

**CHESHIRE EAST COUNCIL**  
**CHILDREN'S SOCIAL CARE COMPLAINTS**  
**POLICY**



<b>PROCEDURE TITLE</b>	<b>CHILDREN'S SOCIAL CARE COMPLAINTS POLICY &amp; PROCEDURES</b>
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<b>PURPOSE</b>	Instructions for staff in dealing with complaints, comments and compliments made to the department.
<b>SCOPE</b>	<p>This procedure should be followed when any member of staff receives a complaint from a service user (or someone who has applied for a service) or their advocate or carers.</p> <p>This procedure does not apply to personal matters, or to people ineligible under Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002.</p> <p>The procedure is based on The Children's Act 1989 Representations Procedure (England) Regulations 2006, and the guidance "Getting the Best from Complaints 2006".</p> <p>Complaints may be managed under one of two processes - either the Corporate process or the Statutory process – see the Eligibility and What can be complained sections below for details of what should be classed as a statutory complaint.</p>
<b>POLICY SUPPORTED</b>	
<b>RESPONSIBILITIES</b>	<ul style="list-style-type: none"> <li>• Complaints should be investigated initially by Team Managers or Service Managers at the Local Resolution Stage (Stage 1).</li> <li>• All complaint details should be logged onto the Complaints Database (iCasework)</li> <li>• For statutory complaints an independent Investigating Officer and an Independent Person will be appointed to undertake the subsequent Investigation (Stage 2) if local resolution is not possible.</li> <li>• For corporate complaints an internal manager from another part of the business should be appointed</li> <li>• Managers should record compliments and comments which come to their service from or on behalf of service users. These will be logged on the iCasework database.</li> <li>• The Complaints Officer will coordinate the complaints service and ensure that complaints are dealt with and departmental learning is shared primarily via quarterly and annual reports.</li> </ul>

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<b>KEYWORDS</b>	Complaints, compliments, Review Panel, Stage 1, Stage 2, Stage 3, LGO (Local Government Ombudsman).

**PROCEDURE APPROVAL**

<b>APPROVED BY</b>	Kerry Birtles	<b>POSITION</b>	Director of Children's Social Care
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SIGNATURE	Kerry Birtles	DATE APPROVED	29 March 2023
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## **COMMUNICATING WITH YOUNG PEOPLE/CHILDREN AND PEOPLE WITH DISABILITIES**

When following this policy, in communicating with young people/children or carers, it is essential that the communication is understandable to them. Where people may be from a different ethnic origin, it is essential to find out whether or not their first language is English. If it is not, it will be appropriate and essential to enquire whether written or spoken communications need to be, or would best be, in their first language.

Where the complainant is a child or young person, they have a right to be provided with an advocate to assist them in making their complaint or representation. **They must be offered an advocate.** The authority must be sure that the advocate is acting with the informed consent of the child or young person.

Cheshire East Council has an agreement with The Children's Society (with effect from: 1 December 2013) to provide an independent advocacy service. However, an advocate can be a Foster Carer, Teacher, friend etc.

A complaint from a child or young person will be logged in the same way as any Stage 1 complaint.

When communicating with a child – especially if they are under the age 13 – any written communication should be completed in a child-friendly format. This should avoid the use of complicated or technical/legal language; it should be written in Plain English.

When communicating with adults or children who have a learning disability, it is important to consider making suitable adjustments in the way in which we communicate with them. This could include using a different font type, using large font type, double-spacing of text and the use of coloured paper.

In some cases a meeting with the complainant to take the details of the complaint may be appropriate, for example, if they are deaf or are dyslexic and have difficulty with writing.

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Meetings will normally take place in a meeting room at a council office building. However, consideration may need to be given where a complainant may suffer anxiety or panic attacks when attending a council office building. In such cases, an alternative venue, following discussion with the complainant should be considered.

- It may also be appropriate to provide an advocate for an adult (usually a parent) making a complaint on behalf of a child/young person relating to the provision of social care services. The appointment of an advocate will be done in consultation with the relevant manager or Head of Service from the service being complained about.
- Disability Positive is one organisation based in Northwich that provides a general advocacy service for adults with disabilities.  
<https://disabilitypositive.org/service/advocacy/>

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### DEFINITIONS

<b>LGO</b>	Local Government Ombudsman
<b>OFSTED</b>	The Office for Standards in Education, Children's Services and Skills.
<b>DFE</b>	Department for Education (2010 to the present time)
<b>DCSF</b>	Department for Children, Schools and Families (2007 to 2010)
<b>DfES</b>	Department for Education and Skills (2001 to 2007)

### APPENDICES

<b>Appendix 1</b>	Roles in the Complaints Process
<b>Appendix 2</b>	MP's Letters
<b>Appendix 3</b>	Complaints involving more than one service
<b>Appendix 4</b>	Standard Paragraphs
<b>Appendix 5</b>	Stage 2 Report Structure

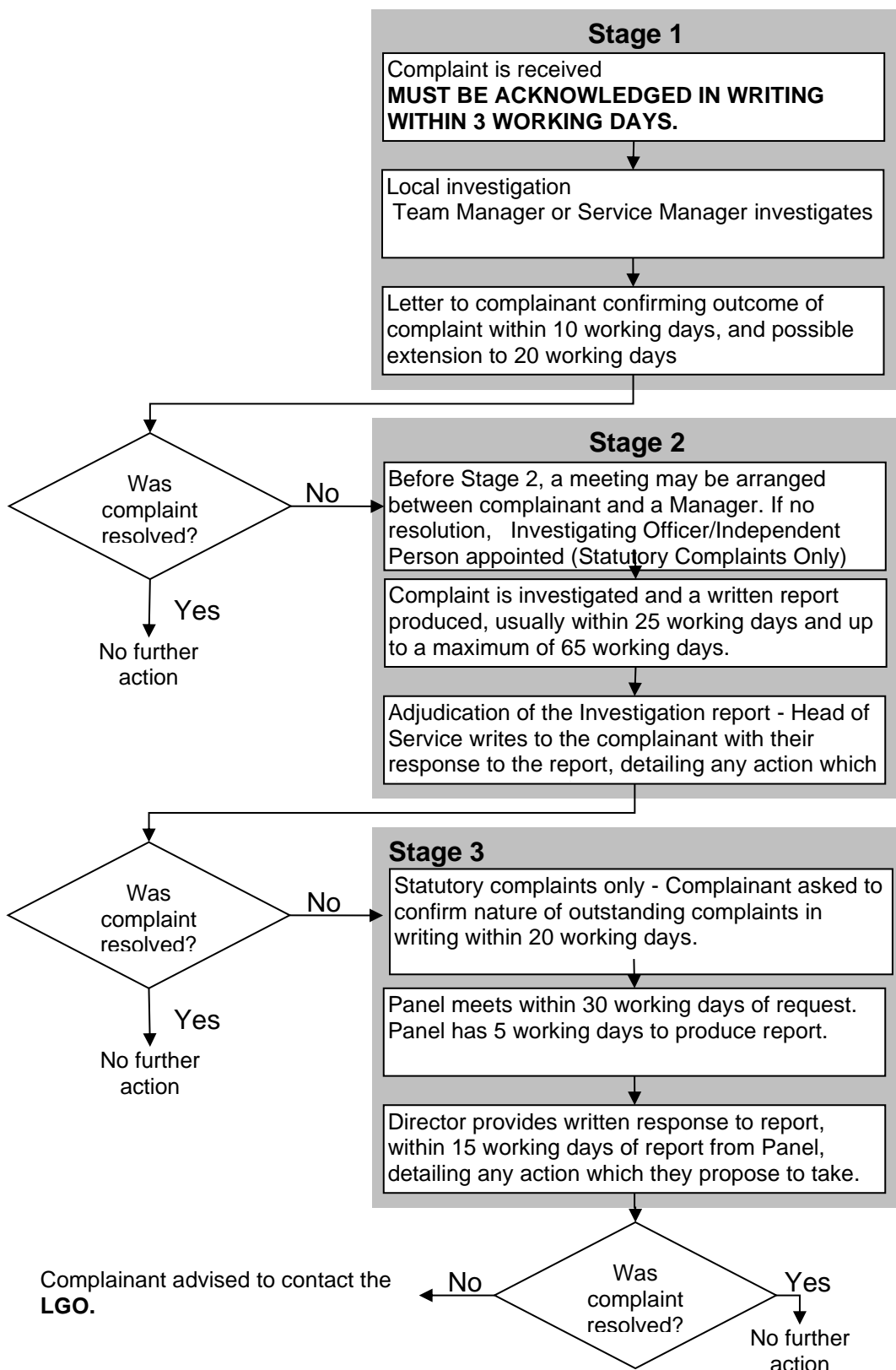
### LEGISLATION

The Children's Act 1989 Representations Procedure (England) Regulations 2006  
 "Getting the best from complaints" – guidance from DfES 2006

### OTHER PROCEDURES

Managing Unreasonable and Unreasonably Persistent Behaviour  
 Corporate Complaints – Policy and Procedures  
 Adults Complaints – Policy and Procedures

**FLOWCHART**



## PROCEDURE

**Introduction** The information received from service users provides a valuable learning resource, and feedback should be welcomed and acted upon.

## DEALING WITH COMPLIMENTS/COMMENTS

- The department has a policy of recording all compliments and any comments about the service so that the information may be used alongside other measures of performance. When a compliment is received, it should be sent to the Complaints Officer who will ensure that the compliment is logged on the Complaints Database (iCasework).

## DEALING WITH COMPLAINTS

**General** Children and young people or their families often raise concerns, such as about delays in providing minutes of meetings or agreed actions not being taken. Where such matters can be dealt with there and then, there would be no need to engage the complaints procedure, though it would be good practice to record what has happened and what has action has been taken. However, if the person continues to complain or states that they wish to make a formal complaint, then the complaints procedure should be used to address their issues.

The principles on which the complaints process are based are fairness, accountability, and accessibility.

**What is a complaint?** In general terms, a complaint should be classed as such if it fits either of the following definitions: ***“An expression of dissatisfaction or disquiet which requires a response.”*** (Department for Education)

The Council has adopted the following definition also: ***“a complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council”.***

**Eligibility** The procedure for dealing with social care complaints concerning children or young people derives from The Children’s Act 1989, and from The Children’s Act 1989 Representations Procedure (England) Regulations 2006. It is a statutory responsibility and is subject to inspection.

Those eligible to make complaints about social care are limited to:–

- Any child who is being cared for or is in need
- A parent of the child
- Any person who is not a parent but who has parental responsibility for the child
- Any local authority foster carer (including those caring for children placed through independent fostering agencies)
- Such other person as the authority considers has a sufficient interest in the child's welfare to warrant their representations being considered by them
- Children leaving care
- Special Guardians
- A child or young person (or parent of him/her) to whom a Special Guardianship Order is in force
- Any person who has applied for assessment under section 14F (3) or (4)
- Any child or young person who may be adopted, their parents or guardians
- Persons wishing to adopt a child
- Any other person to whom arrangements for the provision of adoption services extend

The Authority may refuse to consider a complaint where the criteria for acting on behalf of a child are not met.

The Authority is likely to receive complaints from adults which relate to a child or young person but which are not made on the child's behalf. The Authority has discretion over whether to accept such complaints. In making this decision, it is necessary to check with the child or young person that he/she is happy with the person making the complaint and the complaint being submitted on his/her behalf.

Where the eligibility of a complaint is uncertain, the Complaints Officer should be contacted for further advice.

### **Anonymous Complaints**

Anonymous complaints should always be recorded and referred to the Complaints Officer in the normal way. It can then be decided what action, if any, to be taken. Anonymous complaints fall outside the scope of the statutory complaints procedure, but could be dealt with under other procedures, such as child protection.



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### Complainants with challenging behaviour

Some complainants can be frustrated or angered by the actions of the department and this might result in challenging behaviour.

Staff safety is of prime importance here, and proper safety measures need to be in place to protect staff. Where a complainant is persistently abusive or rude over the telephone or face to face, staff have the right to terminate such phone calls or interviews.

If such situations arise, they should be recorded, and managers should be informed about them. In some circumstances it may be appropriate to advise complainants that staff have been instructed to terminate calls, and should only deal with letter/email enquiries.

Please refer to the Managing Unreasonable and Unreasonably Persistent Behaviour Policy for further information.

### What can be complained about?

Statutory Complaint guidelines state - All functions of the local authority under Part III of the Children Act can be subject to a complaint. This would cover –

- 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 the individual of the application of a local authority policy
- Assessment, care management and review

In addition, the following functions from Part IV and V of the Act may be complained about:

- The decision taken by the local authority to initiate care and supervision orders (Section 31) Part IV
- The effect of the care order and the local authority's actions and decisions where a care order is made (Section 33) Part IV
- Parental contact with children in care (Section 34) Part IV

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- How supervisors perform their duties where a supervision order is in place (Section 35) part IV
- Matters that do not relate to court and which are specifically actions of the local authority can be considered, regarding applications for and duties in relation to child assessment orders (Section 43) Part IV
- Matters covered by Subsections 10 and 11 that relate to local authorities and a local authority's use of discretionary power with regard to applications for and duties in relation to emergency protection orders (section 44) part V and
- Local authority's duty to investigate (Section 47 ) Part V
- Where social work information or a social work report has gone to Court, the service user can make a complaint about the report (e.g. its quality and accuracy) distinct and separate to the subsequent actions of the Court
- Conduct of social care staff involved in court proceedings

In addition the following adoption related functions can be considered under the complaints procedure –

- Assessments and related decisions for adoption support services (Section 4 of the 2002 Act)
- Placing children for adoption ,including parental responsibility and contact issues (Sections 18, 19, 22, 25, 26, 27 of the 2002 Act)
- removal of children who are or may be placed by adoption agencies (Sections 30-35 of the 2002 Act);
- removal of children in non-agency cases (Sections 36-40 of the 2002 Act);
- duties on receipt of a notice of intention to adopt (Section 44 of the 2002 Act); and
- duties set out in regulations to be made under the 2002 Act in respect of:
  - a local authority considering adoption for a child (Part 3 of Adoption Agency Regulations)
  - a proposed placement of a child with prospective adopters (Part 5 of Adoption Agency Regulations)
  - replacement and reviews (part 6 of Adoption Agency Regulations)
  - records (Part 7 of Adoption Agency Regulations)
  - modification of the Children's Act 1989, parental responsibility and contact (Part 8 of Adoption Agency Regulations)
  - financial support for adoptive parents

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- support groups for adoptive children
- assistance in relation to arrangements for contact between an adoptive child and another person
- services in relation to the therapeutic needs of an adoptive child
- assistance to ensure the continuance of the relationship between the child and his adoptive parent
- assistance where disruption of an adoption placement/arrangement has occurred or is in danger of occurring.

Lastly, Special Guardianship came into force in December 2005, and, under this, the following functions can be the subject of a complaint –

- financial support for special guardians
- support groups for children
- assistance in relation to contact
- therapeutic services for children
- assistance to ensure the continuation of the relationship between the child and their special guardian or prospective special guardian.

**Relationships with other procedures**

Other procedures take precedence over the complaints procedures, i.e.

- child protection procedures
- court proceedings – civil, criminal or family
- grievance procedures
- disciplinary procedures

The complaints procedure can be suspended or discontinued when there are concurrent investigations.

**Deferring (freezing decisions)**

If the complaint is about a proposed change to a care plan, placement or service, the decision may need to be deferred until the complaint is resolved.

**Time limit on making complaints**

A complainant must make their representations to the department no later than 12 months after the cause of the complaint.

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The Authority has discretion to accept a complaint outside the time limit if it thinks that

- it would not be reasonable to expect the complainant to have made their complaint within the time limit, **and**
- the department thinks that it would still be possible to consider the complaint effectively and fairly.

Where these do not apply the department can refuse to consider the complaint, but may still determine that some form of response is necessary to the complainant outside of the complaints process.

### Receipt of a complaint

Complaints can come into the department from children or young people directly and/or from their families and carers in a variety of ways – verbally directly to staff, on the telephone, by letter, by email, on feedback forms, in person, via MP's, from the Ombudsman, via Councillors, to the Chief Executive's office, from advocates, from voluntary organisations, from partner agencies etc.

Complainants do not have to fill in a form or write to us with their complaint – they can speak to us, email us, send a tape, act through an interpreter or advocate.

The role of the member of staff receiving a complaint is to give every assistance to the child or young person or their family to make the complaints procedure accessible.

### Acknowledgement of the complaint

The team or service receiving a complaint in the first instance should forward it to the Complaints Officer who will acknowledge the complaint, in writing, within three days of receipt.

### Logging the Complaint

All Complaints will be logged and placed on the database by the Complaints Officer within 3 days of receiving the complaint.

## STAGE 1 – LOCAL RESOLUTION STAGE

### Stage 1 – Local Resolution Stage

The majority of Stage 1 investigations will be conducted by a Team Manager (normally those who hold managerial oversight for the case being complained about). The investigation of a complaint is an important task and should not be delegated to staff below this level. In the event that a Team Manager is being complained about, it would be usual to allocate the complaint to the appropriate Service Manager to respond.

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The steps to follow in investigating a Stage 1 complaint are –

- The complaint is logged on the database and acknowledged in writing to the complainant, by the Complaints Officer.
- If the complaint was taken over the telephone or in person by the Complaints Officer (or any other member of staff), then a written summary will be sent to the complainant who should be asked if they agree with the summary before the complaint is passed formally to the relevant Team Manager to investigate.
- Team Manager / Service Manager to contact by phone, visit or speak to the complainant to clarify what the complaint is about and what will be investigated
- Interview any staff involved in the complaint and record these interviews
- Examine documentation/computer held records.
- Consider whether the correct procedures have been followed
- Consider whether the service provided has been up to the standard expected
- Consider whether each aspect of the complaint should be Upheld, Partially Upheld or Not Upheld
- When complete, write to the complainant with the outcome of the investigation using the Stage 1 Response Template.

Complaints which are received by Senior Managers, the Director or the Chief Executive should be sent on to the Complaints Officer for logging and acknowledging. In some cases they may be acknowledged by their secretary. They should be delegated to the relevant Service Manager to investigate.

Timescales for Stage 1

The timescale starts either

- when the complaint is received into the department, or
- when an advocate is appointed for a young person, or
- when the department decides that the complainant is eligible to complain

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The initial timescale is 10 working days to provide a response though the local authority can have a further 10 working days to resolve where the situation is complex.

In such cases, a holding letter should be sent out by the Complaints Officer to confirm that a response at Stage 1 will take longer than the initial 10 working days.

The authority can consider a request from the complainant to go straight to Stage 2 in some circumstances (eg if the LA response is outside agreed timescales) although we would usually want to at least try to resolve the complaint at Stage 1 wherever possible.

If the maximum timescale (20 working days) has elapsed, the Complaints Officer should inform the complainant that they have a right to go straight to Stage 2. If the complainant is happy to wait for a response, then the timescale can be extended.

#### Outcome letter at Stage 1

Once the Stage 1 investigation has been completed, the Team Manager/ Service Manager will write to the complainant.. This is the outcome letter and should include –

- What the complaint was
- What has been done to investigate the complaint
- What the Manager has found as a result of his/her investigation
- Any action he/she intends to take as a result of the complaint(e.g. training for staff, improved systems in future) to ensure that the same situation does not occur again
- Explanation of actions taken by staff which led to the complaint.
- Appropriate apology
- Indication of the next stage of the process if the complainant remains unhappy (see Appendix 4)

#### Logging the outcome of Stage 1

At the Team Manager/ Service Manager's discretion, a copy of the complaint and the outcome letter should be attached to the Client's record on the social care database. In some cases it may be deemed not appropriate to attach the complaints

correspondence to the client's record, nevertheless a reference should be made in the client's case notes that a complaint was received and to contact the Complaints Officer for further details.

A copy of the outcome letter should be sent to the Complaints Officer in order that the outcome can be logged on to the complaints database.

In some cases the Outcome Letter may be sent out by the Complaints Officer following quality checks and proof reading, and the Complaints Officer will forward a copy of the final letter to the Team Manager.

## Prior to Stage 2

Most complaint responses are now sent by email, but if the complaint was received via the post and, if either we do not have an email address for the complainant or the complainant wishes to receive the response by post, then the response should be posted, after double-checking the address.

If the complaint has come via a Senior Manager, then a copy of the outcome letter should also be sent to them.

If the complainant indicates that they wish to go to the second stage of the process, a meeting is normally offered to the complainant to try to seek a resolution at Stage 1. Evidence has shown that this can often be an effective forum to resolve the complaint.

However, it should be noted that a complainant does not have to agree to a meeting, and that in some cases where a resolution appears unachievable, it may not be considered productive to offer a pre-Stage 2 meeting.

## STAGE 2 – FORMAL INVESTIGATION

### Request for Stage 2 Investigation

The complainant can make a request for Stage 2 if –

- They have received a written response to their Stage 1 complaint and they are not satisfied with it.
- They have not received a response to the Stage 1 complaint within the 20 working days allowed for Stage 1.

If the complainant remains dissatisfied they should make the request within 20 working days of receiving the Stage 1 response. Requests received outside this are at the discretion of

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the Complaints Officer, in consultation with the relevant Senior Manager.

If resolution is not possible and the complainant indicates that they want to go to Stage 2 they should be asked to clarify – preferably in writing, what it is they remain dissatisfied about, and what outcomes they would be looking for from a Stage 2 investigation.

The request for a Stage 2 investigation will be acknowledged by the Complaints Officer.

Once it is clear what will go forward to the Stage 2 investigation, then the request, together with relevant supporting documents and letters, should be forwarded to the relevant Head of Service for agreement to proceed to Stage 2.

The Complaints Officer may provide a recommendation to the Head of Service as to whether the complaint should progress to Stage 2 or not. In some cases, the desired outcomes from a Stage 2 are not achievable (eg a member of staff to be dismissed, contact with children to be arranged), and Stage 2 may be declined and the complainant advised of this and referred direct to the LGO.

For Corporate complaints we need to appoint a manager from another service within Children's to investigate the complaint. They have 20 days in which to respond.

### Appointment of Investigating Officer and Independent Person

Statutory Complaints Only - Once the Stage 2 investigation has been agreed the Complaints Officer will identify two people to conduct the investigation.

An Investigating Officer (IO) will be appointed by the Complaints Officer, normally chosen from the North West list of External Investigating Officers and Independent Persons. This is a list of people maintained by the North West Complaints Managers Group. The Investigating Officer will lead the investigation and will prepare the main report.

A second person, the Independent Person (IP) will be appointed from the North West list of Independent Persons. This role cannot be performed by an officer of the Council.



From December 2017, External Investigating Officers (EIO) and Independent People have been required to sign a Consultant Agreement (Contract) which covers key aspects of their appointment including matters relating to confidentiality and Data Protection. Two copies need to be signed and returned by the EIO/IP to the Complaints Officer who will then arrange for a Senior Manager to sign them. One copy is then returned to the EIO/IP and the other retained by the Complaints Officer.

Once the two investigators have been appointed, the Complaints Officer will write to the complainant giving details of the people appointed to do the investigation.

All documentation about the complaint will be sent to the two investigators, either by secure email (Egress) or Recorded Delivery.

**Pre-Meeting for Stage 2** The Complaints Officer may organise a pre-meeting with the two investigators, at which the complaint will be discussed and a plan for the investigation developed. The investigators will decide when they want to see the complainant, which members of staff they want to see, and when they want to examine the files. The meeting will be recorded by the Complaints Officer who will note actions to be taken, by whom and when.

Both the IO and the IP will arrange to see the complainant together to agree the complaints to be investigated. A decision would then be taken as to how many of the other interviews and actions need to be taken jointly.

**Timescale for Stage 2** There are 25 working days for the completion of the Stage 2 investigation; this is timed from the date that the complaint to be investigated is agreed with the complainant.

All extensions should be agreed with the Complaints Officer and confirmed in writing with the complainant. An extension up to 65 working days (ie. an extra 40 working days) is allowed where it is not possible to complete the investigation within 25 working days. The complainant should be informed in writing of the reason for the delay and given an estimate of when the investigation will be completed.

No extension of time is allowed beyond 65 working days.

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### Purpose of Stage 2 investigations

The purpose of the Stage 2 investigation is

- To resolve the complaint wherever possible
- To fully investigate all matters relating to the complaint, usually (but not always) only those matters that have already been investigated at Stage 1
- If additional issues are brought up by the complainant during conversations with the EIO, the EIO should notify the Complaints Officer, who should make a decision as to whether those issues should be dealt with as a separate Stage 1 complaint, or whether, for expediency, they could be included for investigation at Stage 2.
- To provide an independent view of the complaint
- To collect and weigh the evidence from interviews with the complainant, views of any young people involved and interviews with staff, an examination of documentation, and an examination of the policies and procedures relevant to the complaint
- To make a judgement as to whether the individual complaints are upheld, partially upheld or not upheld
- To make any recommendations to the department stemming from the investigation of the complaint
- To complete the Stage 2 report (see Appendix 5 for structure)

### Undertaking a Stage 2 investigation

The process would be –

- Read the documentation provided by the Complaints Officer.
- See the complainant either in their own home or at a venue of their choosing.
- Where the complainant is a child or young person, he/she should be assisted to obtain an advocate to help them with their complaint.
- Complainants can have someone of their choosing with them to assist in this meeting; this might be a family member, advocate or similar.
- Where a complainant needs assistance with communication, be this an interpreter, translator, signer, this should be provided.
- Agree the definition of the complaint with the complainant – to produce a “Statement of Complaint”
- Send the Statement of Complaint to the complainant, and ask them to agree the details. The timescale begins once the complaints to be investigated are agreed. The signed letter of agreement should be sent to the Complaints Officer.

- Once agreement is reached with the complainant, the investigator will need to read case files and records pertaining to the complaint and identify which staff members will need to be interviewed, along with any other adults or young people involved. If a decision is made not to interview a young person (eg: because they lack capacity), then this needs to be recorded and the Complaints Officer informed.
- Conduct all the interviews with staff – notes should be taken and kept. Those interviewed can have copies of the notes if they wish. Some IO's may send copies of the notes to staff for them to agree. If staff do not respond, the notes should be taken as agreed.
- Consult any policies and procedures or any practice guidance available that have a bearing on the complaint.
- The Complaints Officer is available to discuss the investigation if this is needed.
- It is the role of the IP to check the main report for accuracy.
- **Draft reports should not be sent to the complainant**
- Once the report is completed it should be sent to the Complaints Officer, who will review it and who will forward the report and a draft response to the relevant Head of Service..

### Report structures for Stage 2

The structure of the report for Stage 2 is given in Appendix 5. This is the structure for the report completed by the Investigating Officer (IO). This should be followed in all reports. For each of the complaints listed, the IO should indicate their findings and their conclusions ( ie if they think the complaints are Upheld, Partially Upheld or Not Upheld). In addition the IO should make any recommendations to the Service that they feel are necessary.

The report should be written in plain language, avoiding jargon. It should distinguish between fact and fiction.

In addition, the Independent Person (IP) should complete a shorter report which should cover –

- Whether they think that the investigation has been conducted in an entirely impartial, comprehensive and effective manner
- Whether all those concerned have been able to express their views fully and fairly

- Whether the IO's report provides an accurate and complete picture of the investigation and
- Comments on the recommendations or additional recommendations made by the IP

**Response from the Service to Stage 2 investigations**

The Head of Service will consider the contents of the report. They can seek clarification from the investigators about any aspects of the report. They can also ask for further investigation if they are not satisfied that all aspects have been covered.

As the Stage 2 investigation is to be independent, it would not be good practice for a Senior Manager to alter a Stage 2 report.

The Head of Service should write to the complainant (within 10 working days of receiving the report) to:

- Confirm the local authority's response to the report
- Take a view on whether the report has been thorough and complete
- State their view of the findings on each point of complaint
- Identify any actions they will be taking and the timescale for implementation
- Offer any remedies to the complainant such as an apology, explanation, compensation,
- Confirm the complainant's right to request a Stage 3 Review Panel if they remain dissatisfied (although see 'Fast tracking to the Ombudsman' below)

The letter, together with a copy of the two reports, will be sent to the complainant by recorded delivery.

A senior manager may consider offering a meeting with the complainant to discuss the report and the department's response.

**Stage 2 Actions List**

The Complaints Officer will send an Action List for each investigation to the Head of Service, asking them to indicate if the recommendations are accepted, and, if so, who will be responsible for implementing the recommendations and when.

Actions from the Stage 2 will be added to the Quarterly Report Learning Action Plan for the Quarter when the Stage 2 Investigation is completed.

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### Fast tracking to the Ombudsman

There will be some situations in which the authority has the option to fast track the complaint to the Ombudsman at the end of stage 2. These are –

- A very robust Stage 2 report
- A complete adjudication at the end of Stage 2
- An outcome where all the complaints have been upheld

#### AND

- The local authority is providing a clear action plan for delivery, and
- The local authority agrees to meet the majority or all of the desired outcomes presented by the complainant regarding Social Care functions

## STAGE 3 – REVIEW PANEL

### Requests for Stage 3 Review Panel

The complainant has 20 working days from the date of the Stage 2 response to request a Review Panel. They must give the reasons either verbally or in writing for their dissatisfaction with the outcome of the investigations. If they need assistance to state what these reasons are, the Complaints Officer will offer assistance to do this.

### Purpose of the Review panel

The purpose of the Panel is to review the complaint and how it has been handled. It does not have a remit to reinvestigate. The Panel will consider no new matters. It will –

- Listen to all parties
- Consider the adequacy of the Stage 2 investigation
- Obtain any further advice or information that may help to resolve the complaint
- Focus on achieving resolution for the complainant by addressing their clearly defined complaints and desired outcomes
- Reach findings on each of the complaints being reviewed
- Make recommendations to the local authority that are practical solutions
- Support local resolutions where there is an opportunity for resolution
- Identify any injustice and recommend appropriate redress
- Recommend any service improvements to the authority

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The Panel is a forum for the complainant to discuss their complaint with Managers of the service complained about. The Panel is a formal process, but is not a court of law.

Where the complainant is a child or young person, consideration should be given to how best to conduct the Panel meeting.

### **Appointment of the Panel**

Once the reasons for going to Panel have been established, the Complaints Manager will appoint a Panel. Time is of the essence here as the timescales are very short.

### **Make-up of Panel**

The Panel will consist of three Independent People. At least one of these will be drawn from the North West list of Independent Persons and will act as Chair of the Panel. Officers of the authority and Members of the Council are excluded from membership of the Panel, as are spouses or civil partners.

### **Preparation of Panel**

Once the Panel has been appointed, the Complaints Manager will copy all relevant documentation for each of the Panel members. All documentation will be listed. Two further sets of documentation will be copied, one set to send to the complainant and/or their advocate before the Panel takes place, and one set for the Manager(s) of the service to read before the Panel. All documentation will be sent out recorded delivery, first class post.

### **Pre-Meeting of Panel**

In some cases it will be appropriate for the Panel to have a pre-meeting – this is likely to be for the most complex or sensitive complaints. The Complaints Officer will discuss with the Chair of the Panel whether a pre-meeting is required, and a decision will be taken jointly.

If agreed, the Complaints Officer will arrange a meeting with the three members of the Panel, and will take notes of this meeting. The purpose of the meeting is for the Panel to

- discuss the complaint,
- identify who should be asked to attend the Panel meeting
- identify any other documents that they might require
- identify a member of the panel to read the case files, and
- identify dates for the Panel.

### **Attendance at Panel**

The complainant has a right to attend the Panel, and can be accompanied by another person who can speak on their behalf, if they wish.

The Stage 2 investigators and the Manager(s) responsible for the service complained about will be asked to attend the Panel.

The Complaints Officer will attend every panel and will act as facilitator on the day.

There will also be a Note-taker present to take notes of the proceedings and to type the report.

Manager(s) of the service attending the Panel would be expected to have full knowledge of the complaint and how it has been handled. They will be asked by the Chair to present their view of the complaint and what they have done to resolve the complaint, and to answer any questions put to them by Panel members or the complainant.

Due to the short timescale to convene a panel, Managers should regard requests to attend Panels as a priority.

#### **Arrangements for Panel**

The venue should allow for easy accessibility in terms of nearness to the complainant's own home, and in terms of any disabilities that the complainant or anyone attending the Panel might have. Provision should be made for a hearing loop system if needed, or any special communication help such as translators, interpreters or signers. Depending on the length of the Panel, refreshments will be arranged and provided to all those present.

As soon as the arrangements for the Panel have been made, the Complaints Officer will inform all participants of the times and venue. Copies of the documentation will be sent to the complainant at this time. This information should be with the complainant no later than 10 working days before the Panel.

#### **Timescales for Panel**

There are three timescales for Panel work –

- The Panel should be arranged within 30 working days of the request being made. The only reason allowed to go beyond 30 working days is if the complainant cannot meet the timescale
- The Panel report should be completed and sent out within 5 working days of the Panel being held,

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- The Director for Children's Services will write to the complainant within 15 working days of receipt of the Panel's findings. The letter response should include their comments on the Panel report and recommendations.

If any of these timescales are not met, the complainant should be given an explanation.

**Process of the Panel** The Panel will usually convene before the complainant and the managers of the service are present. This will allow for the Panel to check their understanding of the complaint, and for the Chair to agree who will ask which questions of those attending.

The focus of the Panel's deliberations will be the complaint and the department's handling of the complaint. The Panel will normally have questions for each participant. The complainant can also ask questions of those present, directing their questions through the Chair. The Chair will lead the discussion on the complaint in question ensuring that everyone present has his or her say.

### **Advocacy for the complainant**

The complainant will be encouraged to bring someone with them to the Panel to help them with the process. This could be a family member, a friend or an advocate. If the complainant wished to bring a solicitor this could be allowed as long as the solicitor acted as a supporter rather than as a legal representative.

### **Role of Chairperson**

The Chair of the Panel will be an Independent Person. Their role will be to manage the meeting, explaining the purpose of the Panel to those present, and explaining how they wish the Panel to be conducted. The Chair will expect to treat everyone present with respect and courtesy, and will expect this from those present.

The aim is for a formal but comfortable process where every participant is enabled to participate. The Panel is not a court of law.

It is the responsibility of the Chair to complete the report along with the other two members of the Panel.

If there are any problems with behaviour or process, it is the Chair's responsibility to manage this.



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<b>Role of other two Independent People</b>	The two Independent People also play an important role in the discussion of the complaint with those present. They will often be given areas of responsibility to ask questions about aspects of the case. It is their responsibility to come prepared, having read the materials provided, and being familiar with the complaint in question.
<b>Role of Note-Taker</b>	A note-taker will be provided to the Panel. Their role is to record the proceedings electronically as they occur. The notes will record what was said and by whom during the course of the meeting. At the end of the meeting the Panel will write a report and the Note-taker will type this for them.
<b>Role of Complaints Manager</b>	The Complaints Officer will act as facilitator for the day, ensuring that the meeting runs smoothly in conjunction with the Chair and those attending. Although not a member of the Panel, they are there to advise the Panel on complaints processes and on the structure and content of the report.
<b>Panel meeting ends</b>	Once the Chair of the Panel is satisfied that the complaint has been fully discussed, they will check to ensure that no one has anything else to say. They will then conclude the meeting, and explain the next steps, namely the writing of the report and its distribution.
<b>The Panel Report</b>	<p>Once the participants have left the meeting, the Panel will consider the complaint in the light of the information given in the form of documentation, and in the discussions that have been held. They will then dictate the report using the template, including their findings and recommendations to the department. The Panel will not conclude until the report is finished.</p> <p>Panel members will have 5 working days to amend and agree the report. The final version will be agreed with the Chair of the Panel.</p>
<b>Distribution of the report</b>	<p>The report has to be sent to the complainant within 5 working days of the meeting of the Panel. Once the report is finalised and signed, it is sent first class recorded delivery to the complainant.</p> <p>Where the child or young person is the complainant, arrangements will be made with the advocate as to the best way</p>

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possible to inform the child or young person about the contents of the report.

The Complaints Officer will arrange for a signed copy of the report to be delivered to the Director of Children's Services.

Once the complainant has received their copy of the report, the Complaints Manager will provide a copy of the report to the manager(s) for the service. Further distribution of the report would be on a 'need to know' basis.

**Stage 3 Action List** The Complaints Manager will complete a Stage 3 action list with the recommendations from the report, and the Head of Service will indicate who will be carrying out the actions.

**Director's response** The Director of Children's Services has 20 working days from the day of the Panel to write to the complainant with their response to the report. This response should be drafted by a Senior Manager and should indicate what the department is intending to do as part of learning from the complaint in question. The letter will also indicate that if the complainant remains unhappy they can contact the Local Government Ombudsman and contact details should be provided..

**Cross-Boundary Complaints** A complaint involving social care and health services can be made in its entirety to any one of the organisations involved. Local Authorities and the NHS have a duty to co-operate with each other in responding to complaints. A "lead" organisation would be appointed with a view to producing a single joint response.

Separate processes apply at Stage 2 and beyond.

**Voluntary Organisations providing care to children** Every voluntary organisation providing accommodation for a child is required to have their own complaints procedure and to respond to complaints made to them.

**End of the complaints process** Where a complainant remains dissatisfied after passing through all three stages of the complaints procedure, they should be advised to contact the Local Government Ombudsman.

No further work can be done on a complaint that has gone through all three stages of the process. Managers will need to consider use of the Managing Unreasonable and Unreasonably

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Persistent Behaviour policy if complainants who have gone through all three stages continue to complain.

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**Roles in the Complaints Procedure**

**Complaints Officer**

Overseeing the Procedure by:

- managing, developing, resourcing and administering the complaints procedure;
- overseeing the receipt and investigation of complaints that cannot be resolved initially;
- appointing Investigating Officers, Review Panellists and Independent Persons (as appropriate);
- ensuring that there are no conflicts of interest at any stage between parties involved in delivering the procedure;
- cooperating with such other persons or bodies as may be necessary in order to investigate or resolve complaints;
- promoting local resolution;
- monitoring the progress of the investigation and ensuring its smooth running;
- making recommendations to the local authority on any other action to take following an investigation;
- working closely with the Panel Chair on the organisation of Stage 3 Review Panels;
- monitoring and reporting on time scales;
- maintaining a written record of complaints made, the procedure followed and the outcome;
- compiling the annual report;

Maintaining a customer focus by:

- providing a sensitive, customer-focused service for representations and complaints;
- providing help and advice to people who may wish to make a complaint so that they understand the options available for resolution, both within the complaints procedure or through alternative routes of remedy and redress;
- ensuring that independent advocacy is explained, offered and provided, when required;
- ensuring the complainant and key people are kept informed at all stages, and offering advice where required, particularly on the response of the authority;
- offering advice on the response of the local authority;
- providing practical support to complainants;

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- promoting the use of Independent Persons where necessary for vulnerable adults;

Supporting the local authority by:

- providing guidance, advice and support to staff on management of complaints;
- supporting staff involved in all stages of the complaints procedure;
- commissioning appropriate training;
- overseeing the arrangements for publicity;
- evaluating and reporting on the numbers, types, outcomes and trends of complaints to inform practice, development and service planning;
- developing a pool of people with skills and training needed to conduct investigations;
- ensuring that commitments given in responses (including adjudications) are implemented;

These are the broad areas identified in the guidance.

### **Investigating Officers (IOs)**

The Investigating Officer has overall responsibility for investigating the complaint at Stage 2. Where a member of staff, the Investigating Officer should not be within the line management of the service being complained about.

The Investigating Officer's undertakings may include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant;
  - gathering the views, wishes and feelings of any children involved;
  - consideration of social work records and other relevant information;
  - interviewing with staff and other people relevant to the complaint; and
  - analysing information;
- preparation of the report of the investigation in a clear, plain language;
- effectively liaising with the complainant or his advocate, the Independent Person and the Complaints Officer as appropriate; and
- identifying solutions and recommending courses of action to resolve problems.

Given the importance of providing an efficient response to the complainant, the Investigating Officer will need to have due regard to the regulated timescales for investigation.

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## Independent Persons (IPs)

Local authorities must involve an Independent Person (IP) in the investigation of complaints at Stage 2. The person appointed should be neither an Elected Member nor an employee of the local authority, nor a spouse of an employee or member of the authority. Former local authority staff are eligible, but good practice would suggest at least three years have elapsed since they were employed by the local authority.

The Independent Person may not undertake any other roles in the consideration of the same complaint (such as advocate, or Review Panellist).

The Independent Person should:

- ensure that the process of investigation is open, transparent and fair;
- work alongside the Investigating Officer to provide an independent and objective view to the investigation of complaints;
- see the same relevant files and documents as the Investigating Officer;
- participate in all interviews and discussions relevant to the investigation;
- read the Investigating Officer's report and produce his own report on the investigation;
- comment on each of the complaints and state whether he agrees with the Investigating Officer's findings on them; and
- Explain, where necessary, his reasons for considering an investigation to be unfair or incomplete and to advise the complainant of these in his report.

## Advocates in the complaints procedure

The role of the advocate was established under the Advocacy Services Representations Procedure (Children) (Amendment) Regulations 2004. The advocate should provide independent and confidential information, advice, representation and support to the child or young person making the complaint. The role of the advocate in the complaints procedure is:

- to empower the child or young person by enabling him to express his views wishes or feelings, or by speaking on his behalf;
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with child or young person and only with his agreement;
- to support the child or young person pursuing a complaint through every stage of the complaints procedure and to provide him with information about his rights and options, helping him clarify the complaint and the outcomes he is seeking; and
- to speak for or represent the child or young person at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

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Further detailed guidance can be found in *Get it Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989*. Department for Education and Skills, 2004.

## **Senior Managers**

This role would ordinarily be met by a Head of Service in Cheshire East. Senior managers fulfil two specific roles and should liaise with the Complaints Officer as necessary in delivering these:

### **Adjudicating Officer (usually Head of Service)**

The purpose of the Adjudicating Officer is to consider the complaints, the Investigating Officer and Independent Person's findings, conclusions, and recommendations and the complainant's desired outcomes.

The Adjudicating Officer may wish to invite the complainant to an adjudication meeting, either before or after writing his/her adjudication.

The Adjudicating Officer writes to the complainant at the end of Stage 2 with details of the adjudication which:

- confirms the local authority's response to the report;
- gives his view on whether the investigation has been thorough and complete;
- states his position on the Investigating Officer's and Independent Person's findings against each point of complaint;
- states any actions that he will be taking and their timescale for implementation;
- confirms the complainant's right to request Stage 3 within 20 working days; and
- reminds the complainant of his right to approach the Local Government Ombudsman at any time.

The Adjudicating Officer should issue the details of the adjudication with the investigating Officer's report and the Independent Person's report.

They should also release the reports to staff as appropriate.

### **Local authority representative at the Review Panel**

The local authority should ordinarily be represented at the Stage 3 Review Panel by the same senior manager who acted as Adjudicating Officer. Where the Adjudicating Officer delegates this role, he should do so to a member of staff with sufficient status in the local authority to represent him/her.t.

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The Adjudicating Officer should represent the local authority, however, where he/she has rejected any of the Investigating Officer's findings at Stage 2 or where the Panel Chair requests his/her attendance.

The local authority representative should:

- provide further information to support the local authority's position;
- consider whether any other member of staff should attend to address specific issues and request their attendance through the Chair;
- prepare a presentation to give to the Panel on the day;
- keep all staff involved in the complaint, but who are not attending the Panel, informed of the proceedings; and
- act on any recommendations from the Panel (as required by the Director).

### **Review Panellists**

The Panel consists of a Chair and two other people appointed by the local authority. All Panel members must be independent – this means people who are neither members nor officers of the local authority to which the representations have been made, nor the spouse or civil partner of such people. In appointing the Panel Chair, former members or officers of the local authority may be considered on a case-by-case basis, but good practice suggests that three years should have elapsed since.

The panellists should:

- read Panel papers in advance of the meeting;
- attend for the entirety of the Panel and contribute to the consideration of the complaint through the Chair;
- support the Chair by taking an active part in the decision making process;
- contribute to deliberations and the wording of the Panel's findings; and
- provide relevant opinion based on any specialist skills, knowledge and awareness that they have in respect of the presenting complaint.

### **Independent Chair of the Review Panel**

The role of the Chair is to:

- confer with the Complaints Manager about the specific needs of the complainant;
- agree who will attend as the local authority representative and request the attendance of any other persons who may assist in understanding the complaint and its context;
- chair the Panel meeting by ensuring that the complaint is heard in full;
- operate flexibly in response to the individual needs of each Panel

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- member;
- ensure that the Panel runs smoothly and that each participant is given an opportunity to contribute appropriately;
- ensure that all participants are treated with respect throughout the process;
- in consultation with the other Panellists, ensure that the pre-meeting, presentations and deliberations are of proportionate length to ensure appropriate consideration of the complaint and to enable the Panel to reach its conclusions;
- manage the Panel’s deliberations to produce a timely and full response to the complainant and local authority within five working days of the Panel meeting;
- ensure that any disagreements of position among the Panellists are recorded and seek to reach a majority decision where necessary; and
- be available to meet local authority staff, if needed, after the Panel meeting to discuss any recommendations arising.

### **Independent Reviewing Officers**

Independent Reviewing Officers (IROs) do not have a role in instigating the complaints procedure themselves, and should not stand in the way of complaints being made. They will have a role when they meet children to inform them that they have a right to make complaints to the local authority, and of the local authority’s responsibility to provide them with an independent advocate should the child so wish.

The IRO may be part of the solution to the problem, and the Complaints Officer may consult with the IRO to determine what options are available. An outstanding formal complaint using the local authority’s complaints procedure should not prevent the IRO from fulfilling their role in resolving problems by negotiation. The IRO may have a role in communicating both with the child and with the Complaints Officer. The IRO should not prejudice the complaints procedure but their work may help to speed up the process or even hold a key to its resolution. The IRO should become involved in serious complaints concerning children’s care plans. They should not usually need to get involved in more minor complaints about a child’s day to day care.

In all cases the welfare of the child is the primary concern. IROs will need to make a judgement about whether a problem raised via a complaint is serious enough to constitute a breach of the child’s human rights such as to justify making a referral to CAFCASS, or whether it would be reasonable to await a resolution through the complaints procedure, with or without additional support of the IRO’s own negotiation.

For more information on the role of the Independent Reviewing Officer, please refer to *Independent Reviewing Officers Guidance: Adoption and Children Act 2010*. Department for Education .

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**Guidance - MP Letters**

In general terms letters from MPs are parallel to the complaints process but not usually a part of it. It is not uncommon for us to receive a letter from an MP at the same time as we receive a complaint, or at the same time as dealing with a complaint. However they require a response which is separate to the complaints process and which does not compromise that process. **An MP letter should not be regarded as Stage 1 of the complaints process.**

The majority of MP letters come in via the Director or Chief Executive’s office and are acknowledged from there. If the letter goes to the Director then the response will go out from them, if it is directed to the Chief Executive, then the response will go out from them. All other MP letters should be responded to in the Director’s name.

**MP requests for Information**

The majority of MP letters are requests for information about a particular situation. In framing a response to an MP, we need to be mindful of the need for confidentiality. In many cases, the MP already has some knowledge about the case from their constituent, and so this will give us some guidance about what we can tell them.

**MP letters about Policy**

Some MP letters will be about a specific policy of the Council, and in these cases, the response needs to include information about how the policy in question was applied in the specific case and if it was applied correctly.

**MPs and complaints**

Where an MP letter contains a complaint from a service user, we should check if the complaint is already logged in the system and already being dealt with. If it is then we can frame the response to include the details, so we can say that we have received a complaint and that we are dealing with it under whichever stage of the complaints process.

If the complaint is not already in the system, then in the response to the MP we can include a sentence such as “I hope that this reply will satisfy your constituent. However, please let them know that if they are not satisfied we would be happy to look into their complaint in more detail through the complaints process.”

If the complaint has already been received and investigated then we should indicate what we have done so far to resolve the complaint, and indicate if there is anything further still to be done. It might also be the case that we would have to indicate that we have not been able to resolve it and give the MP the reasons for this.

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**Complaints involving more than one service area (Team)**

**1. Introduction**

We receive a small number of complaints which involve more than one service area (Team). Examples are –

- Complaints relating to service users who are in transition between services e.g. children to adult services.
- Complaints involving two or more different teams e.g. a mental health team and a children’s team.

There are of course other examples. There have been delays in responding to complaints where the response has not been coordinated, and the complaint has only partially been responded to. In some complaints the receiving service have dealt with their own part of the complaint and then sent it on to the other service – which has meant that this second part of the complaint will not be dealt with within timescales.

**2. Protocols**

- When a complaint is received, it should be identified which service (team) is the subject of the complaint.
- A copy of the letter should be sent to each Manager of the service (team) complained about.
- If it has come in verbally, then details of the complaint should be written down and details sent to the service (team) complained about
- The two (or more) Managers should decide between them who will take the lead and they will write to the complainant to acknowledge the complaint
- Each Manager is then responsible for completing their part of the investigation. If there are any delays in this process they should keep the lead manager informed
- All Managers should be aware of the timescales and, where it is clear that the timescale may be exceeded, the lead Manager will issue a holding letter giving an approximate time for the complaint investigation to be completed
- Once the outcomes are known, the lead Manager will then compose a letter including all parts of the complaints investigation and including the standard paragraph. This letter will be agreed by both Managers
- The normal processes apply to these complaints as well as to others regarding logging the complaint and letting the Complaints Officer know the outcome

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- It would be good practice to let all who are providing a service to the user know that a complaint has been received and the outcome, so that all are aware – even if this includes parts of the service that are not directly complained about.

### 3. **Complaints involving other agencies**

With the impact of joint working, a number of complaints are received which involve more than one agency. A Joint Complaints Protocol has been agreed with the Cheshire and Wirral Mental Health Trust, and this should be followed in complaints received involving the Department and the Trust. This applies to the CAMHS service.

Although there are not any other joint protocols, the basic principles of coordination can be applied –

- A decision taken on which agency would take the lead, and nominate a lead manager
- The complainant would be given one point of contact for their complaint
- All agencies involved to investigate their part of the complaint and send their outcomes to the lead agency
- The lead manager to write a composite response to all aspects of the complaint and send this to the complainant
- Copies of the complaint and outcomes to the Complaints Section in each agency involved

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**Standard Paragraphs**

At the end of each stage of the complaints process Managers are required to write to the complainant advising them of the outcome. It is expected that this letter will also advise them of the next stage in the process (as required by the Ombudsman).

**STAGE 1 LETTERS**

Once the investigation has been completed Managers should write to the complainant stating that they have investigated under Stage 1 of the complaint procedures. This could be stated at the beginning or early on in the letter. The outcome letter should cover –

- What the complaint was about
- How it was investigated
- Appropriate explanation and/or apology
- Identify any actions taken as a result of the complaint
- Learning from the complaint
- Indication of the next stage

Towards the end of the letter the standard paragraphs would be:-

OPTIONAL PARA:

**<<As I have indicated previously your complaint has been upheld. Under circumstances where a complaint is upheld further consideration of the matters would not normally be pursued through the complaints procedure. However, I can appreciate that this has been a very difficult time for you and that there may be further questions or matters that you wish to discuss. If so please contact me directly and I will arrange to meet with you at a convenient time and venue. If there is any support that I can offer in the interim, please do not hesitate to contact me>>.**

**“I hope this is a positive and satisfactory response to your complaint. However, if you remain dissatisfied with our response you may request your complaint be considered under stage 2 of the complaints procedure. You should notify the Complaints Department, in writing, within 20 working days of the date of this letter. You should specify what aspects of your complaint you remain dissatisfied with, and what outcome you are seeking from the process. Where possible we always seek to resolve complaints locally and your response will assist in identifying whether there are any further actions we can take at this stage to resolve your complaint.**

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**Thank you for taking the time to raise your concerns with Cheshire East Council. I hope I have been able to be of assistance in resolving your concerns.”**

## **END OF STAGE 2**

At the end of Stage 2 the formal investigative report will be sent to the complainant by the Senior Manager, along with a letter with their response to the report. In this letter it would be appropriate to cover –

- That the letter is a response to the Stage 2 investigation
- Identify the recommendations from the report
- Identify how these recommendations will be implemented
- Advise of their right to go to the next stage in the standard paragraph

The concluding paragraph is as follows:-

**“I hope that you feel that your complaint has now been thoroughly investigated and that you are satisfied with the outcome. However, if you remain dissatisfied or have any outstanding queries following the Stage 2 investigation, you should notify the Complaints Team in writing within 20 working days of the date of this letter. You should specify what aspects of your complaint you remain dissatisfied with, and what outcome you are still seeking from the complaints process. Where possible we always seek to resolve complaints locally and your response will assist in identifying whether there are any further actions we can take at this stage to resolve your complaint.**

**Alternatively, if you remain unhappy, you can approach the Local Government Ombudsman directly on:**

**Tel: 0300 061 0614, The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH, Fax: 024 7682 0001, You can also text ‘call back’ to 0762 480 3014.”**

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## END OF STAGE 3

Stage 3 is the Review Panel, which reviews the complaint so far. At the end of the Panel a report will be written which will be sent to the complainant and to the Director of Children and Family Services. The Director of Children and Family Services will write to the complainant with their response. This response will again cover –

- That the letter is a response to the Panel report
- Identify the recommendations of the Panel
- Identify any actions stemming from the panel report
- Indicate that this is the final stage of the complaints procedure and add –

The concluding paragraph to include is:

**“I hope that, now you have gone through all three stages of the complaints process, you are satisfied that we have taken your complaint seriously and responded to you appropriately.**

**If, however, you remain unhappy for whatever reason, you can contact the Local Government and Social Care Ombudsman who will consider how your complaint has been dealt with. The contact details are:**

**PO Box 4771**

**Coventry**

**CV4 0EH**

**Phone 0300 061 0614 or 0845 602 1983**

**Email [advice@lgo.org.uk](mailto:advice@lgo.org.uk) “**

## CONCLUSION

Inclusion of the appropriate paragraph at each stage of the process is a mandatory requirement. Managers may paraphrase the standard paragraphs, but must always include information about how to proceed to the next stage in their letters.

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**Stage 2 report structure**

Introduction

- Aim and purpose of the report
- Statement of position of investigator and their independence
- Indicate sources from which the report was drafted
- How was the investigation carried out – methodology

The complainant

- The relevant background information to the complaint
- Chronology of what has happened – put in an appendix
- Include significant events and complaint chronology

The Complaints

- Numbered list of complaints Try to be as specific as possible with these

Desired Outcome

- What does the complainant want to see as a desired outcome – what do they want the department to do?

Findings

- Insert table with list of complaints and findings.
- Under headings by each aspect of the complaint
- Under each heading include information and views from the complainant, include views from all children involved, CEC staff, and any others that you have interviewed
- Include own observations in this
- Indicate under each complaint whether it is upheld or not upheld, and why
- In some situations the investigator may find it is difficult to come to this due to conflicting evidence – if this is the case, say why
- Indicate what the Department should have done if the complaint is upheld
- Indicate if the complaints procedure has been properly followed

Recommendations

- Draw these from the findings of the investigation and list them

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## Appendices

These are optional and could be – policy documents where relevant, notes of interviews (signed and agreed with each interviewee), letter to complainant agreeing the heads of complaint, chronology etc.

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