

Statutory Complaints Procedures – Advice and information for Investigating Officers, Independent Persons and Interviewees

The current Complaints Regulations in relation to children’s complaints came into force in September 2006. The procedure is comprised of three stages:

- **Stage 1** – The emphasis is on local response or resolution.
- **Stage 2** – Is an investigation by an Investigating Officer (together with an Independent Person, for children’s social care complaints) neither of whom has any responsibility for the service being complained about.
- **Stage 3** – Is a review of the findings of the Stage 2 Investigation by a Complaints Review Panel.

Thereafter, the complaint may be referred to the Local Government Ombudsman. The complainant(s) can approach the Ombudsman at any time, but the Ombudsman would usually decline to consider the complaint if the Council’s complaints procedure was yet to be fully exhausted.

Children’s Complaints Regulations (2006)

THE PROCEDURE FOR CHILDREN ACT 1989 COMPLAINTS

Stage 1 – Local Resolution
When a complaint is received, pass to: - Senior Support Officer for logging (by Complaints Team); and - Practice Manager (or equivalent) for response Children’s Services should consider mediation and conflict resolution at this stage and at all other stages and aim to resolve matters within 10 working days The response timescale can be extended by a further 10 working days, if agreed with the complainant, up to a maximum of 20 working days (otherwise complainant can proceed to Stage 2)



If not resolved – or if there is agreement for investigation
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Stage 2 – Investigation
The Local Authority should provide an investigation that produces a report and an adjudication within 25 working days (or, if agreed with the complainant, within the extended period of 65 working days if investigation cannot be completed in that time)



If not resolved



Stage 3 – Review Panel
A panel of 3 independent people should meet to consider the complaint and produce recommendations



If not resolved



Referral to the Local Government Ombudsman (LGO)
(Although an approach to the LGO may be made directly by the complainant at any time)

If a Children Act complaint is escalated to Stage 2, it is here that interviews will normally be conducted with various individuals in an attempt to reach the root of the complaint(s) and also to provide the most fair and balanced investigation possible. The Investigating Officer and Independent Person will review the department's records and case files and will consider Children's Services' policies and procedures before deciding who to interview.

For Investigating Officers, Independent Persons and Interviewees

For a complaint investigation, all interviewees, complainants and professionals alike, may be accompanied by a friend or representative (e.g. an advocate – who will not be a line manager for a member of staff), who may speak on their behalf if necessary. Friends or representatives of professionals must be someone whom the Department considers would respect confidentiality. They must not be someone involved in the complaint investigation. Interviewees may also request the services of an interpreter. If possible, interviewees should take their notes and any other documentation they may have relating to the complaint with them to the interview. It would be helpful for interviewees to refresh their memories of the case/complaint prior to the interview, therefore putting themselves in the position of being able to give the Investigating Officer as much information as possible. It would be useful for all interviewees to consider the complaint prior to the interview and any comments they may wish to make. Following a meeting, the Investigating Officer is obliged to send notes of the interview to the interviewee(s). This gives interviewees the opportunity to suggest corrections and amendments to interview transcripts. Finally, interviewees will be asked to confirm the interview record as accurate.

All interviewees should be informed of the above information by the Investigating Officer and/or the Independent Person prior to the commencement of any interview.

For Investigating Officers & Independent Persons in particular:

Paragraph for I.Os and I.Ps to consider in relation to each complaint and to incorporate in their statement of 'findings' on each complaint:

I have considered all the agreed complaints made against the council by the complainant(s). In doing so I have also considered the following:

1. Whether the Council acted within its powers, that is - Were the Council's actions legitimate, necessary and proportionate?
2. Whether the Council acted fairly, that is - Was there due process?
3. Whether the Council acted rationally, that is - Whether the Council's decisions were within the band of possible reasonable decisions?