

London Borough of Newham
Policy & Procedures

Children's Services Statutory (Children's Act) Complaints Policy

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1 Introduction

At Children's Social Care Services, we are dedicated to safeguarding and promoting the welfare of children in need and children in care. Your feedback is essential to ensuring that we meet the expected standards and continuously improve our services for the benefit of Newham's children and families.

If you have any concerns or feel that our service does not meet your expectations, we encourage you to reach out to us. The first step is to speak with your allocated social worker or Personal Advisor. They are there to help and may be able to quickly resolve any issues you are experiencing.

We always aim to provide quality services, however if we fail to get things **right first time**, we want to hear from you. We encourage our children and young people to let us know when mistakes are made so we can take immediate corrective actions and put measures in place to prevent errors reoccurring

This Policy and Procedure defines what constitutes a complaint; who can make a complaint and how to go about it.

What we are in a position to do, within the complaints framework, is respond to concerns about the decisions or actions of the Local Authority in the provision of a service.

What is a complaint?

A complaint is defined as an "expression of dissatisfaction" about a council service that requires a response. There is no difference between a formal or informal complaint, both are expressions of dissatisfaction that require a response.

A complaint could be about the quality and/or appropriateness of a service, delays in decision-making, the provision of a service or the attitude and behaviour of staff.

Complaints can be categorised into three levels of dissatisfaction, which determines the type of response. These are-

Query: Request for information or assistance with a minor issue, quickly solvable by the service.

Concern: Expression of unease or worry about a situation that can be resolved quickly without formal investigation.

Complaint: Formal expression of dissatisfaction that requires investigation, resolution, and a written response from our service.

Aims and Objectives

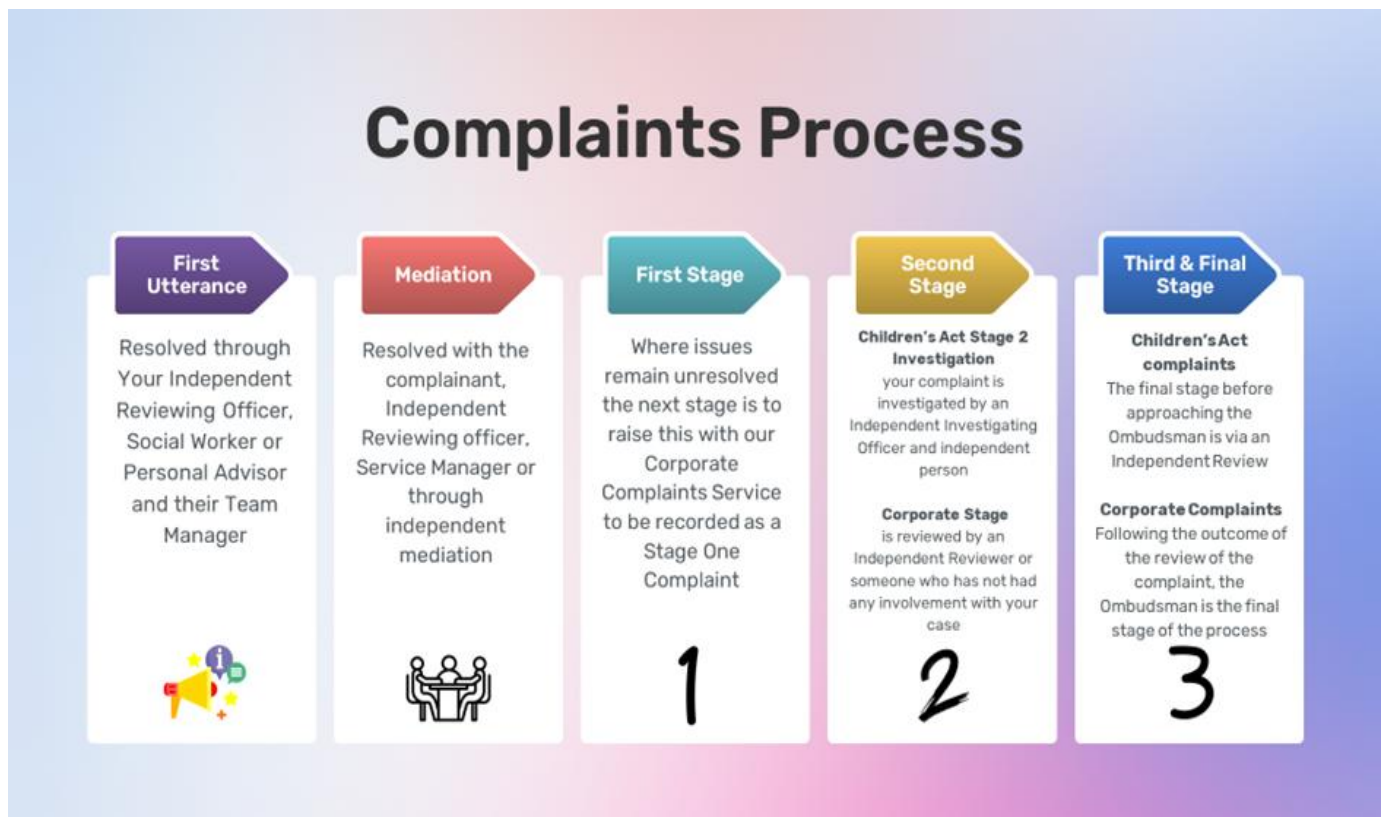
The objectives of the complaints Policy and Procedure are to:

- achieve complaint resolution at Stage one as far as is possible;
- provide an accessible means for all complainants, or their advocates, to complain if they are dissatisfied;
- provide a fair and consistent process for resolving complaints;
- establish timescales for complaint resolution that are met as far as possible;
- facilitate the use of complaint information as a means of monitoring performance and improving services;
- learn lessons to prevent repeat complaints;
- ensure complainants and members of staff have the same rights to be treated with courtesy and respect; and
- ensure that plain English is used when answering complainant complaints

If the Council receives a complaint and decides not to accept it, the complainant will be told why and, where possible, an alternative route suggested

Children service will seek to resolve complaints at the earliest opportunity. Where possible, prior to implementing the formal complaints Policy and Procedure, every attempt will be made to deal with issues quickly and informally, at the point of service delivery

Children's Social Care Complaints Procedures



If your concern falls within the services provided under the Children's Act, our complaints procedure follows a three-stage process. You can find more information about this statutory process, including response timelines and the types of issues that can be raised, on the GOV.UK website: Children's Social Care – Getting the Best from Complaints.

https://assets.publishing.service.gov.uk/media/5a7ceaec40f0b6629523c98a/getting_the_best_from_complaints.pdf

Getting the Best from Complaints sets out the issues that can be complained about under the Children's Act 1989.

For complaints that fall outside the Children's Act, we have a two-stage corporate complaints process. More details about this process are available on our website: Newham Council Complaints Process.

<https://www.newham.gov.uk/contact-information/make-complaint>

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Before Making a Complaint

Before making a complaint, please review the following:

- Ensure that the complaint is about social care services provided by us.
- Ensure that the complaint is within the last 12 months and includes new information or evidence.
- Avoid repeating issues that have already been addressed through other channels, such as MPs, Councillors, or Mayor.
- Note that complaints about services outside our responsibility, acrimonious disagreements between parents, or ongoing legal proceedings may not be addressed through this process.
- If you have any questions or need assistance, please contact us on 020 8430 2000 and ask for the relevant service you wish to contact. Your feedback is invaluable as we strive to provide the best possible support to children and families in Newham.

Safeguarding Alerts

All alerts about possible abuse or neglect, should be referred directly to our Multi-Agency Safeguarding Hub (MASH). MASH will decide how to investigate and monitor the outcomes.

Please visit the link for more information about making a referral: -

<https://families.newham.gov.uk/kb5/newham/directory/family.page?familychannel=7>

2 What is a complaint?

2.1 Complaint Definition

A complaint can be defined as ‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting a child or young person

2.2 Statutory Children’s Act 1989

Section 26(3) of the Children Act provides that all functions of the local authority’s responsibilities in relation to statutory social service functions may be complained about e.g.

- Unwelcome/disputed decisions
- Quality of service
- Delays in decisions/provision of service
- Delivery/non-delivery of a service
- Costs of service, including financial/payment issues relating to that service
- Staff attitude/behaviour/performance in relation to their duties
- Eligibility/assessment criteria

- Impact of policy on a child or young person
- Assessment, care management and review processes
- Matters relating to care and supervision orders
- Control of parental contact
- Applications for/duties in relation to Child Assessment Orders/Emergency
- Protection Orders (although not Court decisions connected to these)
- Quality/accuracy of reports provided to a Court (although not Court decisions themselves)
- Adoption services, assessments and decisions
- Support for Special Guardianship
- Foster Care provision

There is also a section of the Children Act 1989 (Section 22 (4)), which states that before making any decision with respect to a child that we are looking after or proposing to look after, the authority must, so far as reasonably practicable, ascertain the wishes and feelings of the child. It is really important we actively engage with children in the care planning process because the decisions that adults take will ultimately be affecting them. Looked after children are also entitled to an advocate who will assist children and young people to conveying their wishes and feelings to professionals.

3 Who can make a statutory complaint?

Every local authority is required to establish a complaints procedure for considering complaints about the council's services to children in need or in care.

Follow our step-by-step guide to raising concerns and complaints with Children Social Care Service

Complaints can be made by:

- A child or young person in the Local Authority's care, in need, or adopted Those with parental responsibility, natural parents, other family members,
- Adoptive parents, Special guardians or former guardians of such a child or young person in their care

- A child or young person who has left care

Local Authority Foster carers, including those caring for children placed by the Local Authority independent agencies or private arrangements

- Any other person who can be deemed as having sufficient interest in the child or young person's welfare to warrant the issues they raise being considered
- The investigation of anonymous complaints will be made on a case-by-case basis

If we receive a complaint from a representative or advocate acting on behalf of a young person, we will seek to confirm that the person being represented is aware of and happy for the concerns raised on their behalf by their advocate or representative, correctly reflects their views and wishes.

4 Exceptions and Limitations

4.1 Areas of Limitations

There are times where we are limited in our responsibilities to look into the issues raised under the Statutory Complaints procedure. Each case is individually assessed. These are in instances where the concerns raised are outside the jurisdiction of the statutory and corporate complaints responsibilities of the council or the nature of the concerns are over 12 months old. (*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009/309 Regulation 12*)

- We are unable to consider matters for which there is another statutory appeal or arbitration process in place. This includes Child Protection proceedings.
- We may not consider matters subject to legal, court, disciplinary or tribunal proceedings.
- Apart from these procedures, matters that would also not be investigated under the corporate complaints policy.

4.2 Corporate complaints

For complaints that fall outside the Children's Act, we have a two-stage corporate complaints process. More details about this process are available on our website: Newham Council Complaints Process <https://www.newham.gov.uk/contact-information/make-complaint>

Both the Statutory Children Act Complaints and Corporate Complaints procedures are in line with and are ultimately arbitrated by the Local Government and Social Care Ombudsman (LGSCO).

5 Complaints Handling, Procedures & Timescale

We aim to formally acknowledge your concerns in five working days from the day of receipt. Complaints about children's social care services are dealt with a three-stage process.

5.1 Stage 1

The Local Authority has 10 working days from the day of receipt to provide a response, however, in cases where more than one service's are required to comment or the case is complex, the timeline can be extended to 20 working days.

Children Service can at any stage resolve your concerns through independent mediation, if this route is deemed appropriate and this is done on a case-by-case basis.

We aim to keep you updated of any anticipated delays

If you do not agree with the outcome or reply, the matter can be escalated to stage 2 for investigation by an Investigating Officer and Independent Person.

5.2 Stage 2 Investigation

A Stage 2 investigation can take from **25 to 65 working days** to complete. The Local Authority appoints an Investigating Officer and Independent Person to investigate the complaint.

Both the Investigating Officer and Independent Person will write a report of their findings and recommendations for Children Service Adjudicating Officer for comments and response which will be shared with you alongside our formal response.

5.3 Stage 3 Independent Review Panel

If you remain unhappy with the stage 2 outcome you have **20 working days** following the receipt of the **Adjudication Response** to request a further review by an Independent Review Panel.

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The Local Authority are responsible for appointing an independent Review Panel, providing supporting paperwork for consideration and co-ordinating the meeting. This panel will comprise of three independent and experienced people, including a chairperson.

The Panel will not re-investigate the issues, they are responsible to consider the adequacy of the Stage 2 investigation; obtain any further information and advice that may help resolve the complaint to all parties' satisfaction, to identify any consequent injustice to the complainant where complaints are upheld, to recommend appropriate redress; and recommend any service improvements for action by the authority

The panel must be held **30 working days** after you request it. You and/or your representative have a right to attend and speak at the panel. If you or your representative fail to attend, the hearing can take place in your absence.

The panel can only review the decisions and recommendations from the Stage 2 conclusions. The panel cannot consider any new complaints that did not form part of the Stage 1 or Stage 2 investigation. The panel can, however, make new or additional recommendations. The panel will produce a report of their findings and recommendations for the Children's Service Adjudicator for consideration and response within **5 working days**. The Local Authority will then have 15 working days from receipt of the Panel's report to provide you with a formal response.

Thereafter should you remain unhappy with the outcome, final stage of the statutory complaints process is to approach the Local Government and Social Care Ombudsman (LGSCO) to consider the matter.

Responding to complaints

All responses to complaints which are upheld or partially upheld should give :

- an explanation of what happened and why things went wrong;
- an apology for service failures;
- details of the corrective action to be taken;
- the redress expected by the complainant for the failure or explanation why this isn't appropriate;
- clear instructions about anything the complainant needs to do;

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- the name of the officer responsible for ensuring that action is taken and their contact details;
- the timescale within which the action will be taken;
- where appropriate, details of the measures to be taken to prevent a recurrence of the problem;

Where a complaint is not upheld the response should provide:

background information relevant to the complaint;

- an explanation of the decision;
- a link to our website where the complaints Policy and Procedure is found

Right to Escalation

The complainant has the right to request the complaint be escalated if they remain dissatisfied.

The complainant will need to:

- (a) request this by providing details of why they remain dissatisfied; and
- (b) indicate what they would like the Council to do to put the matter right'
- (c) submit the response within 30 working days from the date of the full response. .

If a complainant continues to express their dissatisfaction, but does not provide specific reasons as to why they are not satisfied by the Council's response, in some circumstances the complaint will not be escalated to the next stage. This process is used to ensure that complaints are only escalated when necessary and not just because a complainant continues to express their dissatisfaction. For example, when a complainant does not agree with the outcome of the complaint but can provide no further evidence to support their complaint. The decision on whether to escalate or not, will be assessed on a case-by-case basis.

Complaints spanning more than one service area

In the event that a complaint involves more than one service, a co-ordinated single response will be sent to the complainant

The complainant will be informed which service will be responding to them on behalf of the Council in the acknowledgement to their complaint.

Complaints by Members of Parliament and Councillors on behalf of constituents

Complaints on behalf of constituents are dealt with under this Policy and Procedure. There is a separate process for dealing with service requests and enquiries from MPs and Members of the Council. Complaints raised by Councillors and MPs on behalf of their constituents will be raised in

the normal way with the response being made to the originator, where appropriate, or if the nature of the complaint is

personal the response will be directed back to the with the Councillor or MP, apprised that a response has been sent.

In the event that an enquiry or complaint is received through different communication channels within the council, one response will be provided

Complainant rights

Complainants have the right to:

- be treated with respect and courtesy at all times;
- have a friend or other representative help them with their complaint, provided the relevant authority has been provided to the Council;
- be kept informed about the progress of their complaint(s); and
- receive an apology if a complaint is partially or fully upheld

Staff rights

Our staff have the right to:

- be treated with respect and courtesy at all times;
- time to respond to the initial complaint before receiving any follow up issue; and
- support and training that enables them to handle and resolve complaints in an efficient and empathetic manner.

Unacceptable behaviour by complainants

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into the Council.

As a Council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding, persistent or rude may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff. In tandem with the Council's responsibility to provide services is the duty of care towards its staff

In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate procedure on handling Unreasonably and Persistent Complainants and Vexatious Information Requests details how and under what circumstances complaints will not be answered for more information please visit:

[Understand the process – Make a Complaint – Newham Council](#)

6 Contact Us

Further information can be obtained from our Children's and Families web page.

<https://www.newham.gov.uk/children-families>

6.1 Children's Rights Service

Advocacy Service for Children and Care Leavers

As a looked after child, a child in need, or a care leaver, you have the right to an advocate who will support you in expressing your concerns and ensuring your needs are met.

How to Access Our Service:

Simply let your social worker, Personal Advisor, or Independent Reviewing Officer know if you would like assistance from an advocate during the complaints process. The decision to have an advocate is entirely yours.

What We Offer:

- Personalised support tailored to your needs.
- Amplify your voice to ensure your concerns are heard.
- Guidance through the complaints process.

Your Voice Matters

We believe in empowering you to navigate your journey confidently through the complaints process. Your concerns, wishes, and rights are at the forefront of our advocacy service.

Newham Children's Rights Advocacy Service

Newham Children's Rights Service is a council funded, but independent resource for children and young people to get advice, guidance and support

You can contact them at:

Newham Children's Rights Service, 134 Church Rd, London E12 6HL.

Text: 07854085996

Telephone: 08000152443

Email:

Information about Newham Children's Rights Advocacy Service for children and young people can be found here: -

<https://families.newham.gov.uk/kb5/newham/directory/family.page?familychannel=17>
newham.complaints@email.icasework.com or through our web link

[Complain, compliment or suggest – Newham Council](#)

Further information and guidance on raising complaints can also be obtained from:

[Complaints - Family Rights Group \(frg.org.uk\)](#)

[Social services complaints - before you start - Citizens Advice](#)

6.2 How to complain

You do not have to face the challenge of making a complaint alone. Whether it is a friend, family member, or advocate, support is available to you at any stage of the process. We simply ask for your permission to share information with them about your situation.

If you are considering making a complaint about how you are being treated, reach out to your Carer, social worker, or our Advocate Service for assistance. They can guide you through the process and provide the support you need.

Link here to make a complaint about children and young people service:

<https://www.newham.gov.uk/children-families/rights-expect/5#:~:text=You%20can%20ask%20for%20an,%40newham.gov.uk>

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<https://www.newham.gov.uk/children-families>

You can;

- Go to [Make a complaint – Make a Complaint – Newham Council](#)
- Email corporate.complaints@newham.gov.uk
- Write to 'Complaints Team, London Borough of Newham, PO Box 71568, London, E6 9LQ'
- Call on 02084302000, Monday-Friday 9am-5pm
- Text on 180010208430

Any communication or physical barriers to access can be adjusted to support your ability to share issues or concerns. This should include but not limited to:

- Language support accessible via the language line on 02033734000 or email languageshop@newham.gov.uk
- Alternative communication methods such as braille
- Ensuring disabled access to appropriate meeting places

All of the above methods of contact apply to any adult, representative or advocate complaining on the child or young person's behalf as well as any adult making a direct complaint about the actions of the children's service.

Complaints about a young person's accommodation first go through the Providers own complaints procedure for a response to be provided and shared with the social work practitioner or Personal Advisor

Complaints where an investigation may be suspended

Criminal proceedings

If the subject of the complaint is a matter being referred to by the Police, the complaints procedure will be suspended pending the outcome of the investigation and the complainant informed of the reasons for the delay.

Court proceedings

Where the subject of the complaint is a matter for the court to make a decision i.e. custody of your children or children being taken into care.

Safeguarding Investigations

Following conclusion of an investigation, any outstanding issues of the complaint can be addressed through the complaints process.

Facilitated Mediation meetings

If appropriate, and in agreement with the complainant, a facilitated mediation meeting will be arranged if this is the best way to respond to the concerns raised. Attendance of council staff must be proportionate to the nature of the complaint. The meeting may be held face to face or virtually.

Where a facilitated mediation meeting is agreed, it may be possible at the meeting to resolve some or all of the concerns to the complainant's satisfaction. This will be a confidential meeting held between the complainant, the service area and or an independent mediator where all parties agree to the way in which resolution will be achieved

The complaint will be resolved at this stage unless the complainant feels further mediation is required.

Complaints for mediation are assessed on a case-by-case basis.

7 Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman can consider complaints about public bodies, including local authorities. The Ombudsman investigates complaints about poor service; failure to provide a service and administrative failure.

The LGSCO is an external organisation authorised to investigate complaints when our own investigations have not resolved the issues raised, they provide an impartial, independent, free service.

In most cases, the Ombudsman will normally only consider complaints if the issues of concern have exhausted the stages of the Council's own Complaints Policy and Procedure and the issues are not over 12 months old. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation

If the complaint is still unresolved, you remain unhappy with the outcome, you can approach the Local Government and Social Care Ombudsman.

For more information: [Local Government and Social Care Ombudsman](#)

Telephone: 03000610614

Post: Local Government and Social Care Ombudsman Advice Team, PO Box 4771, Coventry, CV40EH

8 Learning from complaints

We view complaints as opportunities to put things right and learn lessons to prevent similar mistakes from reoccurring. Complaints intelligence is a catalyst to service improvements and most importantly improving resident experience.

In the resolution of a complaint, both the Complaints Officer and the relevant service may find that there are **Recommendations and Actions** for improvement that can be agreed upon, with follow-on actions that can be put in place, and monitored.

These recommendations and actions will be consistently monitored in service partnership meetings between Resident Experience and Children's Services, to track actions and improvements. Every year we also provide an annual report to our Cabinet Members to our performance and improvements.

Compliments

We would also like to hear from our complainants when things have gone right and when you are happy with the level of service received from our staff members.

Compliments can be made by visiting

<https://www.newham.gov.uk/children-families>

Feedback

We value complainants feedback which offers important information about how our services are perceived and experienced. Through your feedback we can identify difficulties being experienced with our service, inefficient work practices and or poor complainant experience. We view complaints as a positive aid to informing and influencing service improvements and change for the benefit of our residents, families and children.