



Rutland County Council

CHILDREN'S SOCIAL CARE COMPLAINTS PROCEDURE

Guardian	Strategic Director Children and Families
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1.0 INTRODUCTION

- 1.1 Rutland County Council is committed to excellent customer service. If we do not meet our Customer Care Standards, we will take ownership and work to resolve issues, promptly. A robust and responsive complaints procedure is a key factor in demonstrating that professionals working with children, young people and families are open to challenge, are able to communicate effectively and show that they make decisions in a transparent, open and honest way.
- 1.2 Our priority is to put right any failures. We will consider a range of remedies if we feel that the Council has failed in any aspect of its service delivery. Each case will be considered on its merits, and any remedy will be appropriate and proportionate.
- 1.3 We aim to learn from complaints and will use them to shape and improve our services. We will analyse our data regularly, ensure agreed actions are followed up and report on performance and outcomes to Members.
- 1.4 This procedure meets the requirements of the Children Act 1989 and The Children Act 1989 Representations Procedure (England) Regulations 2006, and changes to the “children’s social services representations procedure” as a result of the Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care (Community Health and Standards) Act 2003.
- 1.5 There are three stages of the statutory Children’s Social Care complaints procedure:
- Stage One – Local resolution
 - Stage Two – Independent investigation
 - Stage Three – Independent review panel hearing
- 1.6 Complaints not covered by this procedure will be dealt with under the Corporate Complaints Procedure - <https://www.rutland.gov.uk/sites/default/files/202411/Corporate%20Complaints%20Procedure%20-%202024%20%281%29.pdf>

2.0 SCOPE OF THE CHILDREN’S SOCIAL CARE PROCEDURE

2.1 The Children Act 1989 defines the children’s social care complaints procedure as being for ‘representations (including complaints)’. We use the following definitions:

A Complaint

is an expression of dissatisfaction relating to the provision of or failure to provide a Council service, an action, or lack of action by the Council and/or conduct of a Council Officer or an individual providing a service on behalf of the Council. ⁽⁶⁾

A Service Request

is a request that the Council provides a service either for the first time or where it has been overlooked i.e. a missed bin collection. A Service Request is not a Complaint but is recorded and reported on in the same way as a Complaint.

2.2 This procedure will be followed when there is a concern related to the direct welfare of a child **only**. For **all** other complaints the Corporate Complaints Procedure will be followed - <https://www.rutland.gov.uk/sites/default/files/2024-11/Corporate%20Complaints%20Procedure%20-%202024%20%281%29.pdf>

2.3 We will not ordinarily consider a Complaint that is made more than six months after the individual became aware of the issue they are complaining about. There are exceptions to this where the Council accepts that such a delay was reasonable.

2.4 Complaints that are submitted anonymously will not be accepted where they are not capable of being progressed without the engagement of the Complainant (although we may still investigate issues raised).

3.0 WHO MAY COMPLAIN

3.1 Anyone who is in receipt of a service or think they should be in receipt of a service. Also, their representative, known as a 'qualifying individual' may complain on their behalf.

3.2 The Local Authority has the discretion to decide whether or not the 'qualifying individual' is suitable to act on behalf of the child or young person or has sufficient interest in their welfare. If they do not meet this requirement, they should be notified in writing giving an explanation (the nominated Complaints Manager should discuss this decision with relevant managers as appropriate).

4.0 HOW TO MAKE A COMPLAINT

4.1 Complaints can be accepted in any format which the complainant chooses – including:

- Online via the website <https://www.rutland.gov.uk/have-your-say/compliments-complaints-service-feedback>
- By email to Letusknow@rutland.gov.uk or any department.
- By telephone on 01572 722577 or any department.
- In writing to LetUsKnow, Catmose, Catmos Street, Oakham, Rutland LE15 6HP

5.0 WHAT CAN BE COMPLAINED ABOUT

5.1 Some examples are given below – this is not an exhaustive list:

- An unwelcome or disputed decision.

- Concern about the quality or appropriateness of a service.
- Delivery or non-delivery of services.
- Quantity, frequency, change or cost of a service.
- Attitude or behaviour of staff.
- Poor / lack of communication.
- Application of eligibility and assessment criteria.
- Assessment, care management and review.
- The quality or accuracy of a social work report.
- Control of parental contact.

All issues will be assessed by the Department and be dealt with in one of the ways outlined in section 1 of this Policy and Procedure.

6.0 WHAT CANNOT BE COMPLAINED ABOUT

6.1 Some examples are given – this is not an exhaustive list.

- Disciplinary proceedings.
- Criminal proceedings.
- Grievance proceedings.
- Complaints from staff about personal issues.
- Where an appeals process already exists.
- Complaints relating to independent providers (all independent service providers are required to have their own complaints procedure in place)
- Complaints relating to services outside of the Council e.g. Health, Police
- Where a Court or Tribunal has made, is making, or is about to make a determination on the specifics of the complaint (in these instances it is usual to consult with the Legal Team for confirmation/clarification).
- Where the same complaint has previously been dealt with through all stages of the complaint's procedure.
- Decisions made at Child Protection Case Conferences (this is covered by a separate procedure) which can be accessed via:

https://llrscb.proceduresonline.com/p_appeals_cpc.html

7.0 WHERE A COMPLAINT RAISES VULNERABILITY OR HARM ISSUES

7.1 The safety and protection of a child or young person is a higher priority than the investigation of the complaint. If they are at risk of harm, child protection procedures should be instigated immediately. Any other aspects of the complaint are put 'on hold' and if appropriate are resumed, as soon as the issue of protection and safety has been concluded.

8.0 TIME LIMIT FOR MAKING A COMPLAINT

8.1 There is a time limit of 12 months from when the issue being complained about occurred, to when a complaint may be accepted. After this time, any complaints made

are not usually considered. Possible grounds for extending the time limit are:

- There is a genuine reason why the complaint was not made sooner, and the complaint can still be investigated effectively and efficiently.
- The child or young person was not able or confident to make the complaint earlier.

8.2 The nominated Manager will write to the complainant advising them of any decisions made and providing an explanation where required. The complainant should also be informed of their right to approach the Local Government Ombudsman if they disagree.

9.0 COMPLAINTS AND THE MEDIA

9.1 The media and complaints handling should remain separate. Media contact is managed by communications professionals within the Council.

10.0 THE COMPLAINTS PROCESS

10.1 The Children's Social Care Complaints Procedure is a three-stage process:

- **Stage One: Local Resolution**
 - If a person or an advocate of that person makes a formal complaint, an appropriate frontline manager will deal with their concern. The complainant should receive acknowledgement within 3 working days and a final response within 10 working days of making their complaint.
 - Because some complaints are complex or because an advocate is required to assist the person, an extension to this timescale maybe required. The local authority may extend the period by a maximum of 10 working days where they consider the representations to be complex. If this is the case, the complainant will be kept informed. We will try to resolve the complaint by listening to the person and/or their advocate and asking what action they would like to be taken.
 - At the conclusion of the response, the complainant must be informed of their right to progress their complaint to stage two if they remain dissatisfied. They have 20 working days in which to request this.
- **Stage Two: Independent Investigation**
 - The Head of Service will appoint an external Independent Investigator to carry out the investigation; this may also involve the appointment of an Independent Person and / or an Advocate for the complainant where appropriate (e.g. where a young person is making the complaint).
 - If at any stage during the investigation, the Investigator believes that the complaint is now capable of early resolution, the department will suspend the complaint investigation.

- The expected timescale for a response to the complaint is 25 working days. If an Advocate is required or there are exceptional circumstances, as with stage one, this may need to be extended. The Head of Service will normally respond to the complainant in writing enclosing the Investigator's report (and the Independent Person's report where appropriate). However, the department may consider that a discussion may more easily resolve the complaint and will offer a resolution meeting to the complainant in its written response.
 - At the conclusion of stage two response the complainant must be informed of their right to progress to stage three if they remain dissatisfied. They have 20 working days in which to request this.
- **Stage Three: Review Panel**
 - If the complainant remains unhappy and disagrees with the outcome reached by Stage 2, they are entitled to request that their complaint goes to the review panel. This is the third and final stage of the Childrens Social Care Complaints Procedure.
 - The Panel will consider whether the complaint was properly investigated whether the report has a clear logic and whether the evidence presented supports conclusions and recommendations made at stage two. The Panel is not an investigatory body and its remit is to review the stage two investigation and the complaints process that has led to stage three. The Panel will also where necessary make its own findings and recommendations.
 - The panel will be made up of 3 people from outside the council. You can write to the panel or speak at their meeting about your complaint. The panel will suggest how the complaint can be resolved.
 - On completion, should the complainant remain dissatisfied, they will be advised on how to contact the Local Government Ombudsman.
 - What the Complaints Panel will not do:
 - The Panel will not re-investigate the complaint.
 - Will not consider a complaint unless it has already been investigated under stage two.
 - Cannot directly consider matters which are, or have been placed before a Court of Law.
 - The complainant should be notified of the location and date the Panel will be arranged in writing, providing them with at least 10 working days before the Panel meets. They will also be informed that they are able to bring a 'Supporter' to the Review Panel hearing should they wish to do so. The 'Supporter' can attend either to simply support the complainant by being present or by assisting the complainant by presenting the case on their behalf.
 - The Panel will also require the presence of certain other people in order to

ensure that they are able to consider the whole matter in a robust and effective manner. Attendees should include those persons involved with the investigation at stage two (e.g., investigating officer / independent person) as well as a representative from the Department. This will usually be the member of staff who was responsible for writing the response for stage two.

- Relevant documents should be sent to the 'Panel members' and other attendees as soon as these have been agreed by the Chair and no later than 10 working days before the date of the Panel.
- The Review Panel's findings and any recommendations they wish to make should be recorded in the form of a written report and sent to the Strategic Director Children and Families within 5 working days.
- The Strategic Director must respond to the complainant within 15 working days (upon receipt of the above), providing an explanation behind the final decisions reached. The complainant is entitled to see the report provided by the Panel and should be enclosed with the response.

10.2 Rutland County Council commission an external provider to complete all stage 2 investigations and stage 3 review panels. This is to ensure the process remains independent.

11.0 THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGO)

11.1 If you have been through all stages of our complaints procedure and you consider that your Complaint has not been resolved, you can ask the Local Government and Social Care Ombudsman to review your Complaint. The Ombudsman is independent of the Council and is a free service.

11.2 The Ombudsman expects you to have given the Council the opportunity to resolve your Complaint before you contact them. If you have not had a response from the Council within a reasonable time, it may decide to investigate your Complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process.

11.3 The Local Government and Social Care Ombudsman is the final stage for Complaints about Councils.

Website: www.lgo.org.uk

Telephone: 0300 061 0614

12.0 ADVOCACY SUPPORT

12.1 Sometimes, the child or young person will need extra help to make their complaint, either just at the beginning or possibly throughout the whole procedure. This may be best provided by a relative or a friend, or arrangements can be made to provide

independent advocacy support.

- 12.2 They can request this themselves or someone can do this on their behalf, e.g., their foster carer or social worker.

13.0 UNREASONABLE CONDUCT

- 13.1 In a minority of cases, people pursue their contact with the Council, whether as part of a Complaint or otherwise in a way which is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can have significant resource issues for the Council.
- 13.2 The Local Government and Social Care Ombudsman describes unreasonable conduct as something which may include one or two isolated incidents, as well as something which is usually a build-up of incidents or behaviour over a longer period.
- 13.3 The Council has developed a Protocol for dealing with this type of complaint; it is set out in Appendix A of this Procedure.

14.0 PROCESSING OF PERSONAL DATA

- 14.1 The Council is committed to ensuring personal data is properly collected and then managed. For Complaints it may be necessary for us to collect personal data, including name, contact details and address, to stay connected and communicate outcomes and updates on potential investigations.
- 14.2 Data collected in relation to Complaints made will be retained on record as per the council's official retention schedule here:

<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/data-retention>

To read more about our privacy policy please visit:

<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/privacy-notice>

APPENDIX A

PROTOCOL FOR DEALING WITH UNREASONABLE CONDUCT

1. Council officers will encounter individuals who take up an unwarranted amount of Council resources. The aim of this protocol is to identify situations where the individual's conduct could be considered unreasonable and set out how to deal with such circumstances.
2. We will distinguish between people who justifiably raise several different Complaints and people who are being unreasonable.
3. We do not expect our officers to tolerate Unreasonable Conduct or Unacceptable Behaviour. Members who experience Unreasonable Conduct when dealing with Council matters may use this protocol. Advice on this can be sought from the Strategic Director of Law & Governance.
4. Examples of Unreasonable Conduct:
 - Have insufficient or no grounds for their complaint.
 - Make groundless complaints about officers.
 - Make an unreasonable number of contacts with the Council.
 - Make persistent and unreasonable demands or expectations of officers.
 - Record meetings and conversation without consent.
 - Make the same complaint repeatedly, with minor differences.
 - Persist in seeking an outcome, which has been explained is unrealistic for legal or other valid reasons.
 - Complain about or challenge an issue based on a historic and irreversible decision or incident.
 - Combine some or all these features.
5. Imposing Restrictions

Stage One: Warning

In the first instance, the officer's manager will liaise with the Head of Legal & Democratic Services, prior to issuing a warning to the individual.

The manager will contact the individual to explain why their conduct is considered unreasonable and advise them to change their behaviour. The manager will explain the actions that the Council may take if the behaviour does not change. This action will be recorded on a corporate register.

Stage Two: Imposing Restrictions

If the individual continues their Unreasonable Conduct, the Strategic Director of Law & Governance will issue a letter to the individual advising them that the way in which they can contact the Council is restricted. The Strategic Director of Law & Governance will make this decision and inform the individual in writing of what restrictions are in place and for what period.

6. Any restriction will be appropriate and proportionate.
7. Where an individual continues to behave in a way which is unreasonable, the Strategic Director of Law & Governance, may decide to refuse all contact with the individual and stop any investigation into any Complaint.
8. Where the behaviour is so extreme or it threatens the immediate safety and welfare of officers and/or other customers, the Council will deal with this under its Unacceptable Behaviour Policy

9. Record Keeping

The manager will keep comprehensive records of the case details and the action taken. Information Governance Officers will retain a record of:

- a. The name and address of every individual who has received a Stage 1 and/or Stage 2 action;
- b. When the protocol and any subsequent restriction(s) came into force and are due to expire;
- c. What the restrictions are; and,
- d. When the individual and departments were advised.

Details of all cases where the Protocol and subsequent restrictions have been applied will be reported to the Audit and Risk Committee as part of the annual Compliments, Comments and Complaints reporting procedure.

A large print version of this document is available on request



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