



## HEARINGS PANEL PROCEDURE

### GUIDANCE NOTES FOR COMPLAINANTS

#### Children Act 1989 REPRESENTATIONS

These notes set out for your information and guidance details relating to the procedure at the hearing, and of related matters.

**My representative will be pleased to clarify any general points which may be unclear but please note that s/he cannot discuss issues relating to the subject of your complaint.**

Prior to the hearing, we will send to you and the members of the Panel copies of the following papers:

- (a) Notice of the hearing
- (b) An agenda for the meeting, incorporating a written report about your complaint by Children's Services (the "Service")
- (c) The written representations previously made by you (or on your behalf)

The Hearings Panel consists of three Independent Panel members. My representative, who will be in attendance to assist the Panel, is independent of Children's Services and will have had no connection with the subject matter of your complaint and will not take part in the determination of it.

Hearings take place at Havering Town Hall, Romford.

#### **Procedure for a Hearing in Person**

1. You have chosen to attend the hearing. You may be accompanied by one other person and for it is permissible for this person to speak on your behalf.
2. It will not be necessary for you to engage the services of a solicitor - as the purpose of the Panel is to consider the complaint and where possible work towards a resolution. **Please note, however if you choose to engage the services of a solicitor, the Council will not provide financial assistance towards any cost you incur in that respect.**

#### **At the hearing**

3. Apart from the Members of the Panel and my representative, those present at the hearing will be yourself, any person accompanying to represent you and the staff representing Children's Services. A member of Legal Services may also be in attendance to provide legal advice to the Panel during its

deliberations. The proceedings will be kept as informal as possible but it is necessary to maintain a logical approach and the procedure adopted at the hearing will normally be as follows:

- (a) **Opening remarks** by the Chair
  - (b) **The conduct of the Hearing.** Because the process is "*Inquisitorial*" (which means that the hearing will be conducted by the Panel asking questions), there will be no reason for you to repeat the information you have already provided in written form ahead of the hearing (which will form part of the agenda papers) and which the Panel will have already read and considered.
  - (c) The Panel may start the process by asking either you (or your representative) or the Service representative for information and, depending on the answers provided, the Hearing will continue in a question and answer fashion until the Panel members are satisfied that they have sufficient information, from all parties present, on which to form the basis of their decision.
  - (d) Both you and the Service representative(s) will have a chance to make closing statements to the Panel.
4. At the close of the proceedings you, anyone accompanying you, and the Service's representative(s), will be asked to withdraw. The Panel will then consider the points made on both sides and agree on their decision and the reasons for it.

### **The Decision: what the Panel will do**

As you have chosen to attend a Hearing in person, the Panel will consider your complaint on the basis of the written information before them and in the light of what they have heard. The Panel will make recommendations to the Service as to the action required to deal with your complaint. The Panel can:

- (a) dismiss your complaint wholly or in part – in which case no further action will be taken on those elements dismissed; or
- (b) uphold your complaint wholly or in part – in which case, the Panel will decide what action is needed to put those elements upheld, right.

**Please note that the Panel's role is restricted to reviewing what has gone before; it cannot conduct its own enquiries and cannot consider anything that was not present in the Stage Two Report.**

During this process, the Panel may seek advice and guidance from my representative at the meeting or from the representative of Legal Services but

they will not take part in the decision. If, during the course of the Panel's deliberations, further information is required, you (and those accompanying you) and the Service's representative(s) will be invited either to appear before the Panel again on another occasion, or to respond in writing to the Panel's questions without needing to appear again.

Once the Panel has reached its decision, according to the Children Act Regulations, the following will happen in accordance with Section 20:

- (1) After the meeting the panel shall decide on its recommendations and compile a written report which must set out—
  - (a) a brief summary of the representations; and
  - (b) the panel's recommendations for the resolution of the issues raised in the representations.
- (2) Within **5 working days** of the meeting the panel must send its report to—
  - (a) the local authority;
  - (b) you (the complainant) and, where one has been appointed, your advocate;
  - (c) the independent person and investigator appointed and any other person with sufficient interest under regulation 20(2);
- (3) Within **15 working days** of receiving the panel's recommendations the local authority **must send you its response**, which should determine—
  - (a) how the authority will respond to the recommendations; and
  - (b) what it proposes to do in the light of the recommendations, along with information about making a complaint to the Local Government and Social Care Ombudsman.

If you remain unclear about any of the procedures set out above, please contact my representative whose name appears on the letter or e-mail accompanying these guidance notes.

Zena Smith  
Head of Committee and  
Election Services