

How WSCC manages the statutory Children, Young People and Learning (CYPL) complaints process

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About this document

This document explains the statutory process for handling complaints about West Sussex County Council's Children, Young People and Learning (CYPL) Services, and provides summary information on what you can expect at each stage of the complaints process.

The Council works to the statutory timescales set out in this document and will always deal with complaints as swiftly as possible.

All decisions are made on a case-by-case basis.

The Children, Young People and Learning (CYPL) statutory complaints process has three stages:

Stage 1: Local Resolution

The majority of complaints are considered and resolved at stage one. On receipt of a stage one complaint the Council will liaise with you to clarify and set out the key points of the complaint to be answered, and will check what you would like done to put things right. This step helps ensure that the Council's response is comprehensive and covers each of the points raised in the complaint.

Let the Council know if you require additional support in following the complaints procedure (e.g. if you have a disability), and we will make reasonable adjustments where possible. If complainant is a child or young person, the Council will ensure they receive:

- Assistance in following the procedure and, where appropriate, help in obtaining an advocate; and
- An offer of a meeting with the Complaints Manager.

The Council will send a full response to you within 10 working days of receiving the complaint. This deadline can be extended up to a further 10 days for more complex complaints or if an advocate is required.

If you are not satisfied that your complaint has been adequately dealt with at stage one, you can request that it be escalated to stage two. Details of how to do this will be included on your stage one complaint response letter.

Stage 2: Investigation by an Investigating Officer (IO)

If you want your complaint to be escalated to stage two, you should let the Council know and where possible, set out your reasons for requesting escalation. Details of how to request escalation are included on your stage one response letter.

The Council will promptly appoint an Investigating Officer (IO) to lead an investigation of your complaint. The IO is an officer who is not in direct line management of the service or person about whom the complaint is being made. The IO will be given access to all relevant records, correspondence and relevant staff to enable them to conduct the investigation. They will work alongside an Independent Person (IP); this is another officer not in direct line management of the service or person about whom the complaint is being made. The IP will be involved in all aspects of consideration of the complaint including discussions within the Council regarding any action to be taken in relation to the child.

The Council will complete the investigation and send its response within 25 working days. In cases where 25 working days is not feasible, the Council will maintain communication with you, giving you the reason for the delay, and where possible reach a mutual agreement as to what is a reasonable timescale. The Council is allowed a maximum extension to 65 working days.

Upon completion of the investigation, the IO will prepare a written report for adjudication by a senior manager. The report will include details of findings, conclusions and outcomes against each point of the complaint (i.e. 'upheld' or 'not upheld'), recommendations (with timescales) on how to remedy any injustice, as well as the IP's report on the quality of the investigation and your desired outcomes.

The Adjudicating Officer will read these reports and prepare a response with their decision on the complaint and actions they will be taking, setting out timescales for doing so. The Council will then write to you with their stage two response. This will include:

- A complete copy of the investigation report;
- The report from the IP; and
- The adjudication.

The response will contain details of your right to request that your complaint is submitted to a Review Panel within 20 working days if you remain dissatisfied.

Stage 3: Review Panel.

At stage three, a Review Panel consisting of three independent people¹ will consider the complaint and, wherever possible, work towards a resolution.

¹ Panel members must not be a member nor an officer of the local authority to which the complaint has been made, nor the spouse or civil partner of such a person. The Independent Person appointed to stage two must not be a Panel member.

The Review Panel will normally be structured in three parts: pre-meeting; presentations and deliberation, and the Council will make the effort to ensure the Panel is conducted informally yet professionally.

You are not required to attend the Review Panel, but you will be invited to attend and are encouraged to do so as your input in this stage of the process is key. You will be notified of the date and location in writing at least 10 working days before the Panel meets, and are entitled to be accompanied by another person who can speak on your behalf, if you wish.

The Council will make every effort to adhere to the following timings during the stage three complaints process.

Action	Timings
Complainant requests Review Panel	Up to 20 working days after receipt of the stage two adjudication
Complaints Manager acknowledges request	Within two working days
Complaints Manager appoints Chair and confirms attendees and content of Panel papers with Chair	Within 10 working days of the complainant's request for Review Panel
Local authority agrees the other Panellists and date for Review Panel	Within 30 working days of the complainant's request for Review Panel
Local authority circulates Panel papers	Within 10 working days of the date for the Review Panel
Review Panel produces its written report (including any recommendations)	Within five working days of the Review Panel
Relevant Director issues his response	Within 15 working days of receiving the Review Panel's report

Further information on each stage of the complaints process can be found by following this link [Getting the best from complaints](#) to the formal guidance.

Local Government & Social Care Ombudsman

If, having completed all of the stages of this complaints procedure, you still remain dissatisfied, you can ask to have your complaint reviewed by the Local Government and Social Care Ombudsman ('the Ombudsman').

The Ombudsman can investigate individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other public service organisations. If they decide to investigate, the Ombudsman's investigators look at whether organisations have made decisions the right way.

You can find out more information about what complaints the Ombudsman may consider on its [website](#).

If you wish to raise your complaint with the Ombudsman, you can find out more information about how to do so below:

Website: <https://www.lgo.org.uk/how-to-complain>

Telephone: 0300 061 0614