

# Children's Social Care Complaints, Comments and Compliments Policy

V1.0

## Document Control

## Document details

Title	Children Social Care Complaints, Comments and Compliments Policy
Version number	V0.1
Status	Draft
Author	Complaints & Information Team Manager
Lead officer	Head of Business Management
Approved by	Non key Executive Decision
Review date	
Supersedes	
Target audience	Staff and residents

Version history

N/A

Related to

Version	Status	Date	Dissemination/Change
V0.1			
V0.2			
V0.3			
V0.4			
V0.5			

Approval history

Version	Status	Date	Approved by
V1.0			

## Equality Impact Assessment record

Date	Completed by	Review date
1.11.20	Veronica Webb	1.7.21
Contonto		

## Contents

Introduction
Policy5Principles of good complaint handling5Who can complain?6Why complain?6Time limit for complaints7What can complaints be about?7Complaints about other organisations7What these complaints arrangements cannot be used for7Confidentiality8What happens when a complaint is made?8Getting help to complain or feedback8How to complain or provide feedback9What to do if I am still not satisfied?9
Monitoring and review <u>10</u>
Appendix 1: Flow Chart of the complaints process
Appendix 2: Equality Impact Assessment <u>12</u>

## Introduction

#### Purpose

Local authorities have a statutory requirement to process complaints, which is set out in section 26 Children Act 1989 and The Children Act 1989 Representations Procedure (England) Regulations 2006

## **Policy summary**

Havering Council provides a wide range of services to many people, and we aim to deliver these services to the highest possible standards. Your complaints, compliments, comments and concerns are important to us.

We would like to hear any comments about our services and anything you would like to compliment us about. We are also aware that things go wrong, and that you may not always be satisfied with a service we have provided to you. We are committed to listening to our children and young people, so that we can make improvements to the services we provide.

## Scope

This policy sets out how the Council will deal with compliments and statutory complaints for Children's Social Care. Non-statutory complaints are dealt with under the Council's Corporate Complaint Policy and Procedure; details can be found at:

https://www.havering.gov.uk/info/20047/consultations\_complaints\_and\_feedback/208/complaints

## **Timescales**

This Policy will apply from January 2021 onwards. It will be subject to review periodically to reflect any changes in legislation or Council practice.

## Policy

## Principles of good complaint handling

Havering Council works to the National Complaints Managers Group's <u>Good Practice</u> <u>Guidance for handling complaints concerning adults and children social care services</u> (<u>England</u>) 2016 principles and Local Government & Social Care Ombudsman's 'Principle of Good Administrative Practice:

- **Principle One**: ensure that the complaints process is accessible;
- **Principle Two**: ensure that the complaints process is straightforward for children and young people and their representatives;
- **Principle Three**: ensure that appropriate systems are in place to keep children and young people informed throughout the complaints process;
- **Principle Four**: ensure that the complaints process is resolution focused; and
- Principle Five: ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback.

## Who can complain?

- A child or young person (a parent or someone with parental responsibility for a child/young person) who is either looked after by the local authority or is a child in need.
- A child or young person, or an individual involved in fostering, adoption or Special Guardianship arrangements.
- A care leaver to the Local Authority
- Someone acting on behalf of a child or young person who the local authority considers has sufficient interest in the child and whose views the Council consider to be relevant. Consent and views will be sought from the child where appropriate.
- Someone who is acting on behalf of a child or young person who is unable to make a complaint due to:
  - lacking capacity within the meaning of the Mental Capacity Act 2005 and who is deemed to be acting in their best interest
- An adult relating to a child or young person but not on behalf of the child or young person. The local authority will determine if there is sufficient interest in the child's welfare and seek the child or young person's consent where appropriate.
- Anonymous complaints will be recorded and considered by the Complaints Manager and/or relevant service area manager, where appropriate.

## Why complain?

If you are dissatisfied about a service, you have received from Children Services we would welcome your feedback and will use this to improve both your experience of the service and how services can be improved in the future.

Children's Services is committed to responding appropriately to complaints and will take appropriate steps to remedy service failures identified arising from complaints. Where complaints do not show service failure, an explanation will be provided.

Children's Services will regularly review the lessons learnt from complaints to improve the quality of the service provided.

## Time limit for complaints

There is a 12-month limit in which a complaint can be made from the time that the matter occurred. If your complaint is older than 12 months we may still be able to consider it if there are extenuating circumstances that led to the delay of the complaint being made, and it is still possible to investigate the complaint effectively and fairly.

## What can complaints be about?

In general terms anything related to the actions/omissions of Children's Services in connection with a child or young person who is looked after or in need, such as:

- An unwelcome or disputed decision;
- Concern about the quality of a service;
- Delay in decision making or providing a service
- Delivery or non-delivery of services
- Quantity, frequency, change or cost of a service
- Attitude or behavior of staff;
- Application of eligibility and assessment criteria;
- Application of a local authority policy which impacts on a child or young person
- Assessment, care management and review;
- Change/closure of service;
- Financial issues; and

- Working practices which are contrary to Havering's policies on:
  - Health and Safety
  - Equal Opportunities
  - o Racial, Harassment or Bullying

The Council will always treat complainants with courtesy and respect and Council staff have the right to be treated the same. Rude, violent, threatening or abusive behaviour towards Council staff will not be tolerated.

## Complaints involving Court proceedings

The Council will not usually consider complaints raised where the subject matter is being considered in legal proceedings such as care, adoption and special guardianship proceedings. The Complaints Manager will decide after taking legal advice whether the complaint can be taken under the statutory procedure without prejudicing any ongoing proceedings.

## Complaints about other organisations

If a complaint concerns another organisation such as health, or an independent provider services, the Council will determine if the complaint can be taken under the statutory procedure. If not, the Council will forward the complaint to the relevant organisation with the consent of the person who complains or the person using the services as appropriate. If the complaint relates to two or more local authorities, the complaint should be considered by the local authority who has responsibility for the child. Co-operation between the organisations to provide a coordinated response will be sought where possible.

## What these complaints arrangements cannot be used for

- Where it is determined that a person making complaint does not meet the requirement of who can complain
- Complaints that have already been investigated under all stages of the complaints procedures.
- Complaints that are being or have been investigated by the Local Government & Social Care Ombudsman or the Parliamentary & Health Service Ombudsman.
- Where there are concurrent investigations i.e. Court proceedings, Tribunals, Disciplinary or Criminal proceedings.
- Alleged failure to comply with a data subject request under the Data Protection Act 1998.
- Alleged failure to comply with a request for information under the Freedom of Information Act 2000.

Where the local authority decides that a complaint is not a complaint as specified above, then

- It is not required to consider the complaint, and
- As soon as is reasonably practicable, notify the complainant in writing of its decision and the reasons.

## Confidentiality

The confidentiality of all personal information will be maintained and will not be disclosed outside Havering Council without permission unless legally obliged to do so. If it is,

however, believed that an individual is unsafe or at risk of harm, information will be passed on to the appropriate authority or service to action.

## What happens when a complaint is made?

When a formal complaint is made, the Social Care Complaints Team will contact the person to ensure that the complaint is fully understood and where possible, discuss what they would like to happen to resolve the complaint and any support needed, such as advocacy.

The complaint will be taken at Stage 1:

## Stage 1 - Local Resolution

- Acknowledged within 3 working days.
- Discussed and agreed with you and advised on how it will be handled
- Progressed from date complaint is agreed and/or required consent information is received. Where a meeting or telephone conference would be appropriate, a response will be sent within 10 working days from the date of the meeting/telephone conference being held.

Stage 1 will be responded to within 10 working days with a further 10 working days with agreement

If you remain dissatisfied you can request to progress your complaint to the next stage (Stage 2) which will involve the following:

## Stage 2 – Independent Investigation

- Investigated by an Independent Investigator and an Independent Person (IPs). The Independent Person ensures the investigation is carried out fairly and in the best interests of the child.
- Discussed between the complainant and the IPs to agree a Statement of Complaint.
- Investigated by IPs accessing relevant records and interviews with staff and producing their individual reports.
- Adjudicated following receipt of the IPs' reports by the Assistant Director/Director.
- Concluded when the adjudication decision and the reports are sent to you.

Stage 2 will take between 25 – 65 working days from date Statement of Complaint is agreed and signed.

If you remain dissatisfied you can request to progress your complaint to Stage 3. This will involve the following:

## Stage 3 – Review Panel

- A Stage 3 Review Panel will be held within 30 working days and you will be notified of the date.
- You can make representation to the Panel either in writing or in person
- The Review Panel will review the Stage 2 investigation but not reinvestigate the complaint.
- Following the Review Panel the Chair will provide its recommendations to the Director/Assistant Director of Children Services within 5 working days.
- The Director/Assistant Director will send decision to you within 15 working days following receipt of Chair's recommendations.

The outcome of a complaint will be in writing explaining how the complaint has been considered, the conclusions reached and any remedial action necessary.

Mediation may be considered as a way to help resolve the complaint and this will be discussed if appropriate.

The person who raised the complaint with us will be kept informed about any changes and the progress of their complaint including any delays with an explanation.

## Getting help to complain or feedback

Advocacy support or assistance with alternative methods of contact to make a complaint can be accessed by contacting the Social Care Complaints and Information Team on 01708 432589.

## How to complain or provide feedback

Write to:

Social Care Complaints & Information Team London Borough of Havering Town Hall, Main Road, Romford, RM1 3BB

Telephone: 01708 432589

Talk to your Social Worker or Advocate.

Complete an online form using the following link: <u>https://www3.havering.gov.uk/Pages/ServiceChild/Make-a-complaint-about-social-care.aspx</u>

By using Mind of My Own (MOMO) app.

Fax: 01708 434114

Email your complaint to: <u>SCCI@havering.gov.uk</u> (when you click the above link, it will open a new email for you however if you prefer to type in the email address yourself it is SCCI@havering.gov.uk)

## What to do if I am still not satisfied?

Complaints, which are made against a local authority, are the responsibility of the Local Government & Social Care Ombudsman (LGSCO) who has the necessary remit to cover local government issues. The Parliamentary and Health Service Ombudsman has the authority to carry out joint investigations of health and social care complaints.

The LGSCO can be contacted if dissatisfied with the outcome of a complaint. The LGSCO would expect a complaint to have gone through all three stages, before investigating a complaint. However they may consider early referrals.

The Ombudsmen can be contacted: In writing: Local Government & Social Care Ombudsman (LGSCO), PO Box 4771, Coventry CV4 0EH

**Telephone: 0300 061 0614** (Mon - Fri 8.30am - 5.00pm, except public holidays). Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls

**Text:** texting 'call back' to 0762 480 3014 you may be charged by your provider for sending the text message

Text phone via the Text Relay service (formerly Typetalk)

Online: If you have a complaint, please use the complaint form

Website: http://www.lgo.org.uk/adult-social-care

## Monitoring and review

Feedback on complaints and the method by which feedback is obtained will be reviewed regularly. This information will be used to help inform and review complaints handling.

An annual report will be produced by the Complaints Manager and will be presented to the management board and the relevant committee(s), including an action plan which will be reviewed regularly throughout the year to identify learning and service improvements. The final report will be published on the Council's website. Quarterly reports will also be presented to Service Improvement Boards to inform and review service areas within Children's Services.

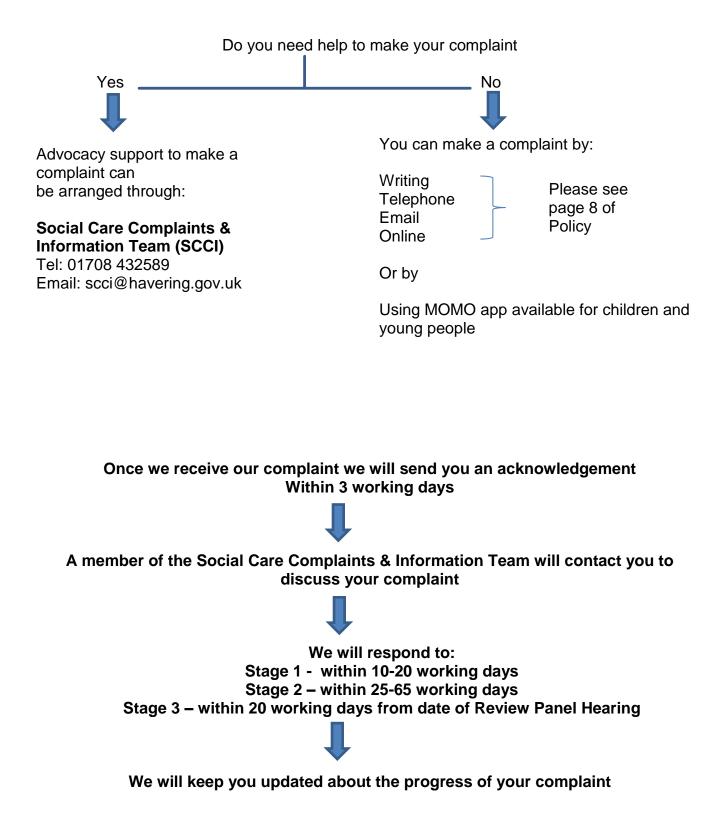
## Compliments

When compliments are received, teams and staff are asked to share these with the Social Care Complaints and Information Team, who will log these and keep a record of compliments received year on year. These are used as a tool to inform good practice, give feedback to staff and to record positive comments received from our children and young people, their representatives and carers.

## Learning from complaints and compliments

Children Services is committed to using feedback we receive to support learning and development across the service, and to improve practice and standards.

## **Appendix 1: Complaints Process Flow Chart**



If you remain unhappy with the outcome of your complaint you can contact the Local Government & Social Care Ombudsman – please see Page 8 of the Policy for contact details



## Equality & Health Impact Assessment (EqHIA)

## **Document control**

Title of activity:	Children Services Complaints & Compliments Policy
Lead officer:	Veronica Webb, Complaints & Information Manager Business Management, Adult Social Care
Approved by:	Caroline May, Head of Business Management Business Management, Adult Social Care
Date completed:	01/11/2020
Scheduled date for review:	July 2021

Please note that the Corporate Policy & Diversity and Public Health teams require at least <u>5</u> working days to provide advice on EqHIAs.

Did you seek advice from the Corporate Policy & Diversity team?	Yes / No
Did you seek advice from the Public Health team?	Yes / No
Does the EqHIA contain any confidential or exempt information that would prevent you publishing it on the Council's website?	Yes / No

Please note that EqHIAs are **public** documents and must be made available on the Council's <u>EqHIA webpage</u>.

## Please submit the completed form via e-mail to EqHIA@havering.gov.uk thank you.

## 1. Equality & Health Impact Assessment Checklist

Please complete the following checklist to determine whether or not you will need to complete an EqHIA and ensure you keep this section for your audit trail. If you have any questions, please contact EqHIA@havering.gov.uk for advice from either the Corporate Diversity or Public Health teams. Please refer to the Guidance in Appendix 1 on how to complete this form.

## About your activity

1	Title of activity	Children's S	ervices Complaints I	Policy
2	Type of activity	Policy		
3	Scope of activity		ets out how the Cou and compliments abo	
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes		
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes	If the answer to <u>any</u> of these questions is <b>'YES'</b> ,	If the answer to <u>all</u> of the questions (4a, 4b & 4c) is <b>'NO'</b> ,
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes / No	please continue to question <b>5</b> .	please go to question <b>6</b> .
5	If you answered YES:		plete the EqHIA in Please see Appendi	
6	If you answered NO:			

Completed by:	Veronica Webb, Complaints & Information Manager, Business Management, Adult Social Care
Date:	01/11/2020

# 2. The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

#### Background/context:

It is a statutory requirement for local authorities to have a system for receiving representations by, or on behalf of, users of those services under the Children Act 1989 Representations Procedure (England) Regulations 2006

The policy for Children's Services complaints and compliments has been produced in line with the regulations and the guidance published by the Department of Education & Skills 'Getting the Best from Complaints'.

The aim of the revised policy and procedures is to provide a person-centred and flexible approach to handling of complaints, which is easy and accessible and puts the focus on the needs of the child, as well as informing service improvements.

\*Expand box as required

## Who will be affected by the activity?

Any child or young person who wish to make a representation or raise a complaint about Children's Services, as well as parents, foster carers and other adults who may wish to complain on behalf of a child or young person. The complaint process allows access to anyone wishing to make a complaint.

Protected Characteristic - Age: Consider the full range of age groups		
Please tick (• the relevant b	,	Overall impact:
	JUX.	
Positive		
Neutral	Х	
Negative		*Expand box as required

#### Evidence:

The majority of complaints received are by parents or carers of children or young people. Of those complaints received, in 2019-20 the majority involved children aged between 15-17 years. There was an increase of those aged 18+ in 2019-20, more than doubled compared to 2018-19

Havering population statistics for mid-2016 showed an increase in young adults aged between 20-49 years.

\*Expand box as required

#### Sources used:

#### Children's Annual Complaint Report 2019-20 Havering Data Intelligence Hub

\*Expand box as required

<b>Protected Characteristic - Disability:</b> Consider the full range of disabilities; including physical mental, sensory and progressive conditions		
Please tick (	1	Overall impact:
the relevant k	DOX:	
Positive		
Neutral	X	
Negative		*Expand box as required
Evidence:		
The majority of children were recorded as not having a disability during 2019-20, although those that did indicate a disability were for Autism/Aspergers Syndrome, communication, and learning or mobility disability.		
		*Expand box as required
Sources us	ed:	
Children's Annual Complaints Report 2019-20		
*Expand box as required		

Protected Characteristic - Sex/gender: Consider both men and women

Please tick ( the relevant l		Overall impact:	
Positive			
Neutral	x		
Neutrai	~		
Negative		*Expand box as required	
Evidence:			
		males across ages 0-5 and 15-17 are higher than males, while age I, 15-17 and 18+ involve a higher number of male children/young people.	
Havering po females for	•	ion statistics for mid-2016 showed a higher number of males against 0-5 and 6-9.	
		*Expand box as required	
Sources us	ed:		
	Children's Complaints Annual Report 2019/20 Havering Data Intelligence Hub		
		*Expand box as required	
Protected C groups and		cteristic - Ethnicity/race: Consider the impact on different ethnic nalities	
Please tick ( the relevant l	,	Overall impact:	
Positive			
Neutral	x		
Negative		*Expand box as required	
Evidence:	•	·	
		/hite British' decreased in 2019-20 from 2018-19 with an increase of	

those of 'White and Black Caribbean' and 'Any other Black Background' heritage. Although there is a reduction in those that are 'White British' in 2019-20 this remains the highest and is representative of Havering's population.

Havering's population is 83% White British and 17% BAME.

#### Sources used:

Negative

## Children's Annual Complaints Report 2019/20 Havering Data Intelligence Hub

\*Expand box as required

		cteristic - Religion/faith: Consider people from different religions or			
Please tick (		hose with no religion or belief			
the relevant b		Overall impact:			
Positive					
Neutral	Х				
Negative		*Expand box as required			
Evidence:					
'Christian' was the highest recorded religion in 2019-20 with representations from the 'Catholic', 'Church of England', 'Muslim', 'Roman Catholic' faiths.					
		*Expand box as required			
Sources used:					
Children's /	Annu	al Complaint Report 2019-20			
		*Expand box as required			
_					
Protected C lesbian, gay		<b>cteristic - Sexual orientation:</b> Consider people who are heterosexual, sexual			
Please tick ( the relevant k	$\overline{)}$	Overall impact:			
Positive					
Neutral	Х				

#### Evidence:

Information on sexual orientation for children is not being collected, however the policy and procedures are aimed at looking at the individual needs and to provide appropriate support, which should be non-discriminatory. As no data is held, an interim assessment will be carried out in 12 months.

\*Expand box as required

Sources used:

\*Expand box as required

		cteristic - Gender reassignment: Consider people who are seeking,				
undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth						
Please tick () Overall impact:						
the relevant l	box:					
Positive						
Neutral	x					
Negative		*Expand box as required				
Evidence:						
and procedu support, whi	ures a ich sh	nder reassignment for children is not being collected, however the policy re aimed at looking at the individual needs and to provide appropriate ould be non-discriminatory. As no data is held, an interim assessment in 12 months.				
Sources us	ed:					
		*Expand box as required				
Protected C civil partners		cteristic - Marriage/civil partnership: Consider people in a marriage or				

Please tick ( $\checkmark$ ) Overall impact: the relevant box:

Positive				
Neutral	x			
Negative		*Expand box as required		
Evidence:		Expand box as required		
Information on marriage/civil partnership for children is not being collected, however the policy and procedures are aimed at looking at the individual needs and to provide appropriate support, which should be non-discriminatory. As no data is held, an interim assessment will be carried out in 12 months.				
		*Expand box as required		
Sources us	ed:	· · · ·		
		*Expand box as required		
Protected (	<b>N</b> 1			
		cteristic - Pregnancy, maternity and paternity: Consider those who		
	nt and	those who are undertaking maternity or paternity leave Overall impact:		
are pregnar	nt and	those who are undertaking maternity or paternity leave		
are pregnar Please tick (*	nt and	those who are undertaking maternity or paternity leave		
are pregnar	nt and	those who are undertaking maternity or paternity leave		
are pregnar Please tick ( the relevant i Positive	it and	those who are undertaking maternity or paternity leave		
are pregnan Please tick ( the relevant i Positive Neutral	it and	those who are undertaking maternity or paternity leave Overall impact:		
are pregnan Please tick ( the relevant i Positive Neutral Negative Evidence: Information however the provide app	on pro-	those who are undertaking maternity or paternity leave Overall impact:		

Sources	used:
---------	-------

<b>Socio-economic status:</b> Consider those who are from low income or financially excluded backgrounds					
Please tick ( $\checkmark$ ) the relevant box:		Overall impact:			
Positive					
Neutral	x				
Negative		*Expand box as required			
policy and p appropriate	roced suppo	cio-economic status for children is not being collected, however the lures are aimed at looking at the individual needs and to provide ort, which should be non-discriminatory. As no data is held, an interim he carried out in 12 months.			
Sauraaaua		*Expand box as required			
Sources us	ea:	*Expand box as required			

		ng Impact: Consider both short and long-term impacts of the activity on					
	a person's physical and mental health, particularly for disadvantaged, vulnerable or at-risk						
groups. Can h	nealt	h and wellbeing be positively promoted through this activity? Please use					
the Health and	d W	ellbeing Impact Tool in Appendix 2 to help you answer this question.					
Please tick (🗸)	all	Overall impact:					
the relevant							
boxes that app	ly:						
Positive		*Expand box as required					
		Do you consider that a more in-depth HIA is required as a result of					
Neutral		this brief assessment? Please tick ( $\checkmark$ ) the relevant box					
Negative		Yes Ll No Ll					
Negative							

## Evidence:

The policy is child-focused and will be looking at individual needs, with appropriate support being provided as required, which should be non-discriminatory.

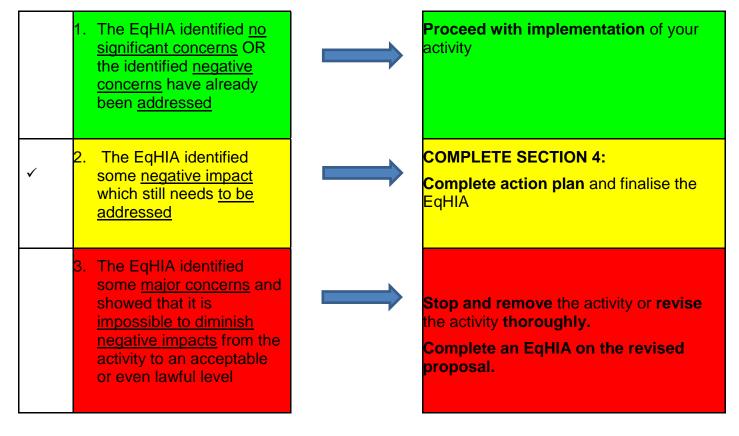
\*Expand box as required

Sources used:

## 3. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:

Please tick ( $\checkmark$ ) what the overall outcome of your assessment was:



## **4. Action Plan**

The real value of completing an EqHIA comes from the identifying the actions that can be taken to eliminate/minimise negative impacts and enhance/optimise positive impacts. In this section you should list the specific actions that set out how you will address any negative equality and health & wellbeing impacts you have identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead officer
Sexual Orientation	This information has not been collected and is not information readily available within social care database.	Complaints are to be recorded within the new social care database, Liquidlogic.	This will be dependent on the systems and how this information can be easily extracted. A new social care database, Liquidlogic, has been implemented and it will need to be explored if this characteristic is included.	July 2021	Veronica Webb
Gender reassignment	This information has not been collected and is not information readily available within social care database.	Complaints are to be recorded within the new social care database, Liquidlogic.	This will be dependent on the systems and how this information can be easily extracted. A new social care database, Liquidlogic, has been implemented and it will need to be explored if this characteristic is included.	July 2021	Veronica Webb

Marriage/civil partnership	This information has not been collected and is not information readily available within social care database.	Complaints are to be recorded within the new social care database, Liquidlogic.	This will be dependent on the systems and how this information can be easily extracted. A new social care database, Liquidlogic, has been implemented and it will need to be explored if this characteristic is included.	July 2021	Veronica Webb
Pregnancy/maternity/ paternity	This information has not been collected and is not information readily available within social care database.	Complaints are to be recorded within the new social care database, Liquidlogic.	This will be dependent on the systems and how this information can be easily extracted. A new social care database, Liquidlogic, has been implemented and it will need to be explored if this characteristic is included.	July 2021	Veronica Webb
Socio-economic status	This information has not been collected and is not information readily available within social care database.	Complaints are to be recorded within the new social care database, Liquidlogic.	This will be dependent on the systems and how this information can be easily extracted. A new social care database, Liquidlogic, has been implemented and it will need to be explored if this characteristic is included.	July 2021	Veronica Webb

#### Add further rows as necessary

\* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts

\*\* Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).

## 5. Review

In this section you should identify how frequently the EqHIA will be reviewed; the date for next review; and who will be reviewing it.

Review:
This will be reviewed annually as part of the Children's Complaints Annual Report.
Scheduled date of review: June 2021
Lead Officer conducting the review: Complaints & Information Team Manager