# Process chart of the Statutory Complaint Procedure Children Act 1989 Representations (complaints) Procedure (England) Regulations 2006

### Stage 1 **Local Resolution**

A complaint (verbal or otherwise) is processed on the date on which it is first received by the local authority.

NB: May be no need to engage with this procedure if resolved immediately.

The complaint must be logged with the Complaints Team/Service Area. The Service Area will attempt to resolve the matter locally and within 10 working days.

Where the matter is complex a further 10 working days may be granted. If necessary Stage 1 can be suspended whilst an advocate is appointed The maximum amount of time that Stage 1 should take is 20 working days.

Stage 2 Investigation

A Stage 2 complaint is processed on the day it has been agreed with the complainant as an accurate reflection of their complaint and desired outcomes and must be a signed written record.

The complaint should be loaged with the Complaints Team and responded to within 25 working days from the date of agreement with the Investigating Officer.

The acknowledgement advises on the name of the Investigating Officer (IO) and the approximate due date for the response. (The IO will have had no previous involvement.) At this point the acknowledgement would also advise the complainant on the Stage 2 process i.e. once the investigation is complete, the

complaint is adjudicated and they would receive copies of the relevant reports.

An Independent Person will also be appointed to shadow the Investigating Officer.

The acknowledgement will indicate to the complainant details of the responding officer along with the due date for response.

The Investigating Officer conducts an investigation into the complaint and produces a report of their findings/recommendations. The Independent person also produces

a report of their findings.

Stage 3 **Review Panel** 

A Stage 3 request must be made within 20 working days of receiving the Stage 2 response.

The request is received and logged by the Complaints Team and an acknowledgement is sent within 2 working days.

Complaints Team have the responsibility to appoint a Chair and confirm attendees, content of panel papers with Chair within 10 working days of the complainant's requests.

Within 30 working days of request the Complaints Team confirms the other Panellists and date for the Review Panel Hearing. The Panel consists of three Independent People.

The Panel Papers must be circulated to all concerned 10 working days prior to the hearing.

A written response from the responding officer

> will need to be completed within

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## Stage 1 Local Resolution

10 working days of receiving the complaint or 20 working days (with agreement).

Where a response is not done within

20 working days the complainant can exercise their right to move on to Stage 2 without further delay.

## Stage 2 Investigation

A written response from the Adjudicating Officer (Head of Service) is sent to the complainant.

25 working days from the start date of the investigation.

Stage 3 Review Panel

Following the Review Panel Hearing, the Panel produces its written report (including any recommendations), which is distributed to the complainant and Director of Children's Services within 5 working days.

Where it is not possible to complete the investigation within 25 working days the Stage 2 may be extended for a maximum of 65 working days and where possible with mutual agreement with all concerned.

The Adjudicating Officer may wish to meet the child or young person as part of the adjudication process, or afterwards to explain the details of the adjudication i.e. the outcome of the complaint and any actions that he/she proposes.

The Stage 1 response must indicate what action the complainant should take if they remain unhappy with the response to their Stage 1 complaint. The complainant should advise of their intentions within 20 working days if they wish to proceed to Stage 2.

Where a Stage 2 response has been sent and the complainant is still unhappy with the outcome, the response must indicate what action the complainant can take. If they still remain unhappy with the Stage 2 response, they should advise the complaints team of their intentions within 20 working days if they wish to proceed to Stage 3.

The Director must issue their response within

15 working days of receiving the Review Panel's report.

The response, from the Director, must advise the complainant of their right to refer the matter to the LGO (Local Government Ombudsman) if they remain dissatisfied.

# **CHILDREN ACT 1989 COMPLAINTS**

# Stage 1 – Local Resolution

Complainant brings concerns to the attention of the person providing the services locally. The local authority should consider mediation and conflict resolution at this stage and at all other stages. The local authority should make an initial attempt to resolve matters within 10 working days (unless an extension is agreed.)

#### Stage 2 – Investigation

The local authority should provide an investigation that produces a report and adjudication within 25 working days (or within the extended period of 65 working days).

An Independent Person will also be appointed to shadow the Investigation Officer.

If not resolved

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Complaint must request a Stage 3 within 28 days of receiving the Council's response

#### Stage 3 – Review Panel

A panel of 3 independent people should meet to consider the complaint and produce recommendations.

Action	Time
Complainant requests Review Panel	Up to 20 working days after receipt of the Stage 2 adjudication
Complaints Manager acknowledges request	Within 2 working days
Complaints Manager appoints Chair and confirms attendees and content of Panel papers with Chair	Within 10 working days of the complainant's request for Review Panel
Local authority agrees the other Panellists and date for Review Panel	Within 30 working days of the complainant's request for Review Panel
Local authority circulates Panel papers	Within 10 working days of the date for the Review Panel
Review Panel produces its written report (including any recommendations)	Within 5 working days of the Review Panel
Relevant Director issues his response	Within 15 working days of receiving the Review Panel's report
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If not resolved	
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Referral to **Local Government Ombudsman** (note that complainant can approach the Local Government Ombudsman at any stage).