard and to put appropriate questions to participants via the Chair.

The Review Panel is not a court of law but is an official body set up through legislation to review the investigation and outcome at Stage 2.

The Panel will focus on the complainant's desired outcomes, with a view to a resolution. They will take into account any written and oral submissions that the complainant and the Service representatives make in relation to the complaints.

The following are examples of the kind of issues which the Panel should address:

- The fairness and thoroughness of the investigation as reflected in the Investigating Officer's and Independent Person's reports;
- The extent to which the Service has responded fairly to the findings and recommendations of the Investigating Officer;
- The extent to which the Service has acted upon and honoured the commitments made to the complainant in the Stage 2 response letter;
- Any subsequent concerns since the Stage 2 statement of complaint, which would be possible to consider within the Panel process.

Representatives of the Service must recognise the independence of the Review Panel and the authority of the Chairman.

Panels must uphold a commitment to objectivity, impartiality, fairness, confidentiality and mutual respect.

The Chairman may suspend or defer the Panel where there is a risk to health and/or safety.

The Independent Chair and Panellists should meet with the Complaints Manager to discuss process and any relevant issues before the Panel begins. The Complaints Manager can arrange for the Chair and Panellists to be briefed by a member of Legal Services prior to the Independent Review Panel.

There are no official notes of the Review Panel hearing. All participants are responsible for taking their own notes.

The following roles and functions must be explained beforehand to participants:

- The advocate represents the complainant and presents their case and/or supports the complainant and helps them express their own views;
- The function of the Independent Person is to explain their independent role in relation to the investigation and now the Review Panel;
- The Investigating Officer will be available to speak about their investigation report;

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- The service representatives will be responsible for presenting the authority's response to the complaint and for ensuring that all concerned are clear about the position being taken by the Service in terms of resolution;
- The Complaints Manager is there to answer questions about the complaints system and process together with any complaints handling issues.

The Independent Review Panel Chairman is responsible for:

- Briefing the other panel members about their role before the meeting;
- Introducing the Panellists and others present to the complainant(s) before the start of the meeting and answering any immediate questions relating to the Review Panel agenda.

6.2.3 After the Review Panel

After the Review Panel the panellists will decide on their findings and recommendations and write a letter to the Director. This will be done within 5 working days of the hearing and a copy will also be sent to the complainant (and their advocate if appropriate) and the Complaints Manager.

The Director will respond to the complainant within 15 working days of receiving the letter from the Review Panel.

6.3 Following Completion of Stage 3

The Complaints Manager will check that learning has been implemented within the agreed timescale and that learning points are disseminated via relevant operational managers, a complaints bulletin or newsletter, the procedures manual, training team or the annual report.

This is the final stage of the Complaints and Representations Procedure. If the complainant remains dissatisfied then they should be referred to the Complaints Manager for further information, advice and guidance on their right to ask the Local Government and Social Care Ombudsman to consider how their complaint has been dealt with.

6.4 Complaining to the Local Government and Social Care Ombudsman

The Ombudsman will only investigate where there has been a fault in the way the process was handled by the County Council. They can investigate complaints about how something has been done.

This could be giving the wrong information, not dealing with letters or taking too long to take action. They cannot question what has been done just because someone does not agree with the result.

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The Ombudsman cannot investigate how schools and colleges are run. The Ombudsman cannot do anything until the school and the County Council have finished looking into a complaint. The Ombudsman will only investigate issues of local authority maladministration.

If a customer believes there is a fault in the way a complaint has been dealt with, they can contact the Ombudsman. The Complaints Manager will hold up to date contact details.

7. Where the Decision or Action has been the Responsibility of an External Organisation or Provider

Complaints or representations relating to decisions or actions which are the responsibility of another organisation should be considered under that organisation's own complaints procedure; this includes cases where the Service has commissioned the service.

7.1 Complaints relating to Children's Homes or Foster Carers which are not managed by West Sussex County Council

Some services are independent of Children's Social Care but are commissioned by them. For example some children who are cared for by Children's Social Care might live with a foster carer from an external foster care agency or they might live in a children's home not managed by West Sussex County Council.

All independent children's home and foster care services must have their own complaints procedure and are inspected for how they deal with complaints by the Office for Standards in Education, Children's Services and Skills (Ofsted).

Therefore if a complaint is made about a commissioned children's home or foster carer service, the complaint should initially be considered under the commissioned service's own complaints procedure.

The complaint may be considered by the Council if the complainant:

- Has exhausted the commissioned service's complaints procedure and remains dissatisfied with their response;
- Has lost confidence in the commissioned service;
- Feels that the approach of the commissioned service is causing undue delay.

Sometimes the complaint will be partly about how the Council has fulfilled its duties in delivering a service to meet assessed needs, and partly about a commissioned service's own care standards.

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If this is the case the two complaints can progress in parallel and the Complaints Manager will liaise with the manager of the commissioned service to achieve a seamless response.

The Council will also evaluate the commissioned service's performance in relation to complaints.

7.2 Complaints against National Health Service bodies

If the Council receive a complaint about health services, then the person who receives the complaint should forward the complaint to the Complaints Manager who will contact the complainant and explain how the complaint will be dealt with.

Appendices of Guidance

Appendix 1: Complaints Against Staff

Consideration must always be given to whether a complaint which is apparently about a member of staff is actually about a casework issue. Advice should be sought from the Customer Relations Team who will determine which procedure should be followed.

Complaints about staff conduct will usually be dealt with using the WSCC Corporate complaints procedure. If at any point the investigating manager decides that there are sufficient grounds to follow personnel (disciplinary) procedures, these must be initiated and the complaint will be suspended.

While an investigation is being carried out normal working practices continue unless there are grounds for a staff member to be suspended. Staff must also be informed and updated about the complaint made against them.

Staff should recognise timescales and be available for interview at the earliest opportunity. Staff must be advised about arrangements for interviews, know what support they can have, and get feedback on the outcome. Staff should seek advice from their manager and the Complaints Manager.

A complaint can evoke a variety of feelings for staff such as: 'unexpected' and 'unfair', or 'anticipated but still unfair'. Or, it may seem to be an over-reaction to a 'no-win' situation. Equally, staff may be aware that mistakes have been made, or pressures and capacity have compromised quality.

Staff members are entitled to be supported, both professionally and personally, through supervision. They can express views and feelings, and learn from the experience.

During a complaints investigation interview, staff can have someone with them to support them; this can be another member of staff who is a friend (but not someone who is responsible for their line management), an advocate or a Union Representative.

Staff members, who have been badly affected, should be offered access to specific staff support schemes, which are operative at the time such as 'Health Assured'.

HCPC or successor body

Occasionally complaints about staff conduct will be received by the member of staff direct from the professional registration body. These should be brought to the attention of the line manager and referred to the Complaints Manager who will arrange for a formal response from the appropriate Director.

Appendix 2: Summary of Best Practice for Investigating Officers and Independent Persons under the Children Act 1989 Representations Procedure Regulations 2006

Investigating Officers

Assignment

The Complaints Manager must confirm that the Investigating Officer has sufficient knowledge and experience to deal with this particular investigation. When assigning an Investigating Officer early availability is important due to the importance of timescales.

Therefore before agreeing to an assignment the likely start date must be confirmed.

The following will need to be considered:

- Court proceedings;
- The nature and complexity of the complaint;
- The location and availability of the complainant;
- Transport to the office and other places which will need to be visited etc.

The Complaints Manager will advise the Investigating Officer about existing or potential health and safety risk although the Investigating Officer also need to take responsibility as self employed people for ensuring their own health and safety and that of others. If risk is detected, at any stage, the Investigating Officer should consult with the Complaints Manager to determine whether the investigation should be halted.

Record Keeping

The Investigating Officer completes a chronological record from the point of allocation.

He accepts that these records may be seen by the person they are about, should a request be made for access.

This record should include the following information:

- *Date/time of event;*
- *Type of contact e.g. phone call, letter, meeting;*
- *Who was involved;*
- *Where any meeting took place;*
- *The content of the contact;*

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- *For meetings with the service user, the investigating officer's opinion of the impact on the service user;*
- *Any concerns and the action taken or planned as a result;*
- *When the record was made and by whom;*
- *The record should be signed and copied to the Independent Person.*

Concerns Coming to Light During the Investigation

If during the course of an investigation other concerns are identified which are not the subject of the complaint (e.g. suspected abuse, bad practice) the Independent Person and the Investigating Officer should discuss the matter immediately with the Complaints Manager.

Statement of Complaint

The Investigating Officer and Independent Person meet with the complainant to draft the complaint statement.

The Investigating Officer should discuss with the complainant any parts of their complaint that cannot be dealt with under this procedure and after the meeting confirm it in writing. The complainant should be informed that the Complaints Manager will also check the statement before it can be formally agreed.

A signed copy of the Complaint Statement should be sent to the Complaints Manager, who will be responsible for passing copies to relevant staff.

Desired Outcomes

The Investigating Officer should check whether the responding manager has already discussed Desired Outcomes with the complainant.

The Investigating Officer should also consider if mediation might achieve this outcome at this point and consult with the Complaints Manager.

If it is apparent that the complainant is simply seeking formal financial compensation the investigation may be halted and the matter referred to Risk Management.

Timescales

The Investigating Officer should discuss timescales with the complainant and the reason for them. Confirm that all concerned should give priority to the investigation, as long delays may make the process unfair or invalid.

Viewing Files

The Investigating Officer should arrange to view all files even if in archive. There will also be a separate electronic complaint file.

Sufficient time will be needed to ensure a thorough understanding of these files.

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They should be read together with the Independent Person.

In all respects Investigating Officers and Independent Persons have the same access rights as a member of Children's Social Care personnel.

The Investigating Officer should take notes from the files ensuring that they have fully cited any quotes or entries they will use as evidence.

Other Necessary Documents

If related policy and procedure need to be researched, all current policy documents should be easily accessed on the West Sussex County Council website. Any documents that are not available can be accessed through the senior manager acting as operational link.

Interviewees

It is not always essential to interview all people who have something to contribute. As an alternative they can be telephoned or written to etc. This may be particularly the case where:

- *the interviewee has very specific questions to respond to;*
- *they no longer work for the Service;*
- *they live or work a long way from where the investigation is taking place.*

Estimated Timescale

At this point the Investigating Officer can draw up a predicted schedule of work and share this with the Complaints Manager.

If appropriate, advise, agree and 'sign-off' any potential slippage with the complainant and other concerned with the investigation.

Interviewing

Ensure that interviewees understand that a friend, advocate or Union Representative may accompany them where relevant.

If an Independent Person is involved, inform the interviewee that they will be in attendance. The Investigating Officer should agree the line of questioning for each interview with the Independent Person.

Ensure that any staff that are to be interviewed see the portion of the Statement of Complaint which relates to them in advance.

Where possible, interview up the management line. Follow the normal course of case action from referral to assessment to decision. This is more likely to lead to the uncovering of what actually happened.

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The following should be considered at interview:

- Questions prepared in advance;
- Be familiar with relevant policy and procedures;
- Questions about policy, strategic or managerial decisions should be raised at the level of management who should have responsibility for such decisions;
- Make notes during the interview. Complete the record of investigation from these notes as soon as possible (The Local Government Ombudsman may ask for the original notes/recording);
- Circulate draft notes from interviews as soon as possible to the interviewee and Independent Person involved. They should usually only comment on corrections to something which is inaccurate or where the emphasis in the report is perceived to be wrong;
- Interviewees should not receive copies of other people's interview evidence before the report stage. It may be necessary to share a 'theme' from one interview with another person during their interview to check their recollection or seek their views, but without assigning the 'theme' to an individual. Clash of evidence should be addressed within the report.

The Report

The Investigating Officer will send a draft report to the Complaints Manager, and Independent Person who will all proof-read and check against the statement of Complaint and the basis for findings and recommendations. The Investigating Officer will indicate any particular areas he would like to discuss.

The Complaints Manager will query any factual inaccuracy in the draft report, query any findings that are unclear, consider if any of the information should be confidential from the complainant and discuss possible remedies to the complaint.

The Investigating Officer should make a final contact with the complainant to take account of any outstanding issues for the complainant. Following completion, a copy of the report will be sent to the Complaints Manager for distribution.

In the discussion of remedies, it is hard for Investigating Officers to be consistent. Where it is thought that a simple apology is not enough, the Investigating Officer can make further recommendations for Children's Social Care to consider.

Debriefing Meeting

At the conclusion of Stage 2 a debriefing meeting can be held between the Complaints Manager, the Investigating Officer and the Independent Person. The purpose of this meeting is to consider the process of the investigation, any concerns which arose, and whether any new areas of good practice could be introduced.

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Stage 3

If the Complainant requests a Stage 3 Review Panel, the Investigating Officer will be expected to attend and may be asked to answer questions on their findings and recommendations.

Ombudsman

If a complaint is referred to the Ombudsman, the Investigating Officer and the Independent Person can be required to participate by the Ombudsman.

Report Framework

1. Background – Brief summary of the current position of the complainant or service user and the services they are receiving or were receiving.
2. Statement of Complaint – Statement as signed by the complainant.
3. Desired Outcomes – The outcomes the complainant is seeking.
4. The Investigation Process – Including a list of people interviewed, telephoned and written to and the documents viewed (e.g. service user's file, policy documents etc.). Also if any spot visits were made they should be noted.
5. Chronology – List and dates of documented events relating to the complaint.
6. Discussion of Complaints - Under each heading in the Statement of Complaint there should be reference to Evidence, Finding and Recommendations.
7. Summary of Findings – Overview of the findings and statement of whether the complaint is fully upheld, partially upheld or not upheld.
8. Summary of Recommendations
9. Confidential Section if necessary – For information that the complainant would not have access to if they had made a Subject Access Request under the Data Protection Act 1998.

Other Considerations

Reports should be produced in Verdana size 12 for easy accessibility. They must be clearly divided into the sections above.

They must be marked 'Confidential not for circulation without the permission of the Complaints Manager' on the front page.

Inside the front page the following should be stated:

- Complainant name and address
- Service user name and address
- Outline of issues – one line summary
- Investigating Officer name and Independent Person name
- Date of publication
- Reports must be signed and dated by the Investigating Officer
- Sections must be numbered with paragraphs numbered as a sub-section of the section title.
- 3rd party information used must have permission for inclusion granted by the author.

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All documentation relating to the investigation remains the property of the Children and Young People's Service and must not be reproduced, destroyed or shared without the permission of the Service.

Independent Persons

(In addition to references in the Summary for Investigation Officers above)

Assignment

Largely as for Investigating Officers.

Allocation

The Complaints Manager will approach an Independent Person from the Complaints Manager's talent Pool.

Because the Independent Person is acting in a 'lay' capacity, they do not need specific knowledge although they will be likely to have an interest in working with children.

They will have been selected because of their interest in representation, neutral advocacy and determination of fair process. They are not appointed to undertake 'secondary investigations'.

In that sense, availability within the timescales is of primary importance. The Complaints Manager will circulate the details of the Independent Person in the same way as the Investigating Officer.

Record Keeping

A chronology should be kept by the Independent Person from the point of allocation.

Independent Persons understand that these records may be seen by the person they are about, should a request be made for access.

This record should include the following information:

- date and time of event;
- type of contact e.g. phone call, letter, meeting;
- who was involved;
- where any meeting took place;
- the content of the contact;
- for meetings with the service user, the Independent Person's opinion of the impact on the service user;
- any concerns and the action taken or planned as a result.

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Planning and Investigation

Contact needs to be made with the Investigating Officer so that the investigation is jointly planned and carried out whilst respecting the different roles.

The Independent Person should ensure that the Investigating Officer has explained timescales, responsibilities and expectations and should receive a copy of the statement of complaint.

Independent Persons attend interviews and look at records to gather evidence. During interviews they do not have a lead role but should have agreed the line of interview with the Investigating Officer prior to the interviews.

They write a report of their findings, which is shared with and can be disputed by the complainant.

Independent Persons make sure the process of investigation is fair. They are present when the evidence is gathered by the Investigating Officer and when the Service is considering its response. This includes both written and verbal evidence. They should also receive and consider the accuracy of draft interview evidence, and a final signed version when agreed.

However, it is not their role to assist in the collation of evidence chronologies.

Where the Investigating Officer and the Independent Person cannot be jointly present, it is acceptable for reasons of timescale for evidence to be gathered solely by the Investigating Officer but this decision and the reasons for it must be recorded.

Independent Persons may need to ask additional questions or make suggestions about documents or witnesses.

Once a joint decision on these suggestions has been made it should be recorded.

Independent Persons may exceptionally need to see people alone to ensure that the process is fair to the complainant and to establish whether the complainant feels the process is fair and flexible.

Documents may be read at different times but care needs to be taken to establish they are the same material.

Independent Persons will want to be assured that Investigating Officers have taken account of evidence from all available sources and should comment accordingly on this in their reports.

Independent Persons have sometimes been seen as advocates for the complainant. However it is important that they are neutral making sure that everybody is heard. It may be that they will have to help the complainant more than other people if they are less used to speaking up. If personal advocacy is needed this needs to be separately arranged.

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Concerns about the fairness, timeliness and thoroughness of the investigation should be raised as they arise, initially with the Investigating Officer and then with the Complaints Manager if necessary. Such concerns may involve the conduct of either Service staff of the Investigator.

Due regard should be given to equal opportunities, confidentiality, legal issues and information gaps.

Particular care must be paid to the avoidance of inadvertent disclosure, for example, disclosure to the parent of something that the young person has requested should be kept from them.

Reporting

The Independent Person writes a report about the process by which the findings were reached and the fairness and timeliness of the investigation.

The Independent Person should write their report immediately after they have read the Investigating Officer's report and before any resolution meeting takes place. The report should be sent to the Investigating Officer and to the Complaints Manager for circulation.

This report is about the investigation. It will be necessary to add an addendum later about any resolution meeting.

The following statement should appear at the start of each report:

'Confidential not for further circulation without permission of the Complaints Manager'.

The report should set out:

- The name and address of the complainant and the young person (if different);
- Dates of allocation and completion;
- Brief details of the complaint including the complainants preferred outcome;
- The planning and process of investigation e.g. how many visits with the Investigating Officer and how many alone, phone calls, etc;
- Comment on the fairness or otherwise of the stages of the process, clearly differentiating between fact and opinion;
- The impact of the investigation on the child or young person;
- If anything hindered the process or caused delay;
- Any actions taken to ensure equal opportunities;
- Any actions taken to meet the complainants identified special needs;
- Any action taken to change the process and the outcome of this intervention;
- A conclusion about the overall assessment of how fair it was;
- Paragraphs should be numbered and follow the same ordering as the Investigating Officer's report.

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Resolution Meeting

Sometimes complainants do not wish to be present at a resolution meeting but may agree to see a senior manager informally.

The Investigating Officer can be asked to attend such a meeting as part of the process unless the complainant expressly wishes otherwise.

Review Panel

If there is a Review Panel it will be necessary for the Investigating Officer to attend in order to justify the report if the complainant is dissatisfied with the outcome of the investigation.

A further addendum to the report should be added on the process of the meeting and impact on the service user.

Ombudsman

If a complaint is referred to the Ombudsman the Independent Person can be required to participate by the Ombudsman.

Appendix 3: Redress and Remedy

A decision on redress and remedy can be made at any stage and the sooner the better where the Service is clearly at fault. Such Redress and Remedy can take the following forms:

- An apology is the correct outcome for most upheld complaints. These must be intended, honest and unambiguous. It is the Service that makes the apology unless an individual member of staff particularly wishes to apologise in his/her own right;
- Re-assessment/provision or restoration of a service which will need to be done promptly in order that any new service can be started quickly and the complaint closed;
- Financial remedy. Managers may feel an ex-gratia payment is appropriate to recognise shortcomings either in the service provided, the way the complaint was handled, or the time involved in bringing the complaint to our attention. The Complaints Manager can advise on wordings for this kind of remedy. The budget for ex-gratia or 'time and trouble' payments is agreed through the appropriate senior manager.

In considering remedies the senior manager should contact the Complaints Manager for guidance and interpretation of the Local Government and Social Care Ombudsman Remedies Guidance.

If a complaint is upheld, and the fault has resulted in material and calculable losses, then the Service can simply put matters right by paying the complainant a sum, which reflects that loss.

If none of these steps leads to a resolution the complainant must be advised about their right to escalate the complaint to the next stage/Local Government and Social Care Ombudsman.

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Appendix 4: Approaches from MPs, Local Government and Social Care Ombudsman or other Ombudsmen

The Council has formal arrangements for managing these approaches. Any member of staff who is contacted directly by an MP, an Ombudsman, or a member of their staff, should not discuss cases or the circumstances of individual customers.

They should refer the contact to the Customer Relations Team who will ensure the enquiry is dealt with according to the relevant arrangement.