

Southwark Council

Children's Services Complaints Policy

Incorporating information relating to Education complaints

Version no:	3.0
Date Effective:	08/05/2024

1. Introduction

This policy has been devised to ensure the Local Authority complies with The Children Act 1989, Representation Procedure (England) Regulations 2006. This policy shall apply when the activities, to which a complaint refers, are associated with the Council's obligations to specific parts of The Children Act.

However some complaints relating to Children and Families are administered under the corporate complaints process. Please refer to Appendix A – Corporate Children's Complaints.

For the purpose of this policy, a complaint will be defined as :

“A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”

The Complaints Team shall establish if the concern should be regarded as a service request or a complaint but if it is decided that the issue is a service request and we fail to resolve the matter, a complaint will be raised. These decisions shall be explained and will be recorded and monitored.

A service request is defined as :

“A request that the organisation provides or improves a service, fixes a problem, or reconsiders a decision”

In determining whether the matter is a service request, we shall consider the severity of the concern and the efforts which have been made in pursuing assistance.

In Southwark, the formal complaint process may be used to administer appeals relating to packages of care. This may relate to decisions regarding eligibility, the process around assessments, and decisions made about new or existing packages of support.

We are committed to providing the best possible services for Children and Young People and for those involved with, or affected by the delivery of our services. We recognise that there will be times where mistakes have been made and it is important to us that we acknowledge this and take appropriate corrective action. It is important that we are equipped to derive and share learning from your experience.

Our activities are overseen by the Local Government and Social Care Ombudsman. They provide us with guidance, standards and best practice and will investigate matters which we have not been able to resolve with you.

Whilst we welcome the opportunity to investigate issues formally, often the people best equipped to fix problems quickly are the team who have provided the service. Before a complaint is raised, you may consider contacting the team directly in case a satisfactory solution can be found straight away.

If there is no immediate solution, or if you prefer the formal complaint from the outset, the Complaints Team will:

- provide information about the complaints process and provide support to make a complaint, or provide information about third parties who may offer support throughout the investigation process.
- keep all parties updated with progress and timescales.
- work towards the earliest resolution of the reported issues, irrespective of timescales provided.

The Complaints Team will identify a manager in the service involved and will assist them to investigate and respond. The manager will ordinarily be senior to any officers named in the complaint. You can withdraw your complaint at any time. A complaint can be withdrawn verbally but in those cases we will need to write with confirmation.

If the circumstances lend themselves to it, the Complaints Team may offer mediation services to help bring about a satisfactory resolution. No person making a complaint is obliged to agree to mediation and deciding against it will not disadvantage any person.

2. Accessibility

Some people will need help to make a complaint, especially if they are young, old or have a disability.

The Complaints Team will listen to your needs to help you through the process and in some circumstances will help you find independent specialist support. Sources of support and other support can be found on our website : www.southwark.gov.uk/childrencomplaints

Our details are provided in leaflets which are kept by a range of professionals and in the reception and public areas of some of our buildings.

We are committed to accommodating any additional needs. For example, we can :

- arrange face-to-face meetings
- arrange virtual meetings
- provide meeting locations with step-free access or hearing loops
- provide information in other languages
- arrange for the assistance of interpreters
- provide information, or letters in other formats such as braille or large type

The complaints area of our website has a range of accessibility options.

3. Who Can Complain

We will consider complaints from any resident, service-user, family member of a person otherwise involved in, or affected by the delivery of our services, including :

- Resident and non-resident parents of children / young people, regardless of whether they have Parental Responsibility.
- Foster Carers, Special Guardians and other Carers.
- A family who have a social worker, or have been working with a social care team.
- Children or young people directly or indirectly affected by or services and activities.
- Any person considered to have sufficient interest in a service user's welfare.

We can provide advice to those involved with Adoption Services to ensure those complaints are investigated by the correct party, whether that is Southwark, another Local Authority, or a Regional Adoption Agency.

If the complaint is about a Foster Carer who was appointed through an Independent Fostering Agency, then the Complaints Team shall determine which organisation is best placed to administer the complaint, ensuring both organisations contribute to the investigation which follows, depending on the concern reported.

There are some circumstances in which complaints will be dealt with under other Southwark procedures. This will be confirmed in writing at the time the complaint is acknowledged. A separate procedure exists for corporate complaints.

This may include, but is not limited to :

- Complaints from foster carers about children they used to look after; or their working relationships with the council or decisions about whether to place or remove children.
- Complaints that a child may be suffering, or likely to suffer harm.

Where a complaint relates to other bodies working in partnership with the Council – for example some areas of the NHS – the parties may work together to respond, or we may investigate and respond separately. This will be decided on a case-by-case basis based on the concerns which have been reported.

There will be circumstances where a complaint is outside the jurisdiction of the council and this will be confirmed in writing at the earliest possible opportunity. Should this be the case, the Complaints Team will advise and provide contact details for the appropriate organisation.

Those wishing to make complaints in relation to a Looked After Child can also, at any time, refer their complaints to Ofsted : www.gov.uk/government/organisations/ofsted

Where a complaint is received from a representative acting on behalf of another person, the Complaints Team will need to confirm if the complaint submitted reflects their views.

There are times where we have been unable to acquire consent but where we decide to investigate. This may limit what we can say in our response. This includes but is not limited to complaints made anonymously and complaints relating to a person who has passed away.

4. Exceptions

This policy may not apply when:

- The issues reported have previously been investigated.
- The issues described are a matter of commercial contract law, such as payment of invoices.
- An affected party, or their representative, disagrees with a matter of policy.
- The concern is fully addressed by through a separate safeguarding process.
- The outcome of a Child Protection Conference is being challenged.
- The concern is about 'fitness to practice' rather than actions relating to a specific individual.

We may decline to investigate matters which relate to events more than 12 months in the past, unless the issue only surfaced more recently. This will be determined on a case by case basis and our decision will be explained and recorded. We will generally investigate unless there are good reasons not to. The primary considerations are the availability of evidence and of any individuals involved.

The Council has discretion to decide whether to consider a complaint made during or preceding :

- Court proceedings (usually from the point at which documentation has been submitted to the court)
- Tribunals
- Disciplinary proceedings
- Criminal proceedings

If we do not investigate at the time then you may resubmit your complaint within one year of those processes being concluded.

Where Southwark commissions on behalf of other organisations then that organisation shall be responsible for the administration and investigation of complaints for their own residents or stakeholders.

Where another Council or organisation funds a service, or makes placements in Southwark, then that other party remains responsible for the administration and investigation of complaints for their own residents or stakeholders.

This policy does not cover complaints relating to data incidents or concerns around the rights afforded to individuals by the General Data Protection Regulations. If you are concerned about how your personal information is being handled, you may contact the Council's Data Protection Officer by email dpo@southwark.gov.uk, or by telephone to 0207 525 5000

Issues raised by professionals in their professional capacity

Those making a complaint have a right to be supported by another person of their choosing and we will consider that other person as a representative, just in the same way we would with a family member or friend.

Other times professionals from partner organisations and 'responsible bodies' will make complaints in their professional capacity relating to a service user. This may be a school teacher; a practice nurse; a social worker from another Local Authority; or an employee from a contracted provider.

We ordinarily expect to deal with such matters, peer-to-peer, in the same way that those professionals would not necessarily expect for concerns to be raised with them by way of their organisation's formal complaints process. We should instead resolve to work together transparently, openly, and with the knowledge of the person/s affected.

There is relevant guidance which refers to 'professional disagreements' and we would ordinarily expect the matter to be resolved in accordance with these principles and with published guidance available.

If any of the above applies, the Complaints Team will explain and provide advice accordingly.

5. Education

Many complaints about decisions and actions taken, or not taken, within the school environment are outside our powers of investigation. If this is the case, we will provide advice and provide information to assist.

Almost all complaints relating to Education, where they do relate to the Council's obligations, are not administered under this Childrens Complaints Policy, but under the Council's Corporate Complaints Policy. **Please refer to Appendix A – Corporate Children's Complaints.**

Schools Admissions

If you need to challenge a decision relating to admission to a local authority-maintained school, and the child or young person is ordinarily resident in Southwark, the following web pages contain all the relevant information : <http://www.southwark.gov.uk/schools-and-education/school-admissions/>

Faith Schools, Academies and other Independent Schools and Colleges are their own 'Admissions Authority' and you must direct issues about Admissions directly to them.

Education, Health and Care Plan (EHCP)

If you wish to challenge the provision or placement on a finalised EHC Plan, then please let the EHCP Coordinator know. We cannot administer a complaint on this basis as it is for a Tribunal to decide on. Your rights of appeal are explained on the letter which accompanies the finalised EHC Plan, including details for SEN Mediation.

Southwark Information and Advice Service (SIAS) can provide impartial information, advice and support. Their details, and other helpful information, can be found on the Local Offer web pages here : <http://localoffer.southwark.gov.uk/>

6. Investigation Process

We will acknowledge complaints within 3 working days and when we do, we will provide you with a date by when you should expect to receive our findings.

The Complaints Team manage each stage of the process and is responsible for ensuring all parties are aware of process and progress.

Representations

When a complaint is first received, it will be assessed to determine whether an immediate resolution may be possible. If there is a reasonable opportunity to do so, the Complaints Team will discuss this option with you. These 'Representations' are formally recorded and count towards our overall complaints statistics. We will follow our process for ensuring we learn from any mistakes we uncover. If we offer you this rapid turnaround, our timescale for completion is three working days, unless we agree with you otherwise. If you are not satisfied with the outcome we will administer a formal complaint with the applicable timescales.

Stage One Formal Complaint

The Complaints Team's duty is to represent both the views of the complainant and the Service, and to work with both to find mutually satisfactory solutions. At the outset we may need to ask you

questions in order to understand the complaint fully and we may ask you what outcome you feel is appropriate.

An investigation will commence with the Complaints Team writing to the Service or Services involved to inform about the issues raised. We will support service management to investigate the reported concerns.

When the investigation is completed, we will write to you with our findings. This should take 20 working days or fewer. Most complaints should be responded to within 10 working days.

If you are not satisfied with the outcome, we will consider whether more can be done to achieve your satisfaction. We will also provide you with the opportunity to escalate your complaint to the next stage.

Stage Two Process

If you are not satisfied with the outcome we will ask that you explain why you are not satisfied and we will describe the 'statutory' stage two process to you. It is important to stress that this is different to the 'corporate' process. You can tell whether your complaint is 'statutory' or 'corporate' from the acknowledgement letter you were sent when we responded to your initial complaint.

The statutory stage two complaint involves contracting an Investigating Officer (IO) from outside the Council, and contracting an Independent Person (IO) to oversee the further investigation.

The stage two investigation involves significant input from all affected and the target for completion is between 25 and 65 days. However this is dependent on a number of factors and can take much longer.

The IO and IP will conclude their investigations and provide a written report based on their findings. This will include any recommendations to put things right.

The Council will write an Adjudication Report based on the IO and IP Reports. This will include an explanation of the Council's position and proposals and will include timescale for further actions due.

Stage Three Process

If you remain unhappy with the outcome of your complaint after stage two and if we cannot agree a solution, you may request a review panel.

A Review Panel is comprised of three independent people and the objective is to assess the quality of the Stage Two complaint investigation. The Panel will produce a report with their findings, which may include recommendations to the council.

You will be invited to Panel and you can bring somebody to assist if you wish. However, this should not be a legal practitioner acting in a professional capacity. Panel can take place virtually, or in person, and your preference will be the primary factor in deciding this.

The Review Panel will not reinvestigate the complaint, nor is it able to consider any new complaints that were not considered at Stage Two, but rather they consider the complaint outcomes and proposed actions with a focus on finding satisfactory resolution.

If you remain unhappy after this stage, you can approach the Local Government and Social Care Ombudsman.

Local Government and Social Care Ombudsman (LGSCO).

The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. They are a free service. They investigate complaints in a fair and independent way and do not take sides.

Whilst they may consider a complaint at any time, if the complaint has not been considered at each stage of our procedure, the Ombudsman will usually refer the complaint back to the council for investigation first. More information can be found on their website : www.lgo.org.uk

7. How to make a complaint

Complaints can via the website, here : www.southwark.gov.uk/childrencomplaints

When a person wishing to make a complaint is able to express their concerns via the website this can help us to process the complaint more quickly. This is because our web form helps us to capture more, or all of the information we will need.

You can always email us here : sscomplaints@southwark.gov.uk

It is helpful to provide the name, address, email and date of birth of any person to whom the complaint relates. It is also helpful if the names of teams or officers, and relevant dates are included.

If you have additional needs, or if you want to talk about the different ways in which we can help have your concern addressed, you can telephone us at : 020 7525 3977

Complaints can be made in writing to :

Southwark Council. Social Care Complaints
FREEPOST, RTJL-XAZG-ZRTU
2nd Floor, Hub B. 160 Tooley Street.
PO Box 64529.
London. SE1P 5LX

Service requests, requests for help, and other feedback can also be reported via any of these methods.

Appendix A – Corporate Children’s Complaints

The process described above reflects the ‘statutory’ process which relates to certain, specific, parts of The Children Act.

A separate process exists for Southwark’s corporate complaints.

The process for stage one corporate complaints comprises a 10 working day investigation period and the second stage comprises a 20 working day investigation undertaken by a different investigator within the Complaints Team.

Otherwise all the principles described in this document apply equally to the corporate process.

The second corporate stage response represents the Council’s final position.

Any persisting dissatisfaction may be raised with the Local Government and Social Care Ombudsman.

The Council’s corporate complaints policy can be found here :

<https://www.southwark.gov.uk/council-and-democracy/complaints-comments-and-compliments/making-a-complaint>