

People and Communities Directorate

Children and Young People's

Complaints, Compliments and Suggestions Procedure

2018

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1. Introduction

North Somerset Council are committed to providing good quality services to children and young people receiving support through social care services. We value feedback from children and young people directly, through a family member, friend, carer or advocate and will use this to monitor the effectiveness and improve our services delivered to you.

Feedback can be given in the form of a suggestion, compliment or complaint when you are not happy and feel that something has gone wrong. We have a Complaints Manager who will listen to your suggestions, compliments or complaints and you can contact them by

Email: complaints.manager@n-somerset.gov.uk

Tel: 01275 882 171

Address: People and Communities, Town Hall, Weston-super-Mare, BS23 1UJ

2. Aims and Objectives

The aim of this procedure is to provide an effective means of dealing efficiently with Representations from Children and Young People and the continuing development of our service delivery through this. We treat information received confidentially and view all correspondence as positive interaction from our customers which we try to resolve in the most appropriate way.

This falls in line with North Somerset Corporate Plan and its six aims which include maintaining a high performance. This complaints procedure encompasses the corporate values:

- Put People First
- Respond to local opinion
- Encourage a culture of achievement
- Think and act sustainably
- Deliver value for money
- Act with integrity

- Work with and involve others
- Value everyone equally and respect diversity

3. Equality and Diversity

We recognise North Somerset is a diverse area and endeavor to treat each person with dignity and respect. Any person using this procedure to make a complaint will not be discriminated against due to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

In addition, no person making a complaint or representation shall be discriminated against for doing so. This means there will be no negative repercussion as a result of your complaint.

4. Statutory Context

This procedure is written in line with The Children Act 1989 Representations Procedure (England) Regulations 2006. Guidance has also been used to inform this procedure such as Young People's Views on Complaints and Advocacy (2012) and Getting the Best from Complaints (2006).

Complaints received will be considered under the The Children Act 1989 Representations Procedure (England) Regulations 2006. Some complaints may not fit the criteria as specified in these regulations. In these circumstances the Complaints Manager will make the decision to manage the complaint under North Somerset Council's Corporate Complaints Procedure.

5. Suggestions and Compliments

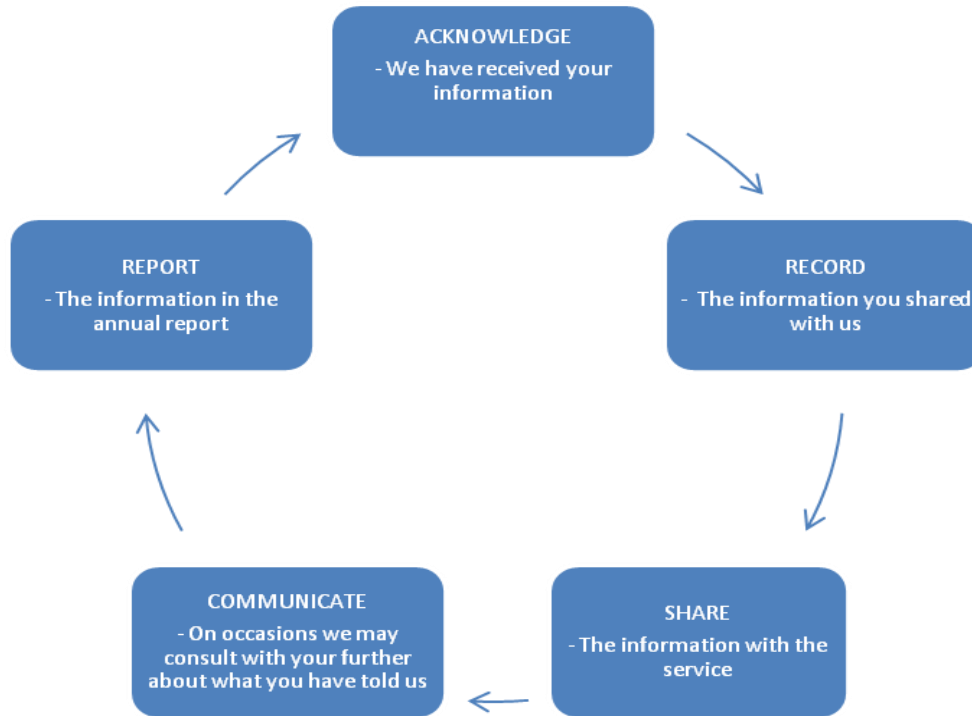
We welcome suggestions, comments and compliments from children and young people about the service's they receive from us. Suggestions and comments can be made by children and young people or their representatives if they want to tell us how we can improve or do something better.

Compliments can be made if you feel something has gone well that you want to tell us about. Your compliments will be shared with the person or team so they know when their contributions have been recognised. They will also be shared with the Service Leader and some published in internal newsletters.

All suggestions and compliments will be used to review service delivery and aid future developments based on customer focused feedback. You can make a

suggestion or compliment, directly to the team or persons manager verbally or in writing, to the complaints manager or online www.n-somerset.gov.uk.

What we will do with your suggestion or compliment:



6. Complaints

Complaints should be made to us within 12 months after the grounds arose to make the complaint. We may consider complaints beyond this timescale if it is not reasonable to expect the complainant to make the complaint within the timescale or if we feel it is still possible to consider the complaint effectively and fairly.

6.1 Who may complain?

- Any child aged 0-18 years who has requested or received a service from Social Services including children who have been looked after by the authority or who are 'in need.'
- Any child who is currently being looked after, or who has previously been looked after but is no longer in that position. For these children and young people a complaint can be made up to the age of 21, or up to age 25 if they are in full time education.
- The child's parent or person with legal parental responsibility.
- Any local authority foster carer.
- Any child or young person who may be adopted, their parents and guardians.

- Special Guardians as defined under the Special Guardianship Regulations 2005.
- Persons wishing to adopt a child.
- Any other person to whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents, natural parents and former guardians.
- Any person who the authority considers has sufficient interest in the child's welfare to warrant his/her representations being considered by them.

Where a complaint is received from someone acting on behalf of a child or young person where possible we shall confirm with them they are happy their views are to be represented in this way. On occasions it may be decided the complainant does not have sufficient interests in the child's welfare to make a complaint and they will be informed of this in writing.

6.2 What is not covered within this procedure

The complaints procedure does not apply when:

- The person wishing to complain does not meet the requirements of 'who may complain' and is not acting on behalf of a child or young person,
- The complaint is not about the actions or decisions of the council or anyone acting on behalf of the council.
- The complaint has already been dealt with up to Stage 3 Review Panel of the Complaints Procedure.
- Where a complainant has stated that s/he is also dealing with the complaint in court or at a tribunal.
- Where the council are considering taking disciplinary action in relation to the complaint.
- Where there is a prospect of criminal proceedings arising out of the complaint.

Where a complaint cannot be investigated due to other procedures as outlined above the complainant will be advised of this in writing. Once those other procedures have been concluded the complaint may be investigated under the Complaints Procedure.

7. Safeguarding Children and Young People

The Complaints Manager is trained in Safeguarding Children. They consider each individual complaint and should there be any safeguarding concerns detailed in a complaint then this will be referred to the appropriate team and safeguarding procedures followed accordingly.

8. Complaints Procedure

Complaints that follow this procedure are dealt with in three stages, we would however encourage you discuss any issues you may have as soon as they arise with the person you are working with or their team manager. The person you talk to will listen to you and try to help find some solutions to your concerns. If you don't think your concerns have been resolved in this manner then the complaints process is detailed below and split into three stages.

8.1 Stage One – Local Resolution

- Complaints can be made orally, in writing, via email or online
- You can make your complaint directly to the person you are working with, their line manager or if you prefer the Complaints Manager.
- The person you complain to will listen to your concerns, record them, ask what your desired outcome is and advise you when to expect a written response.
- Stage One complaints are dealt with by Team Managers or Service Leaders dependant on the details on your complaint.
- You will receive a response to your complaint within ten working days. There may be occasions where this timescale cannot be met due to the complexities of your complaint. In these circumstances we will consult with you and aim to offer a response within a further ten working days.
- Your response should include what the person investigating the complaint has found, an apology if necessary and details on how improvements to service delivery can be made.
- Your response will also include details on how to take your complaint further if you are not satisfied with the response.

8.2 Stage Two - Investigation

If you feel your complaint has not been resolved at stage one you can contact the Complaints Manager and request that the complaint proceeds to Stage Two. At this stage an Investigating Officer and Independent Person will be appointed to investigate the complaint and it is expected all parties should accommodate requests for meetings and information relevant to the complaint. All interviews that take place will include both the Investigating Officer and Independent Person.

The Investigating Officer and Independent Person will write a report which is sent to the Assistant Director who will consider the content and recommendations. The Assistant Director will write a letter of adjudication to the complainant within 25 working days of the complaint becoming registered at stage two.

If an investigation is not completed within 25 working days the Complaints Manager will contact the complainant to advise them of this including the reasons why and request more time. The maximum time limit that can be given for a response failing to meet the 25 working day timescale is 65 working days from the date of registration.

8.3 Stage Three - The Review Panel

Should the complainant be dissatisfied with the outcome of the investigation at stage two they can request that an independent panel hear their complaint. This request must come in writing from the complainant within 20 working days of the date in which they received the adjudication letter from us. The complainant must make it clear which parts of their complaint they remain dissatisfied with and wish the review panel to consider.

The panel consists of 3 independent persons none of whom work for North Somerset Council. The panel can have access to all the reports previously completed regarding the complaint. The complainant can attend the review panel and maybe accompanied by an advocate or a person of their choice. Also in attendance at the review panel shall be the Assistant Director or another senior manager nominated by the Assistant Director, Independent Person and if necessary the Complaints Manager.

Following the meeting the panel shall consider the information presented to them, compile a written report and make recommendations which will be sent out to all involved parties within 5 working days.

Within 15 working days the Independent person and Director of People and Communities must meet, consider the recommendations and propose how we will respond to them. A letter will then be sent to the complainant from the Director of People and Communities detailing this information.

9. Advocacy

Throughout the complaints process any child or young person has the right to access an advocate. An advocate can be a person known to them such as a friend, relative, carer or professional. We can also access an advocate on the young person's behalf through Barnardo's 'Speak Out' Advocacy Service. An advocate can support a young person throughout their complaint and will be in attendance at all meetings or interviews a young person maybe involved with as part of their complaint.

10. Local Government Ombudsman

If you remain unsatisfied with the outcome of your complaint you can contact the Local Government Ombudsman. You will find more information on their website www.lgo.org.uk. Their contact details are as follows:

Tel: 0300 061 0614

Address: The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

11. MP Enquiries

Any correspondence received from an MP regarding an issue they have been contacted about from their constituents is dealt with as an MP enquiry and is recorded as such. This means we will respond directly to the MP regarding the concern unless requested otherwise. The MP may advise their constituent of this complaints procedure which they can follow.

12. Multi Agency Complaints

It may be necessary to work jointly with other agencies when there are a number of services involved in one complaint. We will seek the complainants consent to discuss this with our colleagues and plan a joint response, normally one agency will be appointed the lead and be the contact point for the complainant. The aim is to provide a co-ordinated response to the complainant.

13. Complaints regarding Commissioned Services

Some services provided to children and young people are commissioned by North Somerset Council and have their own complaints procedures. When we become aware of a complaint regarding a commissioned service each case will be looked at individually. There may be some occasions when the child or young person will be supported by their social worker or advocate to follow the complaints procedure of the commissioned service. Alternatively the decision will be made to consider the complaint under this procedure and we will work in collaboration with the commissioned service to provide a response.

14. Ofsted

Our services in children's social care are regulated by Ofsted, this means we have regular inspections and complaints and compliments will usually form part

of the inspection. Complainants are always advised to raise their complaint through the provider first however the complainant has the right to complain about social care providers to Ofsted.

Their contact details are as follows:

Website: www.ofsted.gov.uk

Email: enquiries@ofsted.gov.uk

Tel: 0300 123 1231

Address: Ofsted, Picadilly Gate, Store Street, Manchester, M1 2WD

15. Children's Rights Director

The Children's Rights Director is based at Ofsted and their role is to ensure the views of children and young people are listened to.

Website: www.rights4me.org

Email: theteam.rights4me@ofsted.gov.uk

Tel: 0800 528 0731

Address: Office of the Children's Rights Director, Ofsted, Aviation House, 125 Kingsway, London, WC2B 6SE

From 31st March 2014 The Children's Rights Director role will cease and merge with the Children's Commissioner.

16. The Children's Commissioner for England

The Children's Commissioner for England makes sure that adults in charge listen to children and young people.

The role of the Children's Commissioner was created by the Children Act 2004 and is there to promote the views of children and young people from birth to 18 (up to 21 for young people in care or with learning difficulties).

Website: www.childrenscommissioner.gov.uk

Email: info.request@childrenscommissioner.gsi.gov.uk

Tel: 020 7783 8330

Address: 33 Greycoat Street, London, SW1P 2QF

17. Annual Report

A Complaints, Compliments and Suggestions Report will be completed annually by the complaints manager. This will be published for all children and young people, staff, senior management and executive members to view and comment on. The report will include information and statistics from the previous year as well as recommendations and impact on service delivery. It is envisaged the annual report will show trends in the use of the complaints, compliments and suggestions process and advise on areas to improve ensuring accessibility for all.

18. Service Delivery and Monitoring

Complaints, compliments and suggestions are a key focus when reviewing the effectiveness of service delivery. Due to this information received and recorded by the complaints manager is communicated regularly to the management team who have responsibility for service review. This ensures customer feedback is incorporated and has an influence when decisions about changes to services are made.

19. Compliant Eform link:

<https://apps.n-somerset.gov.uk/forms/customercomplaint/index.aspx>

20. Designated officer for Allegations (DOFA)

Consideration will be given as to whether information given to the complaint officer crosses the threshold for DOFA.

This is whereby behaviour towards a child or children is in a way they may pose a risk of harm to children, for example if their conduct falls within categories of abuse, namely physical, emotional, sexual and neglect

Appendix One - Children's Service Complaints Procedure - Timescales

