

Customer Complaints

The procedure to be followed in Children's Service

Within Children Services there are a number of statutory complaint and appeal procedures, which operate independently of the Council's Corporate Customer Feedback Policy. Also complaints in relation to specific schools or what occurs within them are the responsibility of the governing bodies, so will not be covered by the Corporate Customer Feedback Policy, unless specifically referred to the Council for a response.

With the above exceptions all other comments about Children Services will be recorded within the definitions of the Corporate Customer Feedback Policy and recorded on Pro-Active and will be dealt with within the corporate target timeframes.

Complaints made by looked after children should be considered under The Children Act 1989 Representations Procedure (England) Regulations.

Complaints can be made verbally to a member of staff or in writing (including electronically). Complaints made to the local authority will be handled in a way that is accessible for children and young people and appropriate to the age and understanding of the child. If a child or young person wishes to make a complaint, Swindon Borough Council will provide him with information and advice about independent, confidential advocacy services and will offer help to obtain an advocate.

The complainant will be put in contact with the Complaints Manager, who will record the complaint. The Complaints Manager will ensure that a suitable person meets the child or young person with their advocate to discuss the complaints process and ensure that any questions or concerns that the complainant may have are fully addressed. Where an advocate is being used, the local authority will ensure that the advocate is acting with the informed consent of the young person. Alternatively, the young person is able to select an advocate of their own choosing e.g. a foster carer, teacher etc. in whom they have confidence.

1.1 Stage 1 – Local Resolution

A complaint is made on the date on which it is first received by the local authority. Staff at the point of service delivery and the child or young person should discuss and attempt to address the complaint as quickly as possible. Regulation 14(1) places a ten working day time limit on this part of the process. Most Stage 1 complaints should be concluded within this time limit, but where a local authority cannot provide a complete response, it can implement a further 10 days extension, or where necessary can suspend Stage 1 until an advocate has been appointed. The maximum amount of time that Stage 1 should take is 20 working days.

If the local authority or complainant believes that it would not be appropriate to consider the complaint at Stage 1, or if the Stage 1 timescale has elapsed, they should discuss this together. Where both parties agree, the complaint can move directly to Stage 2.

If the matter is resolved, the local authority will write to the complainant confirming the agreed resolution and the Complaints Manager will be informed of the outcome.

1.2 Stage 2 – Investigation

Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an Investigating Officer and an Independent Person. If the complaint has been submitted orally, the Complaints Manager will ensure that the details of the complaint and the complainants desired outcome are recorded in writing and agreed with the complainant.

The Complaints Manager will arrange for a full and considered investigation of the complaint to take place without delay. He may request (in writing) any person or body to produce information of documents to facilitate investigation, and consideration will be given to matters of disclosure or confidentiality. The Complaints Manager will ensure that the authority appoints an Investigating Officer to lead the investigation of the complaint and prepare a written report for adjudication by a senior manager. The Investigating Officer will have access to all relevant records and staff. An Independent Person will be appointed to the investigation and will be involved in all aspects of consideration of the complaint.

The Stage 2 investigation should be completed and the response sent to the child or young person within 25 working days. However, this may be impractical in some cases, and where it is not possible to complete the investigation in this timescale, Stage 2 may be extended to a maximum of 65 working days, with all extensions agreed with the Complaints Manager.

On completion of their consideration of the complaint, the Investigating Officer will write a report of their investigations, and this report will be considered by an Adjudicating Officer, who will then prepare a response to the report, with the decision on the complaint and actions that will be taken with timescales for implementation.

The Local Authority will then write to the complainant with their response containing a complete copy of the investigation report, any report from the Independent Person and the adjudication. The Complaints Manager will monitor implementation and report to the Director on what action has been taken.

1.3 Stage 3 – Review Panel

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by a Review Panel consisting of three independent people, independently chaired, and conducted in the presence of all the relevant parties with equity of access and representation for the complainant and local authority.

The purpose of the Review Panel is to consider the complaint and wherever possible, work towards a resolution. The Panel will be particularly aware of the need to be focused on the needs and sensitivities of children attending the Panel, and the complainant has the right to bring a representative/advocate to speak on their behalf.

The Panel will produce a written report containing their recommendations within 5 working days of the Panel meeting. This will be sent to the complainant, the local authority and the Independent Person from Stage 2. The local authority must then send its response to the Panel's recommendations within 15 days of receiving the report.

The complainant should be advised of his right to refer his complaints, if still dissatisfied, to the Local Government Ombudsman.

The complaint may be withdrawn verbally or in writing at any time by the complainant, and the local authority must write to the complainant to confirm the withdrawal of the complaint.

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