

**Childrens Social Care
Statutory Complaints Policy
July 2018**



**London Borough
of Hounslow**

Contents

1. Who may make a Complaint?.....	3
2. What May Be Complained About?	4
3. Key Principles	5
4. Time Limit for Making Complaints	6
5. Informing Young people about the Complaints Procedure.....	6
6. Receiving Complaints.....	7
7. Timescales.....	7
8. Providing Advocacy and Support.....	8
9. Stage One - Local Resolution.....	8
10. Stage Two - Investigation	9
Action on Receipt of a Stage Two Complaint.....	9
The Investigation	10
Action Following Investigation.....	11
11. Stage Three - Review Panels.....	11
12. Appendix 1: Definition of Roles.....	14
Complaints Manager	14
Investigating Officers (IOs).....	15
Independent Persons (IPs)	15
Advocates in the complaints procedure.....	16
Senior managers	17
Adjudicating Officer	17
Local authority representative at the Review Panel.....	17
Review Panellists	18
Independent Chair of the Review Panel.....	18
Clerk to the Panel	19
Independent Reviewing Officers	19
13. Appendix 2: Flowchart of Children’s Complaints	21

1. Who may make a Complaint?

A representation or complaint may be made by:

- a. Any child who is a Looked After Child or who, although not Looked After, is a Child in Need;
- b. A parent or person with Parental Responsibility;
- c. A local authority Foster Carer;
- d. Such other person as the authority consider has sufficient interest in a child's welfare to warrant a complaint or representation being considered by them;
- e. An Eligible Young Person, Relevant Young Person or Former Relevant Young Person;
- f. A Qualifying Young Person under the Leaving Care procedures;
- g. A person aged up to 24 who is or was a Former Relevant or Qualifying young person and whom the local authority may still assist in connection with education and training;
- h. Special Guardians;
- i. A child in respect of whom a Special Guardianship Order is in force;
- j. Any person who has applied for an assessment for special guardianship support;
- k. Any child who may be adopted, their parents and guardians;
- l. Any person wishing to adopt a child;
- m. Any person to whom arrangements for the provision of adoption support services extend;
- n. Adopted persons, their adoptive parents, birth parents and former guardians.

This is not an exhaustive list and the Complaints Manager will determine whether complaints from individuals outside the above categories fall within the legal definition.

Where a complaint is made on behalf of a child, the Complaints Manager should confirm, where appropriate, that the child is happy for this to happen and that the complaint submitted reflects the child's views.

The council has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child's welfare. The Complaints Manager will discuss this decision with the relevant service managers, as appropriate.

2. What May Be Complained About?

A complaint may arise as a result of many things relating to statutory children's social care functions such as :

- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Delivery or non-delivery of services including complaints procedures;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on a child of the application of a local authority policy;
- Assessment, care management and review.

This is not an exhaustive list and the Complaints Manager should seek legal advice as necessary.

In relation to adoption, a complaint may be about the following:

- The provision of Adoption Support Services insofar as these enable adoptive children to discuss matters relating to adoption;
- Assessments and related decisions for adoption support services;
- Placing children for adoption, including Parental Responsibility and contact issues;
- Removal of children who are or may be placed by adoption agencies;
- Removal of children in non-agency cases;
- The carrying out by the local authority of its duties on receipt of a notice of intention to adopt;
- The carrying out by the local authority of its duties in respect of
 - Considering adoption for a child;
 - A proposed placement of a child with prospective adopters;
 - Adoptive placements and reviews;
 - Adoption Case Records;
 - Contact;

- Parental Responsibility prior to adoption abroad.

In relation to Special Guardianship Order, a complaint may be about the following:

- Financial support for Special Guardians;
- Support groups for children to enable them to discuss matters relating to Special Guardianship;
- Assistance in relation to contact with parents for children;
- Therapeutic services for children;
- Assistance to ensure the continuation of the relationship between the child and their Special Guardian or prospective Special Guardian.

The Complaints Manager has discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:

- Court proceedings;
- Tribunals;
- Disciplinary proceedings;
- Criminal proceedings.

If the Complaints Manager decides not to consider or further consider complaints subject to these concurrent investigations, they must write to the complainant explaining the reason for their decision and specifying the relevant concurrent investigation.

Once the concurrent investigation has been concluded the complainant may resubmit their complaint to the local authority as long as it is within one year of the conclusion of the concurrent investigation.

3. Key Principles

When adopting our children complaints procedure, we have adopted a number of key principles:

1. The complaints procedure should be clear and easy to use
2. It should ensure that the people who use the service are treated with dignity and respect, are not afraid to make a complaint and have their concerns taken seriously.
3. It should ensure, as far as is possible, even-handedness in the handling of complaints.

4. It would ensure that any concerns about the protection of the children are referred immediately to the relevant social services team or to the Police.
5. It should make sure that as many complaints as possible are resolved swiftly and satisfactorily at the local level; though that may not mean every complaint is upheld.
6. It should ensure a fair process and adequate support for everyone involved in the complaint
7. It should ensure that the child or young person receives a full response without delay.
8. It should enable any local authority purchasing services in the independent sector, to exercise its continuing duty of care.
9. It should ensure sensible and effective links with other procedures in local government
10. It should safeguard the child or young person's right of access to other means of redress, including the local government ombudsman.
11. It should ensure we are monitoring our performance in handling complaints, deliver what we have promised, learn from complaints and use this learning to improve services for everyone who uses them.

4. Time Limit for Making Complaints

If a complainant does wish to make a complaint, it is best to do so as soon as possible after the incident occurs.

The Council cannot normally accept complaints made more than 12 months after the date the matter occurred or the date the complainant was notified of the matter. However, the Complaints Manager will look at any complaints received after the 12 month time limit on an individual basis and determine whether the Council can investigate the matter.

5. Informing Young people about the Complaints Procedure

Young people must be informed about the Complaints Procedure in a variety of ways suitable to their needs and level of understanding.

Copies of relevant leaflets should be provided, for example by including them in the Young people's Guide which is given to Young people before or upon admission to a children's home. Such information must include an explanation of the role of an

Advocate and provide contact details for advocates to make complaints on young people's behalf.

Where Young people or those acting on their behalf express a wish to make a complaint, they should be given any information or advice they require on how to use the complaints procedure. Their options must be carefully explained including information and advice on alternative methods for resolving their dissatisfaction. For all complaints made by or on behalf of Young people, help must always be offered to obtain the services of an advocate.

Where a young person wishes to make a complaint, s/he should be referred to the Complaints Manager.

If the complaint is made by or relates to a young person in foster care or residential care, it may also be directed to the Regulatory Authority.

6. Receiving Complaints

Complaints may be made orally or in writing, including by email. Some complaints can be received via the Local Government Ombudsman, if the complainant approaches the Ombudsman before completing the Council's complaints process.

All comments, complaints and compliments about services to children should be forwarded to the Complaints Manager to record and these will all be recorded on our system: Respond.

In relation to complaints, the emphasis should be on a quick resolution reached locally wherever possible.

However, where a complaint includes an allegation of Significant Harm, the matter must be directed to be dealt with under the Child Protection Procedures and must be referred to the Referral and Assessment Team for this purpose immediately.

Staff should not deal with complaints relating to their own practice and must pass such matters to their own manager; guidance should be sought from the Complaints Manager, as appropriate.

7. Timescales

The timescales in working days for the overall complaints process are:

- Acknowledge receipt of complaint within 2 working days
- 10 working days at Stage 1 (with a further 10 working days for more complex complaints or additional time if an advocate is required).

- 25 working days at Stage 2 (with a maximum extension to 65 working days)
- 20 working days for the complainant to request a Review Panel
- 30 working days to convene and hold the Review Panel at Stage 3
- 5 working days for the Panel to issue its findings; and
- 15 working days for the Council to respond to the findings.

8. Providing Advocacy and Support

During the course of making a complaint, the council can support the child or young person by actively providing information and advice. This can be through an advocate and in Hounslow we use Action for Children.

The Complaints Manager should ensure that a suitable person meets the child or young person to discuss the complaints process and ensure that any questions or concerns that the complainant may have are fully captured and addressed.

Where an advocate is being used, the Council will ensure that the advocate is acting with the informed consent of the young person. The Council uses Action for Children and the Council will ensure the young person understands the complaints procedure. It is not to be assumed that the advocate will explain this.

We will also ensure that, when required, we will offer translation and interpretation services to those who are complaining whose first language is not English.

9. Stage One - Local Resolution

If comments made by users about a service indicate dissatisfaction with the service, the front-line service provider or the line manager receiving the complaint should in most instances try to resolve it quickly, where possible.

Any complaints received directly by the service must be brought to the attention of the Customer Relations Team for logging and acknowledgement.

In most cases, complainants will contact the Customer Relations Team directly if they wish to make a formal complaint. However, sometimes they may send a complaint directly to the service. In all cases where formal complaints are received, the Statutory Complaints Manager must be sent a copy of the complaint immediately.

Formal complaints will be considered under Stage 1 of the complaints process and the Statutory Complaints Manager will aim to:

- a. Send an acknowledgement to the complainant within 2 working days of receipt, notifying the complainant of who will be dealing with their complaint

and when they can expect to receive a response. If the complaint is from a young person, the Statutory Complaints Manager may also establish at this point whether the young person requires an advocate;

- b. Assign the complaint to the appropriate Service Manager to investigate and respond within 10 working days;

If it is not possible to respond within 10 working days, e.g. where files or records need to be checked or a key member of staff is not available, the Service Manager must inform the Customer Relations Team who will send a holding letter to advise the complainant of the delay. The maximum period for a complaint to remain at Stage 1 is 10 working days (or up to 20 working days in prescribed circumstances).

The manager for each team or service has to keep a record of complaints dealt with 'locally' and their outcomes. This record should then be forwarded to the Complaints Manager.

If the matter cannot be resolved to the complainant's satisfaction within the timescale, the complainant has the right to progress their complaint to Stage Two of the statutory complaints process and given assistance to do so as necessary. The complainant may, however, agree to extend the deadline for the Stage One process.

10. Stage Two - Investigation

Complainants should be encouraged to make a written complaint however a complaint may be accepted in any form. If a complaint has been submitted orally, the Statutory Complaints Manager must ensure that the details of the complaint and the complainants' desired outcome are recorded in writing and agreed with the complainant. Once the Stage Two complaint is received, an Investigating Officer (IO) and Independent Person (IP) will be appointed by the Customer Relations Team to investigate the complaint. Details on roles are at Appendix 1.

The Independent Person is appointed to shadow the Investigating Officer. Under the arrangement, the Independent Person accompanies the Investigating Officer throughout the investigation. The Investigating Officer and Independent Person will arrange to meet with the complainant and agree a Statement of Complaint. Once the Statement of Complaint has been agreed by the complainant, the Stage Two process commences.

Action on Receipt of a Stage Two Complaint

Upon receiving a complaint, the Complaints Manager will:

1. Record the complaint. At this stage the Complaints Manager will decide whether the complaint should be investigated under this procedure or whether it should be referred elsewhere;
2. Ensure that a copy of the complaint is sent to any staff member named in it and to that person's line manager, unless to do so would prejudice the investigation of the complaint in which case the Complaints Manager should inform the relevant senior manager of this decision;
3. Appoint and send terms of reference to the Investigating Officer and the Independent for the investigation;
4. Acknowledge receipt of the complaint within 2 working days and advise the complainant of how the complaint is being dealt with under the Stage Two process, the timescales and the name of the Investigating Officer.

The Complaints Manager and the Investigating Officer should consider whether it is necessary to halt a particular aspect of the case pending investigation, for example where there are ongoing Court proceedings.

The Investigation

Upon being appointed, the Investigating Officer will:

- i. Conduct an investigation. The complainant will be interviewed and a complaint statement agreed., interviews will also be held with relevant staff as appropriate;
- ii. Produce a report making recommendations about action to be considered;
- iii. Send a copy of the report to the Statutory Complaints Manager bearing in mind that this, together with the local authority's response, needs to be sent to the complainant within the timescale of the receipt of the complaint. A full response to the complaint must not exceed 65 working days.
- iv. The Statutory Complaints Manager will inform the complainant of the timescales and the reasons for any permitted extension, , and wherever possible obtain the complainant's agreement to the extension;
- v. Staff and carers need to be aware that it is a legal requirement upon the authority to undertake investigations when a complaint is made. It is therefore essential that they cooperate with the investigation and provide information to the Investigating Officer through their verbal responses to questions and access to written material.

Action Following Investigation

Upon receiving the Investigating Officer's reports and any supplementary report provided by the Independent Person, the Statutory Complaints Manager will:

- a. Send a copy of the report(s) to the relevant manager of the service complained about and, if the complaint concerns front-line service providers, the staff themselves;
- b. Ask a senior manager reporting to the Director, for his or her adjudication, in consultation with others as necessary, and what action the local authority will be willing to take in relation to the investigation's recommendations
- c. Send a copy of the Investigating Officer's report, any supplementary report prepared by the Independent Person and the local authority's response to the report(s) to the complainant. This must be sent within a maximum of 65 working days of receipt of the complaint
- d. Advise the complainant of the right to submit a request to the Statutory Complaints Manager within 20 working days that the complaint proceed to a Stage Three Review Panel;
- e. Monitor the outcome of the complaint in terms of customer satisfaction with the process and the eventual outcome, and the implications for future service delivery and training.

11. Stage Three - Review Panels

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, , the complainant has 20 working days to ask for the response to be reviewed by a Review Panel. The request should be made to the Statutory Complaints Manager and acknowledged in writing within 2 working days. The Statutory Complaints Manager will ensure a Review Panel is set up and meets within 30 working days of the complainant's Stage Three request being made.

Review Panels are designed to:

- Listen to all parties
- Consider the adequacy of the stage 2 investigation
- Obtain any further information and advice that may help resolve the complaint to all parties satisfaction
- Focus on achieving resolution for the complainant by addressing clearly their complaints and desired outcomes
- Reach findings on each of the complaints being reviewed.

- Make recommendations that provide practical remedies and creative solutions to complex situations
- Support local solutions where the opportunity for resolution between the complainant and the council exists
- To identify any consequent injustice to the complainant where complaints are upheld and to recommend appropriate redress; and
- Recommend any service improvements for action by the council.

As a general rule, Review Panels do not reinvestigate the complaints and would not consider new complaints unless they had been through the Stage 2 process.

The Review Panel must be made up of three independent people, who must not be:

- i. Employees of the authority;
- ii. Elected members of the authority;
- iii. A spouse or partner of either of the above.

One member will be appointed as the Panel Chair. It is good practice that the Chair should not have been employed or an elected member of the authority within the last three years.

The complainant should be notified of the Panel's date and location in writing at least 10 working days before the Review Panel meets and be invited to attend. The complainant should also be informed of their entitlement to be accompanied by another person and for this person to speak on their behalf.

Those persons involved with the investigation at Stage Two (e.g. the Investigating Officer, and the Independent Person) should also be invited to attend.

The Chair should make the final decision on attendees (including asking the local authority to make specific members of staff available to provide specialist advice or opinion).

Panel papers should be sent to 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. These should normally include: information on Stage 1 (as relevant), the Stage Two investigation report(s), the local authority's adjudication, any policy, practice or guidance information relevant to the complaint, and any comments that the complainant has submitted to the Panel. The papers should also include information on any local practice around Panels, such as conduct, roles and responsibilities

The Review Panel's recommendations should be recorded in writing and copies sent to the relevant Director within 5 working days.

The Director must respond to the recommendations of the Review Panel and make the decisions known to the complainant within 15 working days, explaining the authority's decision and reasons. If the Director deviates from the panel's recommendations, they should demonstrate their reasoning in the response.

Complainants should be advised of their right to make representations to the Local Government and Social Care Ombudsman if they are still not satisfied.

The contact details for the Local Government and Social Care Ombudsman are as follows:

- Website: www.lgo.org.uk
- Address:
- Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone: **0300 061 0614**

12. Appendix 1: Definition of Roles

Complaints Manager

Key tasks for the Complaints Manager may include:

Overseeing the Procedure by:

- managing, developing, resourcing and administering the complaints procedure;
- overseeing the receipt and investigation of complaints that arise from problems that could not be resolved initially;
- liaising with the Independent Reviewing Officer where appropriate to identify options for resolution;
- appointing Investigating Officers, Review Panellists and Independent Persons;
- ensuring that there are no conflicts of interest at any stage between parties involved in delivering the procedure;
- co-operating with such other persons or bodies as may be necessary in order to investigate or resolve complaints.
- promoting local resolution;
- monitoring the progress of the investigation and ensuring its smooth running;
- making recommendations to the local authority on any other action to take following an investigation;
- working closely with the Panel Chair on the organisation of Stage 3 Review Panels;
- monitoring and reporting on time scales;
- maintaining a written record of complaints made, the procedure followed and the outcome; and
- compiling the annual report.

Maintaining a customer focus by:

- providing a sensitive, customer-focused service for representations and complaints, appropriate to the needs of children and young people;
- providing help and advice to children and young people and others who may wish to make a complaint so that they understand the options available for resolution both within the complaints procedure or alternatives routes of remedy and redress;
- ensuring that advocacy services are explained, offered and provided when
- Getting the Best from Complaints 36
- required;
- ensuring the complainant is kept informed at all stages;
- offering advice on the response of the authority; and

- providing practical support to complainants.

Supporting the local authority by:

- providing guidance, advice and support to staff on management of complaints;
- supporting staff involved in all stages of the complaints procedure;
- commissioning appropriate training;
- overseeing the arrangements for publicity;
- evaluating and reporting on the numbers, types, outcomes and trends of complaints to inform practice, development and service planning; □
- maintaining a pool of people with skills and training needed to conduct investigations; and □ ensuring that commitments given in responses (including adjudications) are implemented.

Investigating Officers (IOs)

The Investigating Officer has overall responsibility for investigating the complaint at Stage 2. Where a member of staff, the Investigating Officer should not be within line management of the service being complained about.

The Investigating Officer's undertakings may include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - o sensitive and thorough interviewing of the complainant;
 - o consideration of social work records and other relevant information;
 - o interviewing with staff and other people relevant to the complaint; and
 - o analysing information;
- preparation of the report of the investigation in a clear, plain language;
- effectively liaising with the complainant or his advocate, the Independent Person and the Complaints Manager as appropriate; and
- identifying solutions and recommending courses of action to resolve problems.

Given the importance of providing an efficient response to the complainant, the Investigating Officer will need to prioritise his work effectively and have due regard to the regulated timescales for investigation.

Independent Persons (IPs)

Local authorities must involve an Independent Person (IP) in the investigation of complaints at Stage 2. The person appointed should be neither an Elected Member nor an employee of the local authority, nor a spouse of an employee or member of the authority. Former local authority staff are eligible, but good practice would

suggest at least three years have elapsed since they were employed by the local authority.

The Independent Person may not undertake any other roles in the consideration of the same complaint (such as advocate, or Review Panellist).

The Independent Person should:

- ensure that the process of investigation is open, transparent and fair;
- work alongside the Investigating Officer to provide an independent and objective view to the investigation of complaints;
- see the same relevant files and documents as the Investigating Officer;
- participate in all interviews and discussions relevant to the investigation;
- read the Investigating Officer's report and produce his own report on the investigation;
- comment on each of the complaints and state whether he agrees with the Investigating Officer's findings on them; and
- explain, where necessary, his reasons for considering an investigation to be unfair or incomplete and to advise the complainant of these in his report.

Advocates in the complaints procedure

The role of the advocate was established under the Advocacy Services Representations Procedure (Children) (Amendment) Regulations 2004. The advocate should provide independent and confidential information, advice, representation and support to the child or young person making the complaint. The role of the advocate in the complaints procedure is:

- to empower the child or young person by enabling him to express his views wishes or feelings, or by speaking on his behalf;
- to seek the resolution of any problems or concerns identified by the child or young person by working in partnership with child or young person and only with his agreement;
- to support the child or young person pursuing a complaint through every stage of the complaints procedure and to provide him with information about his rights and options, helping him clarify the complaint and the outcomes he is seeking; and
- to speak for or represent the child or young person at any stage of the complaints process, including at the informal stage or at any formal hearing or interviews.

Further detailed guidance can be found in *Get it Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989. Department for Education and Skills, 2004.*

Senior managers

A senior manager, within the context of this guidance, is a manager in the local authority with a senior position to make strategic decisions regarding service delivery. This role would ordinarily be met by an Assistant Director or above (though specific designations will vary within each local authority).

Senior managers fulfil two specific roles and should liaise with the Complaints Manager as necessary in delivering these:

Adjudicating Officer

The purpose of the Adjudicating Officer is to consider the complaints, the Investigating Officer and Independent Person's findings, conclusions, and recommendations and the complainant's desired outcomes.

The Adjudicating Officer should invite the complainant to an adjudication meeting, either before or after writing his adjudication.

The Adjudicating Officer writes to the complainant at the end of Stage 2 with details of the adjudication which:

- confirms the local authority's response to the report;
- gives his view on whether the investigation has been thorough and complete;
- states his position on the Investigating Officer's and Independent Person's findings against each point of complaint;
- states any actions that he will be taking and their timescale for implementation;
- confirms the complainant's right to request Stage 3 within 20 working days; and
- reminds the complainant of his right to approach the Local Government Ombudsman at any time.

The Adjudicating Officer should issue the details of the adjudication with the investigation report and the Independent Person's report.

He should also release the reports to his staff as appropriate.

Local authority representative at the Review Panel

The local authority should ordinarily be represented at the Stage 3 Review Panel by the same senior manager who acted as Adjudicating Officer. Where the Adjudicating Officer delegates this role, he should do so to a member of staff with sufficient status in the local authority to represent it.

The Adjudicating Officer should represent the local authority, however, where he has rejected any of the Investigating Officer's findings at Stage 2 or where the Panel Chair requests his attendance.

The local authority representative should:

- provide further information to support the local authority's position;
- consider whether any other member of staff should attend to address specific issues and request their attendance through the Chair;
- prepare a presentation to give to the Panel on the day;
- keep all staff involved in the complaint, but who are not attending the Panel, informed of the proceedings; and
- act on any recommendations from the Panel (as required by the Director).

Review Panellists

The Panel consists of a Chair and two other people appointed by the local authority. All Panel members must be independent – this means people who are neither members nor officers of the local authority to which the representations have been made, nor the spouse or civil partner of such people. In appointing the Panel Chair, former members or officers of the local authority may be considered on a case-by-case basis, but good practice suggests that three years should have elapsed since.

The panellists should:

- read Panel papers in advance of the meeting;
- attend for the entirety of the Panel and contribute to the consideration of the complaint through the Chair;
- support the Chair by taking an active part in the decision making process;
- contribute to deliberations and the wording of the Panel's findings; and
- provide relevant opinion based on any specialist skills, knowledge and awareness that they have in respect of the presenting complaint.

Independent Chair of the Review Panel

The role of the Chair is to:

- confer with the Complaints Manager about the specific needs of the complainant;
- agree who will attend as the local authority representative and request the attendance of any other persons who may assist in understanding the complaint and its context;
- chair the Panel meeting by ensuring that the complaint is heard in full;
- operate flexibly in response to the individual needs of each Panel member;
- ensure that the Panel runs smoothly and that each participant is given an opportunity to contribute appropriately;
- ensure that all participants are treated with respect throughout the process;

- in consultation with the other Panellists, ensure that the premeeting, presentations and deliberations are of proportionate length to ensure appropriate consideration of the complaint and to enable the Panel to reach its conclusions;
- manage the Panel's deliberations to produce a timely and full response to the complainant and local authority within five working days of the Panel meeting;
- ensure that any disagreements of position among the Panellists are recorded and seek to reach a majority decision where necessary; and
- be available to meet local authority staff, if needed, after the Panel meeting to discuss any recommendations arising.

Clerk to the Panel

The local authority will need to provide administrative support for the operation of the panel which may be in the form of a clerk. It may be sensible for this role to be filled by a separate officer to that of the Complaints Manager. The clerk should assist in the appointment of the Panel through to the production of its final recommendations to the local authority.

Tasks the clerk might undertake include:

- organising the venue, facilities and refreshments;
- distributing written submissions from the complainant and the authority;
- supporting the Complaints Manager and Chair as required;
- ensuring that procedure on the day is adhered to;
- taking notes to facilitate the Panellists' decisions;
- specifying with the complainant whether he will be bringing any representatives or witnesses with him and assist as necessary; and
- providing administrative support to the Chair and Panel to produce and issue the final recommendations to the local authority complainant and other attendees within five working days.

Independent Reviewing Officers

Independent Reviewing Officers (IROs) do not have a role in instigating the complaints procedure themselves, and should not stand in the way of complaints being made. They will have a role when they meet children to inform them that they have a right to make complaints to the local authority, and of the local authority's responsibility to provide them with an independent advocate should the child so wish.

The IRO may be part of the solution to the problem, and the Complaints Manager may consult with the IRO to determine what options are available. An outstanding formal complaint using the local authority's complaints procedure should not prevent the IRO from fulfilling their role in resolving problems by negotiation. The IRO may have a role in communicating both with the child and with the Complaints Manager. The IRO should not prejudice the complaints procedure but their work may help to

speed up the process or even hold a key to its resolution. The IRO should become involved in serious complaints concerning children's care plans. They should not usually need to get involved in more minor complaints about a child's day to day care.

In all cases the welfare of the child is the primary concern. IROs will need to make a judgement about whether a problem raised via a complaint is serious enough to constitute a breach of the child's human rights such as to justify making a referral to CAFCASS, or whether it would be reasonable to await a resolution through the complaints procedure, with or without additional support of the IROs own negotiation.

For more information on the role of the Independent Reviewing Officer, please refer to *Independent Reviewing Officers Guidance: Adoption and Children Act 2002*.
Department for Education & Skills 2004.

13. Appendix 2: Flowchart of Children's Complaints

