

Leicestershire County Council

Complaints handling guidance for staff

This document is the council's internal complaints handling guidance for staff and follows the statutory process for children's social care as per the Children Act 1989. This will specifically be relevant for Managers across Child Protection, Children in Care & Disabled Children Teams.

Complaints can be made in a variety of ways:

- County Council's online webform - <https://www.leicestershire.gov.uk/about-the-council/contact-us/complaints-and-comments>
- Email to complaints@leics.gov.uk
- Telephone – 0116 305 7422 – complaints line
- Completing a complaints form
- Referral to Complaints Team from a department/service

The statutory process for children's complaints has three stages (stage 1, 2 and 3) to be completed before the complainant can take their complaint to the Local Government & Social Care Ombudsman. Statutory timescales apply to each of these stages as set out in the Statutory Guidance "Getting the Best from Complaints"

The following measures are put in place to ensure there is a consistent oversight and sign-off of responses whilst not impacting on timescales as well as minimising escalations to stage 2.

Guidance for staff

1. A complaint may be generally defined as an expression of dissatisfaction with the quality or nature of the service provided, or the failure to provide a previously agreed service; or with the attitude or behaviour of a member of staff.
2. If a complaint has been received by children's social care and responded to directly, it is important to ensure the correspondence is sent to the complaints team to log. This is especially important if later on any agreed actions have not been completed and the complainant decides they wish to escalate the matter via the complaints team and request a stage 2.
3. If a complaint is logged by the complaints team, the case management officer will acknowledge receipt and write to the Team Manager responsible for the complaint and copy the Service Manager. An initial timescale of 10 working days will be set to respond to complaints. An extension can be applied with the agreement of the complainant due to either the complexity of the case or if key staff members are on annual leave.

4. Whenever a complaint is received, within 5 working days we need to establish whether the subject matter is suitable for the statutory complaints procedure. This will include consideration of the person making the complaint and the subject matter. It is vital that Team Managers co-operate with information requested by Complaints Officers in establishing this.
5. If it is established as statutory complaint we have 10 working days to respond by, at 7 working days, the complaints team will make contact with the Team Manager (copying in Service Manager) for an update. It is vital that we manage expectations with the complainant if there are reasons affecting our ability to respond within this timescale.
6. If a response will be delayed, the complaints team will apologise and advise complainant of revised timescale adding an additional 10 working days. At 17 working days, if response is still not received, complaints team will write to Head of Service to intervene and provide a response. It is important to note 20 working days is the statutory maximum.
7. At 20 working days, the complaints team will contact complainant apologising for the continued delays and informing them of their right to request a stage 2 investigation. In recognition that complaints are best dealt with at the earliest point the complaints officer will explain that we still intend to respond if the individual is prepared to give us a further 10 working days to complete a response.
8. If agreement is received by the complainant, complaints team will re-issue the complaint to the Head of Service with a new deadline making them aware of the delays already encountered and that any further delay will result in escalating immediately to a stage 2 investigation.
9. The complaints team will contact the Head of Service around four days before the new deadline to ensure a response is on track as complaint will have been in the system for 30 days. If it is apparent that we will not be able to issue a response or no resolution will be reached, we will liaise with complainant and escalate to stage 2.
10. If a response suggests a Manager intends to arrange a meeting with a complainant to discuss the complaint and resolution, it is expected that priority will be given to ensure this is completed within a two week period. It is important to note that the statutory guidance is clear that meetings or other attempts should not prolong resolution at Stage 1.
11. Exceptions can be made if a complainant is unavailable for any reason (and is willing to attend the meeting) in which case timescales will be revised. An update to the complaints team is required after any such meeting with a clear summary of actions agreed and whether the complaint should be upheld or not. Alternatively a Stage 2 should be offered at this point if resolution has not been reached.

12. If a response has been issued at stage 1 and the complainant is unhappy with the response and requests a stage 2, the Complaints team will explore with the relevant Service Manager any prospect of resolution before agreeing a stage 2. If the complainant is willing this allows for a final opportunity to resolve locally. To ensure that their right to escalation is not frustrated, a maximum of 5 working days will be allowed to confirm this position.

The Stage 2 Process

1. When a complaint has been agreed to be escalated at Stage 2, the complaints team will make the associated necessary arrangements in appointing the investigators. The complainants will be advised once investigators are appointed and from thereon the investigators will liaise directly with the complainant in completing the terms of reference.
2. During the investigation, staff involved in the complaint may be required to be interviewed by the investigators. The complaints team will liaise with the relevant staff to arrange this and will provide sight of the terms of reference ahead of the interview. It is vital those interviewed are prepared in advance of these interviews.
3. The maximum timescale for completing a stage 2 investigation is up to 65 working days after which the Independent Investigator will complete a report and the department will have 15 working days in which to complete their response to the complainant including a copy of the independent report. This is carried out at a Head of Service level which meets the criteria of a Senior Manager as defined in the Statutory Guidance.
4. The complainants have the right to request a stage 3 panel hearing if they are unhappy with the findings of the stage 2 investigation. This request is required within 30 days of receipt of the department's response.

Complaints guidance flowchart

