

CHILDRENS SOCIAL CARE STATUTORY FEEDBACK POLICY

Social Care document type	Policy
Title	Children's Social Care Feedback Policy
Document Purpose and Description	To provide details of the Council's approach to feedback, including complaints, about Children's Social Care. The information provided will enable users to understand what is meant by feedback, know how to provide feedback or make a complaint and will outline the processes and potential outcomes.
Author and Owner	Statutory Complaints Manager
Endorsed by	Jean Kelly Service Director Children, Young People and Families Services
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Job Title of Person Responsible for Review	Statutory Complaints Manager
Target Audience	All Social Care Staff and service users
References	<ul style="list-style-type: none"> • Getting the Best from Complaints (DfES 2006) • The UN Convention on the Rights of the Child 1989 • The Children Act 1989 Representations Procedure (England) Regulations 2006 • The Children Act 1989 • Children (Leaving Care) Act 2000 • The Adoption and Children Act 2002

DOCUMENT VERSION CONTROL

Version Number	Details e.g. Updated or full review	Date	Author of Change	Description of Changes and reason for change
01	Full Review	17/03/21	John Finch	Final Agreement from J Kelly

I. Glossary of terms

Advocate	A person who provides assistance under arrangements made by a local authority under section 26A (1) of the Children Act 1989. They will provide independent and confidential information, advice, representation and support to the complainant.
Complaint	An expression of dissatisfaction about the actions, decisions or apparent failings of a local authority in relation to social care services provided to children and young people which requires a response.
Complainant	Any person who makes or has made a complaint in accordance with the social care complaints procedures and includes a person acting as a “representative” for someone else.
Compliment	An expression of satisfaction about the standard of service provided by a local authority in relation to social care services provided to children and young people.
General Comment or Representation	An idea, suggestion or comment to help improve a service or aspect of customer care.
Statutory Complaints Manager	The person appointed under regulation 10 of The Children Act 1989 Representations Procedure (England) Regulations 2006 to manage the local authority’s social care complaints process.
Independent Person	A person who is appointed (for complaints at Stage 2) to ensure that the process of investigation is open, transparent and fair, and to work alongside the Investigating Officer to provide an independent, objective view to the investigation. The person appointed should neither be a member nor an officer of the local authority.
Investigating Officer	A person who is appointed to provide a comprehensive, open transparent and fair consideration of the complaint, prepare a report of the investigation in clear, plain language and identify solutions and recommend courses of action to resolve the complaint. The Investigating Officer for Stage 1 complaints will be an employee of Plymouth City Council. At Stage 2 the Investigating Officer will be external and independent to the local authority. Regulations do state this can be carried out by a Plymouth City Council officer if appropriate.

2. Background / Rationale

2.1 Customer feedback is important to us as it provides us with valuable information about our performance and can help us to improve the services we provide.

This feedback policy details the Council's approach to dealing with the comments, compliments and complaints that we receive from users of social care services provided to children and young people.

3. Statutory and Policy Framework

3.1 The provision of Children's Social Care is a statutory function. This means the procedures will comply with and operate within the provisions of all relevant legislation as listed below

3.1.1 Core Legislation

- Getting the Best from Complaints DfES 2006
- The UN Convention on the Rights of the Child 1989
- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Children Act 1989
- Children (Leaving Care) Act 2000
- The Adoption and Children Act 2002

3.1.2 Complementary Legislation

- Data Protection Act 1998
- EU General Data Protection Regulations 2016
- Freedom of Information Act 2000

4. Policy Goal

4.1 To ensure feedback is captured and used to improve the provision of social care services to children and young people.

5. Policy Objectives

5.1 The Social Care department adheres to the principles set out in Getting the Best from Complaints, the current government guidance which accompanies The Children Act 1989 - Representations Procedure (England) Regulations 2006.

5.2 This policy aims to facilitate a pro-active feedback, including complaints and representations, service for Children's Social Care that is accessible, efficient and responsive to the needs of its service users.

5.3 Children's Social Care aims to resolve complaints and representations made by children and young people quickly and effectively with an emphasis on learning from complaints and improving the services generally. This also applies to complaints made by parents, foster carers and other adults making a complaint.

5.4 Children's Social Care recognises and values all people, irrespective of age, gender, sexuality, faith, ethnicity or disability and will reflect this within its feedback service.

- 5.5 Children's Social Care will ensure that any complaint will not result in the service user experiencing any reduction or loss in a service that they are entitled to.

6. How to provide feedback

- 6.1.1 If you have some feedback to give us you with a member of our staff when something occurs that you'd like to provide feedback about, please tell them so that they can try and take any action necessary at the time.
- 6.1.2 If you are not with a member of our staff, the easiest and most efficient method available is to submit your feedback using our online Self Service option, you can access at www.Plymouth.gov.uk/feedbackandcomplaints and complete the online feedback form.
- 6.1.3 If you don't have access to a computer, tablet or smartphone, you can visit the 1st Stop Shop where one of our Customer Advisors will be happy to support you in completing the form online or call us on (01752) 668000.

6.2 Complaints

- 6.2.1 If you are raising a complaint, you will be asked a number of questions in order to for us to determine exactly what your complaint is about. Details about what can be complained about are included in section 7 below.
- 6.2.2 You will need to provide details about who you are in order for us to proceed to an investigation. Complaints can be received from:
- Any child or young person who is being looked after by the local authority or is not looked after by them but is in need;
 - Children leaving care;
 - A child or young person to whom a Special Guardian order is in force;
 - Any child or young person who may be adopted, their parents and guardians;
 - Any parent or someone who has parental responsibility for them who is being looked after by the local authority or is not looked after by them but is in need;
 - Any local authority foster carer (including those caring for children placed through independent fostering agencies);
 - Special Guardians;
 - A parent to whom a Special Guardian order is in force;
 - Any person who has applied for an assessment under section 14F(3) or (4);
 - Persons wishing to adopt a child;
 - Any other person whom arrangements for the provision of adoption services extend;
 - Adopted persons, their parents, natural parents and former guardians;
 - Such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered.
- 6.2.3 We are unable to progress a complaint made directly from a professional. Concerns must be highlighted to the professional's line manager and raised through the Plymouth Safeguarding Children Partnership Procedures Escalation Policy instead.

6.3 Complaints made on behalf of a child or young person

- 6.3.1 Where a complaint is received from a representative acting on behalf of a child or young person, the service will confirm, where possible, that the child or young person has agreed for this to happen and that the complaint submitted reflects their views.

6.3.2 As described in *Getting the Best from Complaints*, the Statutory Complaints Manager has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child's welfare. If the Statutory Complaints Manager considers that the representative does not have sufficient interest, they will notify the representative in writing, explaining that no further action will be taken. The Statutory Complaints Manager will discuss this decision with relevant operational managers as appropriate.

6.4 Complaints relating to a child or young person

6.4.1 Children's Social Care may also receive complaints by adults that relate to a child or young person but are not made on the child's behalf. The Children Act, 1989 gives discretion to local authorities to decide in cases where eligibility is not automatic, whether or not an individual has sufficient interest in the child's welfare to justify their own complaint being considered by this process.

6.4.2 To inform this decision, the Statutory Complaints Manager may check that, wherever possible, the child or young person has agreed that this person can make a complaint.

7. What can be complained about?

7.1.1 Although not an exhaustive list, complaints can relate to the following:

- Assessment/Review - inaccuracies/delay
- Billing/Charges/Funding
- Cancellation/Time-keeping/ Re-scheduling
- Child Protection Concerns
- Communication/Lack of information
- Confidentiality/Personal information
- Covid-19
- Decision/Outcome - disputed or unwelcome
- Delays in provision of service
- Lack of support
- Request for information
- Request for service
- Service - quality/appropriateness of/lack of
- Staff attitude/behaviours/actions of
- Standard/Quality of care - Foster care
- Standard/Quality of care - Other

7.1.2 Complaints about our staff may need to be dealt with using the appropriate internal council policy, see 7.2.2 below, you will be informed about how complaints of this nature will proceed.

7.2 Exemptions under the complaints policy

7.2.1 The complaints policy 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 such an individual;
- The complaint is not in regard to the actions or decisions of the local authority complained to; or of anybody acting on its behalf;
- The same complaint has already been dealt with at all stages of the procedure;
- The same complaint has already been investigated by a local commissioner;

- The complaint relates to a cross-boundary issue, but has been fully investigated and concluded, through the full complaints procedure of a partner agency;
- The complaint is unclear, or of a vexatious nature;

7.2.2 The complaint policy also does not apply when the matters should be dealt with under other proceedings such as:

- Disciplinary proceedings;
- Grievance procedure;
- Complaints from staff about personnel issues;
- Complaints that should be considered under the local authority's corporate complaints procedure;
- Services for which an alternative statutory appeals process already exists;
- Criminal investigation where Court action is pending.

7.2.3 When a complaint is received that relates to issues already under investigation through other procedures, the Statutory Complaints Manager has the discretion to decide whether to accept this complaint, or to consider that to do so may prejudice the outcome of such investigations e.g.

- All Court proceedings;
- Tribunals;
- Disciplinary proceedings;
- Criminal proceedings.

7.2.4 Anonymous Complaints

These complaints fall outside of the scope of the statutory procedure and it is the responsibility of the Statutory Complaints Manager to decide what action if any should be taken. This could include passing the information to the relevant manager for further consideration within the service area concerned.

8. Time limits for making a complaint

8.1 Children's Social Care do not have to consider a complaint made more than one year after the grounds to make the complaint arose, as set out in The Children Act 1989 Representations Procedure (England) Regulations 2006 regulation 9. However all complaints submitted will be reviewed and decisions will be made on a case by case basis.

8.2 Although not exclusive, possible grounds for accepting an overdue complaint include:

- Genuine issues of vulnerability;
- There is still a benefit to the complainant in proceeding;
- There is still likely to be sufficient access to information or individuals involved at the time to enable an effective and fair investigation to be carried out.

8.3 A briefing on the complaints procedure is given during the induction presentation for all new social care staff members.

9. Feedback response times

- 9.1 We will acknowledge your feedback and wherever possible let you know what we are doing/have done as a result.
- 9.2 Complaints, raised for the first time, will be investigated by the Children's Social Care service or service provider and we will aim to respond within 10 working days. Sometimes we might not be able to respond within this timescale, this might be because of the complexity of the issue, as such the timescales for responding may be increased to up to 20 working days

10. Complaint response outcomes

- 10.1 When the investigation into your complaint is complete, we will respond to let you know what we found (also known as the outcome of the investigation). The possible outcomes we will use are defined below;
- Upheld – your complaint or a specific issue in your complaint was valid.
 - Not upheld – your complaint or a specific issue in your complaint is not valid. The information considered as part of the investigation does not identify any fault on behalf of the service.
 - Partially upheld – your complaint or a specific issue in your complaint finds aspects that were valid and some that were not valid.
 - No finding – your complaint or a specific issue in your complaint could not reach an outcome. This could be due to lack of evidence or information to prove or disprove the complaint.

11. What to do if you are not happy with the response to your complaint

- 11.1 If you are not happy with the response, you have the right to request for your complaint to be escalated to a Stage 2 investigation of the statutory complaints process. You must submit your request within 20 working days.
- 11.2 The easiest and most efficient method available is to escalate your complaint using our online Self Service option, which you can access at www.plymouth.gov.uk/feedbackandcomplaints. When you are asked if this is the first time click no and provide the details of the original complaint as well as the reasons why you are unhappy with your response and what desired outcome you want in order to resolve your complaint.
- 11.3 Stage 2 complaints are investigated by an external complaint investigator alongside an external independent person. They will review the complaint and produce a report to share their findings. This report will be provided to Children's Social Care who will review the report, share it with you and will explain whether they agree with the findings or not. This is known as an adjudication response and we aim to provide this within 25 working days, if this is not possible we can extend this to 65 working days.
- 11.4 If you remain unhappy with the Stage 2 investigation adjudication response, you have the right to request for your complaint to be escalated to Stage 3 review panel of the statutory complaints process. You must submit your request for a Stage 3 review panel within 20 working days. Details on how to make this request are set out in 11.2.
- 11.4 The panel will be held within 30 working days of your request and will consist of an independent chair and two additional independent panellists, who will consider the Stage 2 investigation but will not reinvestigate the initial complaint. You will be invited to the panel and you can bring someone with you. After the Stage 3 review panel is held, you will be notified of their findings in writing. Children's Social

Care will also provide you with their written response to the findings. This concludes the Statutory Complaints Process.

- 11.5 If you remain unhappy with the Stage 3 review panel, you will be provided with the contact details for the Local Government and Social Care Ombudsman [LGSCO].

12. Local Government and Social Care Ombudsman

- 12.1 You have the right to contact the LGSCO at any time however, the ombudsman will expect you to have completed the stages set out in section 11 and may refer you back to the Statutory Complaints Manager if not completed.
- 12.2 The LGSCO can be contacted on www.lgo.org.uk and 0300 061 0614