



# **Children and Families Services Annual Complaints and Representations**

**Performance Report 2023/2024**

# Contents

1. Headlines.....	3
2. Introduction.....	7
3. Summary .....	8
4. Analysis of Contacts Received .....	10
5. The Independent Advocacy Service .....	17
6. Compliments Analysis .....	19
7. Learning.....	222
8. Next Steps .....	23
Appendix 1 .....	255

## Report Authors

Compliance and Complaints team  
Customer Services

# 1. Headlines

## Complaints in 2023/2024

In 2023/2024 a total of 55 cases were considered through the Children Act Statutory Complaints process with the following outcomes:

- 8 Upheld
- 17 Not Upheld
- 25 Partially Upheld
- 4 Withdrawn
- 1 case unable to consider for following reasons:
  - No consent to share with complainant.
  - Issues raised formed part of active court proceedings.
  - Issues raised successfully resolved locally by social worker.

## Compliments in 2023/24

Compliments for 2023/2024 showing comparison with 2022/2023:

2022/2023	2023/2024	% Variance
146	198	36% increase

Summary of Outcomes of Child Statutory Complaints for 2023/2024 and Comparisons for 2022/2023:

Case Outcome	Total 2023/24	% of Total 2023/2024	Total 2022/23	% of Total 2022/2023
Not Upheld	17	31%	68	64%
Partially upheld	25	45%	19	18%
Upheld	8	15%	8	8%
Withdrawn	4	7%	2	2%
Non ECC	1	2%	9	8%
<b>Grand Total:</b>	<b>55</b>	<b>100%</b>	<b>106</b>	<b>100%</b>

### **What we did well:**

- Recorded trends and outcomes for monitoring and learning.
- Identified viable improvements and worked with service to implement for the benefit of all customers and the organisation.
- Worked in partnership with service to resolve issues when first raised.
- Identified individual needs and treated everyone respectfully.
- Continuously reviewed processes to ensure these remained consistent and current.
- Managed complaints in line with policy and legislation.

### **What do we need to improve?**

- Pay closer attention to what outcome the complainant is seeking at first point of contact.
- Introduce regular retrospective sessions with the service to consider wider learning from complaints.
- Develop quarterly reporting and introduce a quarterly complaints performance meeting with the service, for more frequent performance monitoring.
- Develop a case tracker for social care to utilise and an escalations process to increase the proportion of statutory complaints completed at stage 1 within statutory timescales.
- Compliance and Complaints to work more closely with the service areas and develop resources to support complaints handling, such as hints and tips sheets.
- Compliance and Complaints to follow up on any agreed actions/outcomes from complaints to ensure these are completed in a timely manner using service commitments.
- Develop further mechanisms to raise awareness and improve access with children and young people to make a complaint.

### **Purpose of the Report:**

The purpose of the Annual Report is to review the operation of the complaints process over a twelve-month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints. It offers an analysis of what the information obtained from the operation of the complaints process means for the Council.

This report has been produced by Essex County Council's (ECC) Compliance and Complaints Team in order to meet this statutory requirement, to be published on the Council's website alongside

ECC's policy and procedural guidance referring to complaints, representation, compliments and comments for Children and Families Services.

### **Period Covered and Data**

This report focuses on Children and Families complaints, compliments, enquiries, and comments for the period 1 April 2023 to the 31 March 2024. The report makes extensive use throughout of data available from the Case and Complaint Management System which is used by the Customer Service Compliance and Complaints Team to record and manage all statutory social care complaints and feedback received by the Team, as well as insight and learning from operational services. The statistical information presented within this report can be verified by reference to this database and is based on the date received. All percentages and costs are rounded to the nearest whole number.

### **Terms:**

The term 'representations' is applied to:

**Comments:** neutral observations and suggestions.

**Compliments:** positive comments, praise, and thanks.

**Complaints:** expressions of dissatisfaction, seeking a remedy.

### **Complaint process:**

ECC Children and Families is subject to two representations procedures.

#### **1. ECC Corporate Complaints**

This is the voluntary ECC complaints procedure, which is referred to as the ECC corporate procedure. The whole directorate, and indeed the whole authority, is subject to this procedure, which provides for any customer or service user making a representation about any aspect of the operation of the directorate.

#### **2. Statutory Social Care Complaints**

Children and Families also operates a statutory procedure that relates to a specific range of its activity related to Social Care services provided under The Children Act 1989 and associated legislation. This procedure provides for representations made by or on behalf of any child or young person who may be entitled to receive a service, by or on behalf of a parent or carer of such a child or young person, and by any other person who is deemed to have sufficient interest

in the welfare of the child or young person to warrant inclusion in this procedure. This is referred to as the Children Act procedure. Representations that are eligible for consideration under this procedure may not be handled under the ECC corporate procedure.

In addition, there are procedures for dealing with concerns and complaints about schools. This is different from the above procedures in that, whereas there is no statutory basis for local authorities to handle such complaints, there is an expectation from the Department for Education (DfE) and from parents, carers, and the general public that the authority will advise on how to seek resolution.

Since complaints against schools are not normally also complaints against the Authority, they are recorded but not reported corporately in the same way as complaints against the authority itself. For this reason, no data on such complaints is included in this report.

Children Act complaints from or relating to children and young people or their representatives are managed through the three staged statutory process. Non statutory complaints from or relating to children and young people are managed through Essex County Council's corporate complaints procedure.

Complaints and Representations procedures are provided in several formats aimed to facilitate easy access to the complaints process.

Complaints and Representations may also be raised by children and young people or from customers about issues that relate to children and young people by contacting a County Councilor or a Member of Parliament; these enquiries are managed through the Member Enquiries service.

*(Full details of the complaints process can be found in Appendix1)*

## 2. Introduction

### **Background:**

Local Authorities are legally required (Children Act 1989, as amended) to have a system in place for receiving representations by, or on behalf of, children and young people who use the social care services they provide or commission.

Representations are defined as comments, compliments, and complaints.

The Children Act 1989 places a duty on all Councils to establish and publicise a procedure for the consideration of representations and complaints made to them about the services provided to them under the Act.

The Act also requires that local authorities responsible for Children and Families Services are produce and publish an annual report on the statutory complaints and representations procedures.

Some complaints received do not meet the criteria to be dealt with under the statutory process. When this is the case, these are registered under the Council's corporate complaints procedure. The arrangements for handling these complaints are different from the statutory process in terms of timescales and the independence of the people who investigate and review the complaints.

To contextualise the Children's Act complaints (CA), some information relating to non-statutory complaints, compliments and comments have been included in this report.

## 3. Summary

This report focuses on Children and Families complaints, compliments, enquiries, and comments received for the period 1 April 2023 to the 31 March 2024. The report makes extensive use throughout of data, feedback received, as well as insight and learning from operational services.

During the period 1 April 2023 to 31 March 2024 a total of 66 Children Act complaints were received and considered under the statutory complaints process and 55 complaints were resolved. The difference between the resolved and received numbers is due to some complaints still being open on 1 April 2024 from the previous period. There has been a decrease when compared with the previous period 2022/2023. During 2023/2024 5 cases escalated to Stage 2 and 2 cases to Stage 3 of the statutory process.

A quarter of statutory stage 1 complaints were responded to within 10 working days and in total around half of resolved statutory complaints were resolved within 20 working days; the maximum timescale allowed for a stage 1 complaint. This meant that half of cases were responded to within the statutory timeframes. Around half were responded to in excess of 20 working days which is recognised as requiring improvement. There were a number of reasons for the delays including the complexity of the cases and delays in making amendments to complaints following the quality assurance process. A workstream has been established to review the processes and guidance for statutory stage 1 complaints along with a plan to undertake training across the service area.

Whenever timeframes are likely to be exceeded to manage expectations the Compliance and Complaints Team aim to update the complainant and provide an achievable response time.

Representations received at stage 1, were made by parents, grandparents, other relatives, or foster carers on behalf of children and young people. 1 stage 1 complaint was received direct from a young person, with 2 from Advocacy Services.

Staff quite swiftly resolved a high number of issues directly involved with children and young people when these are first raised avoiding these being escalated through the complaints process, hence the fairly low number of concerns being raised direct from children and young people. However, the importance of highlighting the complaints process to children and young people is fully recognised by the Children and Families service and the Compliance and Complaints Team who continue to look at different ways of ensuring children and young people know how to access



the complaints process when they are unhappy with any aspect of the service they are receiving from Children and Families.

During 2023/2024 a total of 198 compliments/positive comments were received by the Compliance and Complaints Team in relation to Children and Families.

## 4. Analysis of Contacts Received

During the period 1 April 2023 to 31 March 2024 66 Children Act complaints were received and considered under the statutory complaints process, compared to 104 for the previous period 2022/2023. This equates to there being 37% less statutory stage 1 complaints in 2023/24 than in 2022/23. During 2023/2024 5 cases were escalated to Stage 2 and 2 to stage 3.

The following data is a summary of cases received each month with comparison for the previous period:

Month by month	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Total
<b>2023/24 received.</b>	6	1	2	5	8	4	5	7	5	6	8	9	<b>66</b>
<b>2022/23 received.</b>	13	26	7	7	5	5	6	5	4	11	9	6	<b>104</b>

### Method of contact:

The following methods of contact were used during this period:

Method	2023/2024	2022/2023
Email	25	41
Letter	1	5
Online Form	40	52
Telephone	0	6
Have Your Say Leaflets	0	0
In person	0	0
<b>TOTAL:</b>	<b>66</b>	<b>104</b>

During this period, the preferred methods were email and the online form with further reductions in letter and telephone contact. Most customers use email and online forms to make complaints. However, other forms of contact remain available and are published on the website to ensure all access requirements are met.

### Complaint Themes:

Themes	Number	Percentage
Assessments	18	27%
Finance	9	14%
Quality of Care	12	18%
Safeguarding	13	20%
Staff conduct	14	21%
Total	66	100.0%

The table below is the number of complaints by quadrant where listed, note that some complaints do not have an assigned quadrant recorded.

Themes	North	South	West	Mid	County Wide
Assessments	3	5	4	5	0
Finance	2	1	0	3	0
Quality of Care	1	4	3	3	1
Safeguarding	2	4	1	5	0
Staff conduct	7	2	1	3	1

The following shows typical issues raised in the key theme areas:

- Unhappy with outcome of assessment.
- Lack of communication from service.
- Inaccuracies in report and poor communication from social worker.
- Concerns raised were not followed through by the social worker.
- Unhappy with information in reports submitted to court.
- Unhappy with personal advisor.
- Unhappy with level of support.

There are common themes raised through the complaints process with perceptions on any failings sometimes intensified due to the emotiveness of the situation. However, in such circumstances action is mostly taken swiftly to successfully resolve matters at first point of contact which may

include an offer of a conciliatory meeting to discuss concerns with a view to seeking suitable solutions.

### **Complaints made by young people:**

The majority of representations received regarding the Children and Families Service were made on behalf of children and young people by their parents, grandparents, other relative or foster carers. 3 complaints received were direct from children and young people in 2023/2024

Children and young people tend to raise issues as and when they arise with staff collaborating closely with them resulting in most problems being resolved quite swiftly at the time without the need for these to be escalated through the complaints process. The majority of complaints received are from family members highlighting things that they believe have gone wrong and sometimes without the knowledge of the child or young person, but these types of complaints are always an opportunity to ensure the voice of the child or young person is heard and any failings are put right.

Advocacy services also provide support to children and young people resolving problems raised outside of the complaints process.

The complaints received direct from children and young people or via their advocate or legal representative during 2022/2023 were in respect of the following issues:

- Young person unhappy with placement and requesting a different placement type.
- Young person unhappy about a decision made.
- Young person unhappy with support available upon leaving care.

## Demographics:

The Compliance and Complaints Team continues to recognise the importance of collecting this data and makes every effort to capture this information for the purpose of analysis and service improvement. Providing such demographic information is reliant on these details being provided by the customer at point of contact as this is not a mandatory requirement.

The Compliance and Complaints Team are currently reviewing the demographic data that is collated and how they can better capture this information.

Contact by district (relates to where contact/representation is from and not necessarily where the service is being provided from). Contact volumes per district with comparison for previous period:

<b>District</b>	<b>Contact 2023/2024</b>	<b>Contact 2022/2023</b>
Basildon	9	18
Braintree	7	13
Brentwood	1	2
Castle Point	1	2
Chelmsford	5	14
Colchester	7	8
Epping Forest	6	2
Harlow	2	7
Maldon	3	2
Rochford	1	5
Tendring	4	13
Uttlesford	2	7
Countywide	18	11
	66	104

## Corporate Complaints:

Non-Statutory complaints relating to children and young people are managed through the corporate complaint procedure. Issues raised that do not meet the criteria to be considered under the Statutory Children Act complaints process are managed through the Corporate Complaints process for the following reasons:

- No consent to share.
- Children Social Services not provided by Council.
- Complaints of a general nature i.e., not case/service user specific.
- Anonymous complaints.
- Issues raised form part of active Court Proceedings.
- Issues raised that do not relate to the child/young person.

During 2023/24 a total of 214 cases were handled through this process compared with 184 in 22/23: an increase of 16%. During 23/24 216 cases were resolved, compared to 168 in 2022/23; 30% more cases were resolved. 27 (13%) cases were Upheld and 37 (17%) partially Upheld. 128 (59%) were not upheld.

Case Outcome	Total Selected Financial Year	% of Total Selected Financial Year	Total Previous Financial Year	% of Total Previous Financial Year
Not Upheld	128	59.26%	121	72.02%
Partially upheld	37	17.13%	18	10.71%
Upheld	27	12.50%	20	11.90%
Not Relevant for this feedback type	15	6.94%	6	3.57%
Withdrawn	5	2.31%	1	0.60%
Non ECC	4	1.85%	1	0.60%
<b>Total</b>	<b>216</b>	<b>100.00%</b>	<b>168</b>	<b>100.00%</b>

## Local Government and Social Care Ombudsman Investigations:

During 2023/2024 we received a total of 20 enquiries from the Local Government and Social Care Ombudsman relating to Children and Young People’s services with a total of 5 escalating to formal investigation.

A summary of the outcomes of those investigations are as follows:

<b>LGO Investigation Outcome</b>	<b>Number of cases 2023/2024</b>	<b>Number of cases 2022/2023</b>
Not Upheld - No Maladministration or Injustice	3	4
Upheld; maladministration and/or injustice	3	4
Outside Ombudsman Jurisdiction	0	4
Withdrawn	12	0

A further 2 cases are awaiting a decision.

## Member Enquiries:

Children and Families complaints/enquiries represented by a County Councillor or MP are managed under the Member Enquiries process with a current service level agreement of responding within 10 working days.

During 2023/2024 a total of 92 cases were received and recorded as a Member Enquiry, this is a reduction on the previous year. 94 were responded to.

The following is a breakdown of the types of enquiries responded to as a Member Enquiry during 2022/2023 with a comparison for 2021/2022:

<b>Member Enquiries</b>	<b>Total 2023/2024</b>	<b>Total 2022/2023</b>
Assessments	24	28
Finance	9	8
Quality of Care	9	15
Safeguarding	52	71
Staff Conduct	0	0
Grand Total	94	122



# 5. The Independent Advocacy Service

Rethink Advocacy, who are part of Rethink Mental Illness, have been commissioned to provide all age advocacy across Essex since 2018.

In November 2022 Coram Voice who are specialised in Children’s and Young People’s Advocacy were subcontracted by Rethink Advocacy to deliver the children’s element of the Advocacy contract in Essex.

239 referrals were received for the period 2023/2024.

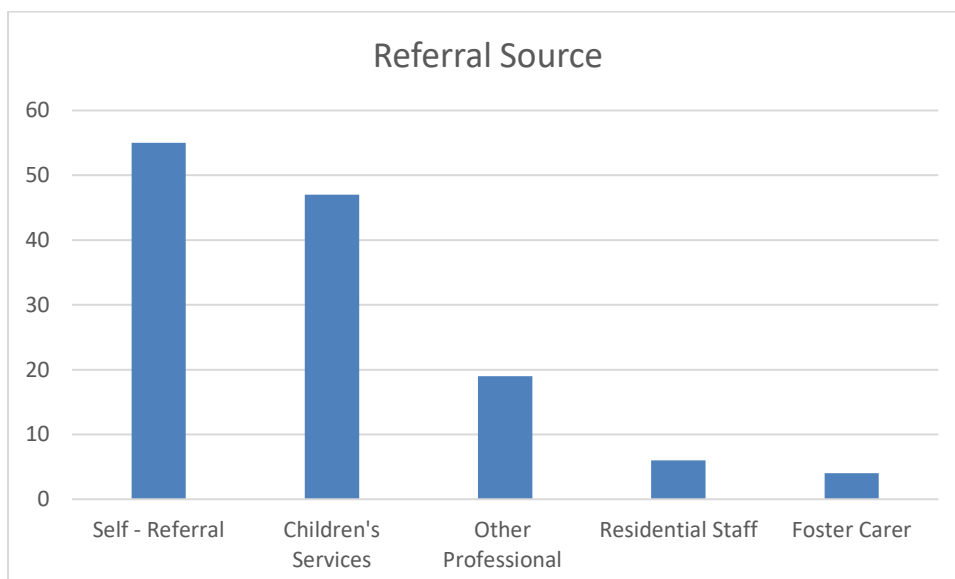
### Top 3 most common issues for Coram from Quarter 1 and 2 April 2023 -September 2023 (All CYP Referrals)

Support at or Representation at Meetings (Lac/CP)	38
Housing / Accommodation Related Issues	50
Information / exploring options for decision making	60

### Top 3 most common issues for Coram Voice from Quarter 3 and Quarter 4 November 2023 – March 2024(All CYP Referrals)

Support at or Representation at Meetings (Lac/CP)	14
Housing / Accommodation Related Issues	29
Information / exploring options for decision making	36

### Source of Top 5 Referrals



**Demographics - Ages**

	Coram	Coram and Rethink
0 - 4 Years	5	5
5 - 9 Years	6	6
10 – 14 Years	56	68
15 – 19 Years	155	197
20 – 24 Years	20	66
Not disclosed	0	0
<b>Total</b>	<b>242</b>	<b>342</b>

**Demographics - Ethnicity****Demographics - Ethnicity**

Demographics – Ethnicity Coram		Coram and Rethink
Asian or Asian British - Indian	5	5
Asian or Asian British - Pakistani	1	1
Black or Black British - African	13	13
Black or Black British - Any other Black background	6	6
Mixed or Mixed British - Any other Mixed background	6	6
Mixed or Mixed British - White and Black Caribbean	14	15
Not Disclosed - Form not completed	10	10
Other Ethnic Group - Any other ethnic group	15	15
White - British	157	165
White - European	2	2
White - Irish	5	5
White- Gypsy or Irish Traveller	0	0
<b>Total</b>	<b>234</b>	<b>243</b>

**Demographics - Gender**

	All CYP referrals
Male	110
Female	111
Unanswered	18
<b>Total</b>	<b>239</b>

The introduction of a more specialised Children and Young People’s Advocacy Service should help to continue to improve the existing service being offered to young people in Essex.

Advocacy has continued to make a positive and empowering impact on children and young people with many varied issues being raised.

## 6. Compliments Analysis

During 2023/2024 a total of 198 compliments/positive comments were recorded by Compliance and Complaints in relation to Children and Families. This represents an increase decrease of 29% compared to 2022/2023.

Compliments received per quadrant:

North – 123

Mid – 23

South – 12

West – 2

Countywide – 2

Location unrecorded - 36

Further positive feedback may have been received by individuals within each quadrant, but the above only highlights those compliments forwarded onto Compliance and Complaints to record. It is recognised that North quadrant have significantly more compliments due to different practice in sharing compliments, a review is being undertaken with the other areas to share this practice and ensure compliments are recorded consistently.

Typical themes from compliments received:

- Professional.
- Efficient.
- Passionate.
- Caring.
- Goes above and beyond.
- Transparent and honest.
- Supportive.
- Understanding.

- Patience.
- Empathy.

Compliments received by individual teams across Children and Young People's service are usually shared with the Quadrant, Team or Service Manager who then forward these onto the Compliance and Complaints team.

Compliments received are also shared in team meetings for recognition, learning and discussion.

The Council actively encourages and welcomes feedback both negative and positive for continuous improvement. Compliments received are extremely valuable as they identify areas of good practice and ensure good experiences are maintained and shared across the organisation.

Positive feedback received is encouraging for the Children and Families service, it helps put any complaints received into context and demonstrates that the hard work undertaken by the service and their commitment is valued and appreciated by the people they support.

## **Feedback:**

### **Highlights of some of the positive feedback received:**

Parent shared that their social worker had been their 'lifeline' during a difficult time, and they had never before received support of this quality.

Foster carer feedback that the social worker they had been involved with always put the child first; responded quickly to their communication, is always on the end of the phone and is a wealth of knowledge.

Parent shared that their family support worker had taken time and tried to really understand their family, which had made a big difference.

A young parent provided feedback that they had been initially apprehensive asking for support, however had found the support helpful as the family support worker had 'played devils advocate' and helped them to develop a risk plan. They complimented their family support workers professionalism and empathy.

Parent fed back that their social worker had been good with the whole family, making a difference to their lives.

Foster carer raised that their outreach worker had helped them during a challenging time, by being there, having regular phone calls and taking the children out.

Foster carer fed back that their social worker had visited when they were struggling and showed empathy and understanding to both foster carer and the young person. The Social worker had followed up the next day to check how they were.

## 7. Learning

### **Summary of some learning within the Children and Families service:**

#### **Importance of communication:**

Effective and timely communication is key to successful relationships. Actions agreed from one complaint were to refresh training around effective communication and providing the duty team contact/s for out of hours assistance in case it is needed. Complaints highlighted the importance of timely contact when a change of social worker is made to introduce the new social worker and cover for long term leave arrangements being communicated and picked up early.

#### **Clear Expectations Outlined for Reviews:**

Making sure families are informed of review arrangements when an assessment is completed and ensuring the reviews take place within the agreed timescale or communicating when this is not possible.

#### **Swift action referring to therapeutic action point (TAP) where appropriate:**

Following a complaint received work was undertaken to raise awareness of when to initiate the therapeutic action point, to ensure robust communication between professionals and a swift response when issues occur.

#### **Sharing documents prior to meetings:**

Actions were agreed to ensure documents are share prior to meetings where appropriate. Sharing of documents prior to Fostering Panel meetings was an agreed action following two complaints.

## 8. Next Steps

The Compliance and Complaints team aim to work together with operational services to deliver a seamless experience for our customers. Listening and acting on what they tell us and using learning to help improve and evolve service delivery. Our objective is to recognise where we have failed, seek suitable resolutions within agreed timescales and ensure our obligations are fully met in line with the formal complaints process and Local Government and Social Care Ombudsman expectations.

Complaints received are viewed as an opportunity to learn from any failings and make improvements. We must embrace complaints to improve services and respond to these openly and honestly.

Complaints do not only highlight failings as upon review these also show very good examples of good practice, and we should also not lose sight of what we do well.

The following points highlight areas for improvement going forward:

- A renewed focus on the outcome and resolution the customer is seeking.
- Improving measurable actions for upheld complaints and tracking implementation.
- Compliance and Complaints to continue to work in collaboration with Children and Families. identifying any working practice improvements benefitting both service areas.
- Complaint training opportunities and hints and tips sheets to be made available to all staff within Children and Families to ensure thorough and transparent complaint investigations are consistently carried out.
- Compliance and Complaints to continue to work with Children and Families to look at different ways to engage with children and young people, raising awareness of the complaints process and how they can get their voices heard.
- Continue to work closely with the Local Government and Social Care Ombudsman, ensuring any Ombudsman enquiries are responded to within the timescale given, all

recommendations are actioned promptly and any learning from the Ombudsman complaints are disseminated across the service area.

- Review the process for statutory complaints, including introduction of an escalations process for the small number of cases not resolved within the statutory timeframe.
- Introduction of quarterly reports and performance meetings for closer monitoring of complaints performance.
- Introduction of a case tracker for social care managers to have an overview of cases in progress.
- Develop further mechanisms to raise awareness and improve access for children and young people to make a complaint.



# Appendix 1

## The Complaints Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 applies to all representations received from children and young people, their parents, foster carers or other qualifying adults about the Council's Children and Young People's Services.

Some of the key features of the procedure are:

A 12-month time limit for service users or their representatives to make complaints.

A requirement for local authorities to appoint a Complaints Manager, independent of operational line managers and of direct service providers.

A requirement for local authorities to make arrangements for the provision of advocacy services to children and young people making or intending to make representations, including complaints.

### Three Stage Complaints Procedure

The Local Authority should actively seek to resolve a complaint for a member of the public as early in the procedure as possible. The Department for Education and Skills guidance document *"Getting the Best from Complaints"* which accompanies *"The Children Act 1989 Representations Procedure (England) Regulations 2006"* provides us with robust and structured steps to not only assist us in implementing our obligations under the Statutory Complaints Procedure but also supports us to have a member of the public's concerns and complaints resolved swiftly and wherever possible by officers responsible for providing the service locally.

The three-stage process provides members of the public with a statutory right to progress through the Stages should they remain dissatisfied with the Local Authorities response and whilst we should always seek to resolve a complaint expeditiously, we also have a duty to inform a complainant of their right to progress to the next stage of the complaint's procedure.

The philosophy of the three-stage process is to provide a Local Authority with ample opportunity to investigate complaints and put things right for a complainant should we find that the service to them has been less than Statutory Expectations or our own localised procedural standards and to minimise the need for a complainant to take their issue up with the Local Government Ombudsman.

### **Stage 1 - Local Resolution**

This gives operational managers the opportunity to resolve the complaint at a local level. The procedure requires that Stage 1 complaints are concluded within 10 working days, however, with the agreement of the complainant this can be increased to 20 working days. The maximum time for a Stage 1 investigation is 20 working days and will often be required for more serious complex complaints and provides managers with the opportunity to meet with complainants in order to mediate a complaint to resolution.

Where the matter is not resolved or if the complainant requests it, the complaint can be formally investigated at Stage 2. The complainant has 20 working days to request consideration at Stage 2 following receipt of the Stage 1 outcome letter.

### **Stage 2 – Independent Investigation**

When the complainant remains unhappy after a Stage 1 investigation, or the complaint is serious enough to warrant a more formal investigation the Complaints Manager can commission an Independent Investigation. Stage 2 investigations have a statutory timescale of 25 working days and can be conducted by an Internal Investigator or an Independent Investigator [external to the Local Authority but with experience of undertaking Social Care Investigations].

However, where it is not possible to complete the investigation in these timescales, a further extension can be negotiated with the complainant. The investigation and adjudication process should be concluded within 65 working days.

An independent person, external to the Council is appointed by the Complaint's Manager to oversee the objectivity and fairness of the investigation and to also keep the child's interests at the centre of an investigation.

At the end of a stage 2 Independent Investigation the department can offer the complainant an Adjudication Meeting facilitated by the Complaints Manager where the appointed senior manager [in the role of Adjudicating Officer] can discuss the Investigators' findings and recommendations and inform the complainant of what action the Local Authority is going to take to resolve the complaint. Following this the Adjudicating Officer will formalise and confirm its position to the complainant in writing.

**Stage 3 – Review Panel**

If the complainant is dissatisfied with the outcome at Stage 2, the complainant can request that the Independent Investigation is reviewed by a panel which consists of 3 independent panel members external to the Local Authority and appointed by the complaints manager.

The panel considers the complaint’s investigation and can make recommendations for the consideration of the Director of Children’s and Young People’s Services. Such consideration forms the end of the statutory requirement.

**Summary of Stage 3 Timescales**

<b>Action:</b>	<b>Timescale:</b>
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 contents 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 written report (including any recommendations)	Within 5 working days of the Review Panel
Relevant Director issues their response	Within 15 working days of the Review Panel’s report

**Local Government and Social Care Ombudsman (LGSCO)**

If a complainant remains dissatisfied following exhaustion of all three stages of the complaints process, they can take their complaint to the Ombudsman. A complainant can refer to the Ombudsman at any point, but the Ombudsman normally provides the Local Authority with the opportunity to process through all stages of the complaint’s procedure. Although there are occasionally exceptions depending on the nature of the case when the Ombudsman decides to still investigate even if the Council has not had the opportunity to try and resolve the issue in the first instance. These exceptions are as follows:

- Issue extremely urgent.
- Complainant is particularly at risk if issue not resolved quickly.
- Complainant is vulnerable.
- Complainant has severe disabilities.

The LGSCO can look at complaints about most Council services and will look at where things have gone wrong in the way a service has been delivered, if a service has not been delivered at all, or the way a decision has been made. Although they cannot question what a Council or Care Provider has done simply because the complainant does not agree with it.

The LGSCO will look for any maladministration or injustice caused, and the following is an example of fault:

- took too long to do something.
- did not follow its own rules or the law.
- failed to meet expected standards of service.
- gave the complainant wrong information.
- did not tell the complainant of their right of appeal against a decision, or took a decision in the wrong way, such as, not taking all the relevant information into account or considering irrelevant information or not following its own procedures properly.

The LGSCO will not normally investigate a complaint if they consider a complainant has not suffered significant personal injustice, or if the Council or Care Provider has already taken, or is willing to take, satisfactory action to resolve it.

If the LGSCO find that something has gone wrong which has caused problems for the complainant, they can ask the Council or Care Provider to take action to put the matter right. Such remedies can be an apology, a system or process change or a financial reward.

**Examples of problems caused to the complainant:**

- did not get a service or benefit they were entitled to or there was a delay before receiving it.
- suffered financial loss, or were put to a lot of avoidable expense, trouble, or inconvenience.

**Maladministration:**

- Delay.
- Incorrect Action or Failure to take any action.
- Failure to follow procedures or the law.
- Inadequate record keeping.
- Failure to reply.
- Misleading or inaccurate statements.
- Inadequate consultations.
- Broken promises.

**Injustice:**

- Hurt feelings.
- Distress.
- Worry.
- Inconvenience.
- Financial loss or unnecessary expense.
- Time and trouble in pursuing a justified complaint.
- Not receiving an entitled service.

**This information is issued by:**

Essex County Council

**Contact us:**

[www.essex.gov.uk/complaints](http://www.essex.gov.uk/complaints)

[www.essex.gov.uk](http://www.essex.gov.uk)

0333 0139 815

The information contained in this document can be translated, and/or made available in alternative formats, on request.

Published June 2024