



**Havering**  
LONDON BOROUGH

## **CHILDREN & LEARNING OVERVIEW & SCRUTINY SUB-COMMITTEE**

### **8 DECEMBER 2020**

**Subject Heading:**

Children's Services Complaints  
Comments & Compliments Policy

**SLT Lead:**

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**Policy context:**

As part of the remit of the Children Act 1989 Representations Procedure (England) Regulations 2006'

**Financial summary:**

There are no direct financial implications arising from this report. However adverse performance against some performance indicators may have financial implications for the Council.

### **The subject matter of this report deals with the following Council Objectives**

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

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<b>SUMMARY</b>
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Local authorities have a statutory requirement to set up a complaints process which is set out in section 26 Children Act 1989 and The Children Act 1989 Representations Procedure (England) Regulations 2006.

The Policy sets out how Children's Services will deal with statutory complaints and compliments.

## **RECOMMENDATIONS**

1. That Members note the content of the Children's Services Complaints, Comments and Compliments Policy attached as Appendix 1.

## **REPORT DETAIL**

1. Children's Services works to the principles of the Local Government & Social Care Ombudsman's 'Principle of Good Administrative Practice' and the National Complaints Managers Group's 'Good Practice Guidance for handling complaints concerning adults and children social care services (England) 2016.'
2. The Policy outlines the statutory complaints process for Children's Services for children or young people that are looked after by the local authority or child(ren) in need; children in fostering, adoption or Special Guardianship arrangements, and care leavers to the local authority. Parents, someone with parental responsibility or a person with sufficient interest in the child whose views the Authority consider relevant can make a complaint on behalf of a child or young person, with the consent and views of the child where appropriate.
3. Statutory complaints cover the social care functions of Children's Services in relation to a child or young person looked after by the local authority, a child in need, or in adoption, fostering and Special Guardianship arrangements and care leavers to the local authority.
4. Complaints involving matters going to Court do not need to be taken through the complaints process
5. Complaints involving other organisations or another local authority may need referring to the relevant organisation or local authority. Where appropriate Children's Services will provide a coordinated response.
6. Where a complaint has been investigated under the complaints procedure or by the Local Government & Social Care Ombudsman or Parliamentary & Health Service Ombudsman; or where there are court proceedings, tribunals or disciplinary or criminal proceedings, this will not be considered. Data subject requests and Freedom of Information requests do not fall within the complaints arrangements.

7. Confidentiality will be maintained, unless legally obliged to disclose or it is believed that an individual is unsafe or at risk of harm. The time limit for making a complaint is 12 months.
8. There are three stages in the process:
  - Stage 1. The Service will try and seek local resolution and respond within 10 – 20 working days. If dissatisfied the complaint can escalate to Stage 2.
  - Stage 2 - independent investigation, carried out by an Independent Investigator and Independent Person. The reports are sent to the local authority, adjudicated on by the Assistant Director/Director, who will respond giving their decision providing the reports. The Stage 2 takes between 25 – 65 working days to conclude from the date the Statement of Complaint is agreed. If dissatisfied the complaint can escalate to Stage 3.
  - Stage 3 – Review Panel, its purpose is to review the Stage 2 investigation. The Panel is held within 30 working days and the Chair will provide recommendations to the Assistant Director/Director within 5 working days following the Panel. The Assistant Director/Director will respond giving the decision within 15 working days following receipt of recommendations.
9. Complaints or other feedback, including compliments, may be made in various ways and support or assistance can be provided for those making a complaint, through advocacy or alternative methods of contact. Children's Services welcomes and uses feedback to support learning and development across the service.
10. Children's Services are committed to using complaints as a learning tool to help improve practice and standards and compliments to inform good practice, through quarterly Service Improvement Boards.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

There are no direct financial implications arising from this report. However adverse performance against some performance indicators may have financial implications for the Council.

All service directorates are required to achieve their performance targets within approved budgets. The Senior Leadership Team (SLT) is actively monitoring and managing resources to remain within budgets, although several service areas continue to experience significant financial pressures in relation to a number of demand led services, such as Children's Services. SLT officers are focused upon controlling expenditure within approved directorate budgets and within the total

General Fund budget through delivery of savings plans and mitigation plans to address new pressures that are arising within the year.

**Legal implications and risks:**

As stated in the Report the Authority has a duty to set up a complaints process under s 26 (3) Children Act 1989.

The proposed policy complies with the legislative requirements and there are no legal implications in noting the content of the policy.

**Human Resources implications and risks:**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

**Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. The policy contains a breakdown of complaints received.