



# **Comments, Compliments and Complaints**

## **Policy for Children and Young People's Services**

### **Suffolk County Council**

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**We will on request produce this Policy, or particular parts of it, in other languages and formats, in order that everyone can use and comment upon its content.**

## Suffolk County Council Complaints Policy for Children and Young People's Services

### DOCUMENT CONTROL

#### Changes History

Issue No	Date	Amended By	Summary of Changes
0.1	February 2017	Pauline Martin	Drafted initial document
0.2	1st April 2024	Jamie Swinyard	Review and minor updates

#### Authorisation (Responsible Owner)

Role	Name	Approval Date
Customer Experience Operations Manager	Jamie Swinyard	1st April 2024

#### Approval (Accountable Owner)

Role	Name	Approval Date
Head of Customer Experience and Service Improvement	Mark Burgess	10 April 2024

#### Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Customer Experience Managers	Customer Rights Team	April 2024

#### Distribution List - Once authorised (Informed)

Name	Organisation
All CYP Managers	Suffolk County Council

#### Review Period

Date Policy to be Reviewed	By whom
1 April 2025	Jamie Swinyard

## SUFFOLK COUNTY COUNCIL CHILDREN AND YOUNG PEOPLE'S SERVICES COMPLAINTS AND CUSTOMER FEEDBACK POLICY

### SCOPE OF THE COMPLAINTS PROCEDURE

#### 1 Definition of a Complaint

Suffolk County Council's definition of a complaint is:

- 1.1 "An expression of dissatisfaction about the standard of service, actions, or lack of actions by the County Council, its staff or anyone operating on behalf of the County Council".
- 1.2 Everyone whose complaint fits the above definition has a right to their complaint being looked at under the County Council's Complaints procedure.
- 1.3 Complaints which are not eligible to be considered under the Children and Young People's Statutory procedure may be considered under the Council's Corporate Complaints Procedure, where appropriate. This would be at the discretion of the Customer Experience Manager.

#### 2 Definition of a Representation

A representation may not always be a complaint; it may also be a positive comment or idea that needs a response.

Representations include:

- Thanks for something done well or particularly well.
- Suggestions for improving services.
- Suggestions for new services.
- Requests for clarification.
- Approaches to Children and Young People's Services (CYP) by groups of service recipients - for example the parents of children who receive respite care or are resident in a residential home who wish to inform CYP of their opinions or concerns about the services the resident is receiving.
- Enquiries and statements about such matters as availability, delivery and nature of services - these enquiries will not be necessarily critical.
- Complaints made but where the complainant wishes no action to be taken.

### 3 What can be complained about under the Children's Statutory Complaints Procedure?

This section is based on the statutory guidance '[Getting the Best from Complaints](#)' - Social Care Complaints and Representations for Children, Young People and Others. Department for Education and Skills, 2006, which is the most recent guidance available.

#### 3.1 Part 3 of the Children Act 1989

Section 26(3) of the Children Act 1989 states that all functions of a Local Authority under Part 3 of the Act may be the subject of a complaint. A complaint may arise as the result of many issues related to those functions, for example:

- Delivery or non-delivery of services, including complaints procedures.
- Quantity, frequency, change or cost of a service.
- Staff behaviour and attitude.
- Quality of communication.
- Decisions alleged to be unfair, including application of eligibility and assessment criteria.
- Delays in making decisions or provision of services.
- Assessment, Care Management and Review.

This is not an exhaustive list. The Customer Experience Manager will consult with the Customer Experience Operations Manager and if necessary, take legal advice to establish the eligibility of complaints for the complaints procedure.

#### 3.2 Part 4 of the Children Act 1989

The following functions may be the subject of a complaint:

- The decision to initiate care and supervision orders (section 31).
- The effect of the care order and the Council's actions and decisions where a care order is made (section 33).
- Control of parental contact with children in care (section 34).

- How supervisors perform their duties where a supervision order is in force (section 35).

### **3.3 Part 5 of the Children Act 1989**

The following functions may be the subject of a complaint:

- Matters that do not relate to the Court and which are specifically actions of the Council, regarding applications for and duties in relation to child assessment orders (section 43); and
- Matters relating to applications for emergency protection orders and decisions relating to the return of children who have been removed (section 44).

Complaints about the quality and accuracy of social work reports to the Court can be considered; this is separate from matters being considered in Court and actions taken by the Court. If such a complaint is considered and upheld, the Customer Experience Manager will consult with relevant CYP managers and Legal Services if necessary, to decide what action will be taken in respect of any implications for Court findings.

### **3.4 Children, Schools and Families Act 2010**

The Act provides a number of measures relating to Children and Young People who may have a disability or Special Educational Need (SEN) but complaints may be made to the Council about policy and procedures.

### **3.5 Children and Families Act 2014**

The Act is supported by a code of practice and regulations. Complaints may be made about policy and procedure relating to the Action Plan for Adoption; Reforms to the system for Children and Young People with SEN; the Provision for Childcare; and Welfare of Children.

### **3.6 Care Standards Act 2000**

Complaints about regulated services under the Care Standards Act and those that are delivered on behalf of the Council or through an internal service that is regulated may be considered if eligible.

### **3.7 Adoption Services**

The following adoption related services may be the subject of a complaint:

Regulation 3 of the Adoption Support Services Regulations 2005

- Provision of adoption support services, where these enable adopted children to discuss matters relating to adoption.

Regulations 4 and 5 of the Adoption Support Services Regulations 2005

- Assessments and related decisions for adoption support services as prescribed in regulation of the Adoption Support Services Regulations 2005.

The Adoption & Children Act 2002 and Children and Adoption Act 2006

- Placing children for adoption, including parental responsibility and contact issues (sections 18-29).
- Removal of children who are or may be placed by adoption agencies (sections 30-35).
- Removal of children in non-agency cases (sections 36-40).
- Duties on receipt of a notice of intention to adopt (section 44).
- The Council considering adoption for a child.

The Adoption Agency Regulations 2005

- The Council considering adoption for a child (Part 3).
- The proposed placement of a child with prospective adopters (Part 5).
- Placement and reviews (Part 6).
- Records (Part 7).
- Contact (Part 8).

Adoptions with a Foreign Element Regulations 2005

- Parental responsibility prior to adoption abroad (Part 3).

### **3.8 Complaints and Special Guardianship Services**

The following functions may be the subject of a complaint:

- Financial support for Special Guardians.
- Support groups for children and young people to enable them to discuss close up matters relating to Special Guardianship.
- Assistance in relation to contact.
- Therapeutic services for children and young people.
- Assistance to ensure the continuation of the relationship between the child or young person and the Special Guardian or prospective Special Guardian.

### **3.9 Early Help Services**

All complaints will be dealt with in accordance with The Children Act Representations Procedure (England) Regulations 2006 and the accompanying statutory guidance 'Getting the Best from Complaints'. The Local Authority's complaints process will also be compliant with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Department of Health guide "Listening, Responding, Improving: a guide to better customer care" (26 February 2009).

## **4 Exemptions**

4.1 The Complaints Procedure does not apply in the following circumstances:

- The complaint is not about the actions or decisions of the Council, or of any body acting on its behalf.
- The same complaint has already been dealt with at all stages of the complaints procedure.
- The person wishing to complain does not meet the requirements of 'who may complain' and is not acting on behalf of someone who is eligible to complain.

4.2 The Council has discretion in deciding whether to consider complaints where doing so may prejudice the following concurrent investigations:

- Court proceedings

- Tribunals
- Appeals
- Safeguarding Investigations
- Serious Case Reviews
- Disciplinary proceedings
- Criminal proceedings

If a decision is made not to consider, or further consider, such complaints, the Customer Experience Manager will write to the complainant to confirm this, and to explain the reason why.

Once the other proceedings have been completed, the complainant may request the complaint be considered, provided this is within one year of the conclusion of other proceedings.

## **5 Who can complain?**

- Any child or young person (or a parent or someone who has parental responsibility for the child/young person) or an advocate acting on behalf of the young person.
- Any foster carer, including those caring for children placed through independent fostering agencies, who is caring for children looked after by Suffolk County Council.
- Care Leavers.
- Special Guardians.
- A child or young person (or parent) to whom a Special Guardian order is in force.
- Any person who has applied for an assessment as a Special Guardian (section 14F (3) or (4) of the Children and Adoption Act 2002).
- Any child or young person who may be adopted, their parents and guardians.
- 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.
- Other persons who may be considered to have sufficient interest in the child or young person's welfare. This decision will be made by the



Customer Experience Operations Manager in cases where sufficient interest is not easily determined by the Customer Experience Manager. If it is decided that the complainant does not have sufficient interest, the Customer Experience Manager will write to confirm this, giving reasons for this decision.

- Complaints made on behalf of a child or young person. Where a complaint is received from someone acting on behalf of a child, the Customer Experience Manager will confirm with the child or young person concerned, that he/she is happy for this to happen and that the complaint reflects his/her views. If the Customer Experience Manager does not consider the person making the complaint is acting on behalf of the child or young person, he/she will write to the complainant to confirm to them accordingly.

## **6 Anonymous Complaints**

Anonymous complaints can be made and will be recorded as such.

## **7 Complaint Stages and Timescales**

The Council tries to resolve complaints and handle representations as soon as reasonably practical and within specific timescales.

The Children and Young People's statutory procedure consists of three stages:

- 7.1 **Stage 1 - Local Resolution.** This requires the Council to resolve complaints as close to the point of contact with the person making the complaint as possible. Most complaints should be considered at Stage 1 in the first instance, taking into account the nature of the complaint and the wishes of the complainant about how the complaint should be dealt with. Stage 1 should normally be completed in 10 working days. This may be extended to a maximum of 20 working days for complex complaints or for other reasons with the agreement of the complainant, for example if an advocate is involved.
- 7.2 **Stage 2 - Investigation.** If attempts to resolve the complaint at Stage 1 are not successful, the complainant can ask for the outstanding issues to be considered at Stage 2. The request for a Stage 2 should be sent to the person managing the complaint within 20 working days of receiving the Stage 1 response. The investigation at Stage 2 is carried out by an Investigating Officer and Independent Person.

Stage 2 should normally be completed in 25 working days. This may be extended to a maximum of 65 working days. If resolution is not achieved at Stage 2, the complainant has 20 working days from the

completion of Stage 2, (i.e. the date of the final response from the Council), to request a Review Panel.

- 7.3 **Stage 3 - Review Panel.** Where the complainant is dissatisfied following completion of Stage 2, they can request that the complaint is further considered by a Review Panel.

If the complainant's request for a Review Panel falls within the remit of a Review Panel, the Council has 30 working days to arrange and hold the Review Panel. Following the Review Panel hearing, the Review Panel members have 5 working days to produce its findings and recommendations. The Council then has 15 working days to respond in writing to the findings and recommendations of the Review Panel.

- 7.4 Complainants should normally complain to the Council within 12 months of the events of the complaint taking place. There is no requirement on the Council to consider complaints made outside this time (regulation 9). If the Council decides not to consider such a complaint, the Customer Experience Manager will write to the complainant, to explain why this is so. The letter will also advise how to contact the Local Government and Social Care Ombudsman.

- 7.5 Decisions will be made on a case by case basis and discretion may be used to consider complaints made outside the time limit. Reasons for applying discretion may be as follows:

- It would be unreasonable to expect the complainant to have made the complaint earlier, for example the child was not able to make the complaint at the time or did not feel confident to do so.
- Issues of vulnerability.
- The Council is of the view that there is still benefit to the complainant (and the Council) in proceeding with the complaint.
- There is still likely to be enough information, and relevant individuals, available, to enable an effective and fair investigation to be carried out.
- Action should be taken in view of human-rights based legislation.

## **8 Information about the Complaints Procedure**

- 8.1 Written information about how to complain is contained in the customer Factsheet '**Have Your Say**'. The Factsheet for CYP is available online by visiting [www.suffolk.gov.uk/feedback](http://www.suffolk.gov.uk/feedback) and can be provided in hardcopy format, as well as age appropriate versions and an accessible version for people with communication difficulties.
- 8.2 Complaints may be made online, by email, verbally or in writing.
- 8.3 The Council will make reasonable adjustments in accordance with the needs of the complainant and will consider receiving face-to-face feedback if appropriate.

## **9 Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman (the Ombudsman) independently investigates complaints made by complainants or their representatives.

The Ombudsman will usually only investigate complaints against the Council when complainants have exhausted the complaints procedures. The main aim of the Ombudsman is to look for injustice caused to the complainant, which may have been caused by maladministration. The Ombudsman can be contacted on 0300 061 0614 or by visiting [www.lgo.org.uk](http://www.lgo.org.uk)

## **10 Advocacy and Support**

- 10.1 The statutory guidance 'Get It Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989, (Department for Education and Skills 2004)' requires the Council to make advocacy services available to children and young people making, or intending to make, a complaint. The advocacy support should be independent and confidential.
- 10.2 It is a requirement that the Council takes steps to ensure the child or young person understands the procedure, rather than relying on an advocate. The Customer Experience Manager will fulfil this requirement. This may be by discussion, or sometimes a meeting.
- 10.3 The Customer Experience Manager will also consider, and attempt to address, the advocacy needs of adults making complaints under this procedure. The Customer Experience Manager will refer to the Customer Experience Operations Manager and Advocacy Service for advice, if necessary.

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- 10.4 The Council is also required to consider how to meet additional needs of complainants, for example people whose first language is not English, and those with communication difficulties.

### Links to Policy

- [Getting the Best from Complaints](#)
- [Listening, Responding, Improving](#)
- [Code of practice on the English language requirement for public sector workers \(HM Government\)](#)