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**CHILDREN, SCHOOLS AND
FAMILIES DEPARTMENT**
POLICIES AND PROCEDURES



TITLE: CHILDREN, SCHOOLS AND FAMILIES COMPLAINTS PROCEDURE

PURPOSE OF PROCEDURE:

This document sets out the Complaints Procedure for the Children, Schools and Families Department. The procedure also provides information for staff in relation to handling complaints.

This procedure is continually reviewed by all members of staff for suitability, effectiveness and customer focus to ensure we can improve upon the service we provide. If you have any comments on this procedure, please notify the Customer Services and Complaints section, contact details on Page 3.

APPROVED BY: Yvette Stanley
JOB TITLE: DIRECTOR, CHILDREN, SCHOOLS AND FAMILIES
DATE: April 2013
SIGNATURE:

About the Department

The Children, Schools and Families Department aims to improve the life chances of all local children and young people. We do this by making sure that they receive the quality of service they need to live healthily and happily. We also help them reach their potential at school and give them opportunities to play and participate in the communities and neighbourhoods where they live.

The services covered by the department are:

- ❖ School organisation;
- ❖ School admissions;
- ❖ School standards and quality;
- ❖ Extended schools;
- ❖ Early years and children's centres;
- ❖ Child care and children's activities;
- ❖ Special educational needs;
- ❖ Commissioning, strategy and performance;
- ❖ Services to children in need, including those who need child protection plans;
- ❖ Services to children and young people who are looked after by the local authority;
- ❖ Fostering and adoption of children and young people;
- ❖ Youth Justice;
- ❖ Safeguarding and partnerships;

About the Procedure

The Children, Schools and Families complaints procedure is split into four sections, due to the way in which different complaints are handled. The four different sections are as follows:

1. School complaints;
2. Complaints about the services provided by Children, Schools and Families, which are not school complaints and not subject to the Children Act 1989, and are handled according to Merton's corporate complaints procedure;
3. Admission appeals, permanent exclusion appeals and special educational needs;
4. Complaints subject to the Children Act 1989.

This procedure should also be considered in conjunction with Merton's corporate complaints policy. For complaints that fall under Children Act legislation, it is also helpful to read the DfES document *"Getting the Best from Complaints - Social Care Complaints and Representations for Children, Young People and Others"*

www.everychildmatters.gov.uk/resources-and-practice/IG00152/

Definition of a Complaint

Broadly, London Borough of Merton defines complaints as *"any expression of dissatisfaction about the service provided by the council or approved providers"*. In applying this definition we differentiate between a failure to meet service standards and complaints about agreed policies. Additionally, a complaint is an expression of dissatisfaction with the council's services, not a request for services, unless such a request is accompanied by an expression of dissatisfaction as above. For a definition of a complaint according to the Children Act, please refer to section 3.1 of this procedure.

For more advice on the complaints procedure, contact the Customer Service and Complaints section:

Customer Service and Complaints Officer
Tel: 020 8545 3086

Email: childrenservicescomplaints@merton.gov.uk

Further information can also be found on Merton's website www.merton.gov.uk/complaints

Advice for all staff on dealing with complaints is given as appendix A.

Monitoring and evaluation

All complaints, and responses to those complaints, are logged and monitored by the departmental customer service and complaints section. Such data is collated and reported to senior management on a monthly basis.

Local Government Ombudsman

The customer service and complaints section can provide complainants with a leaflet that gives details on how to complain to the Local Government Ombudsman. Alternatively, contact details are given below:

Local Government Ombudsman
PO Box 4771
Coventry CV40EH
www.lgo.org.uk

Tel: 0845 602 1983
024 7682 1960

Email: advice@lgo.org.uk

Text 'call back' on 07624804323

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1 SCHOOL COMPLAINTS

- 1.1 Under the government's Local Management of Schools (LMS) regulations, headteachers, supported by governing bodies, are responsible for the management and day to day running of their schools. This means that most complaints about a school should be handled in the first instance, by the school.
- 1.2 Under Section 29 of the Education Act 2002, Governing Bodies of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with other complaints relating to the school, and to any community facilities or services that the school provides.
- 1.3 Every effort should be made to resolve school complaints informally. It is a good idea for complainants to arrange a meeting with a teacher, or another appropriate member of staff such as the head of year, or even the headteacher, in order to discuss the matter. If this doesn't resolve the problem, complainants should ask for a copy of the schools complaints procedure.
- 1.4 The complaint should be presented to the school, so that it can be handled through their complaints procedure.
- 1.5 From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the LGO or the local authority should be addressed to the Secretary of State for Education:

Department for Education
Castle View House
East Lane Runcorn Cheshire WA72GJ

Telephone: 0370 000 2288
Typetalk: 18001 0370 000 2288
Fax: 01928738248

Making a complaint to the Department for Education should only happen after other routes have been followed. The exception to this may include such matters as child protection, or where a child is missing education.

In the case of faith schools, the complaints procedure may allow for review by the appropriate diocesan board of education. However, this is also dependent on each school's complaints procedure.

2 COMPLAINTS THAT ARE NOT ABOUT SCHOOLS AND ARE NOT SUBJECT TO THE CHILDREN ACT 1989

2.1 Complaints about the services provided by the council are subject to our two stage corporate complaints policy. A copy of this policy is available from www.merton.gov.uk or the customer service and complaints section can supply more details.

2.2 A summary is given below of the policy and how complaints are handled.

We welcome our customer's views and will use them to improve our services. The purpose of this policy is to provide a framework for dealing with complaints, comments and compliments. It explains our processes and our obligations to our customers and the role of the Local Government Ombudsman.

Our corporate complaints policy aims to ensure that customers:

- know where and how to complain and have easy access to our complaints system;
- receive an acknowledgement and information on the progress of their complaint; and
- receive an appropriate response with prompt and adequate action when we have failed to provide a satisfactory service.

Responding to a complaint

Stage	Timescale	Response prepared by	Response agreed by
Informal	2 working days	Team manager	Customer Service Officer
Stage 1	20 working days	Service Team Manager	Service Manager
Stage 2	25 working days	Complaints Team Manager/Senior Team Member	Assistant Director/ Director
Local Government Ombudsman	Directed by LGO	Complaints Team/Service Manager	Chief Executive

3 APPEALS AND SPECIAL EDUCATIONAL NEEDS

3.1 *Education Admissions Appeals*

If a parent/carer has been unsuccessful in obtaining a place for their child at the Merton school of their choice, they have the right to appeal for a place at their preferred school. Appeals for places at voluntary aided (Church of England or Roman Catholic) schools or for places at an Academy are arranged by the school governors. For more information on the appeals process, parents and carers should contact the customer service and complaints section.

Further information on appeals can be found on Merton's website at <http://www.merton.gov.uk/admissionsappeals.htm>.

3.2 *Appeals against Permanent Exclusion from School*

A parent/ carer has the right to appeal to an independent appeal committee if their child has been permanently excluded from a Merton school and the exclusion has been upheld by the school governors. For more information, parents and carers should contact the customer service and complaints section. Advice can also be given by the Exclusions Officer, who can be contacted on 020 8288 5616.

3.3 *Children with Statements of Special Educational Needs*

If we have provided a statement for a child with special educational needs, we are responsible for arranging that the special educational provision is made for the child. We may identify a particular school which is suitable for the child's needs, and name the school in the statement. If the parent/carer of a child with special educational needs wishes to appeal against the school named in the statement, or the fact that no school has been named, or the contents of the statement, the appeal must be made to the Special Educational Needs and Disability Tribunal.

For further information, parents/carers should contact the Special Educational Needs Administration Team (SENAT) on 020 85454811 or email sen@merton.gov.uk. Advice can also be obtained from the parent partnership service. Merton Parent Partnership Service has offices at Hillcross Primary School, Ashridge Way, Morden and can be contacted on 020 8543 8671.

4 COMPLAINTS SUBJECT TO THE CHILDREN ACT 1989

The following is based on guidance issued by the Department for Children, Schools and Families on new regulations, which came into effect on 1 September 2006. A copy of the guidance can be supplied by the customer service and complaints section.

4.1 *What is a complaint?*

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as 'problems not being sorted out'. A common theme amongst children and young people is the need for complaints procedures to be both fast and effective: complaints procedures should 'get it sorted' straight away. Merton Council will ensure that it responds to the issues raised, setting out what action should be taken. We will make efforts to ensure that children and young people are aware of how they may make representations to the local authority and that they do not have to be complaints. The child or young person has the same right to advocacy whether the representation is a complaint or not.

4.2 *What may be complained about?*

A complaint may arise as a result of many things arising from a statutory social services function. Some examples are given below, although this is not an exhaustive list:

- 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;
- 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 policy;
- Assessment, care management and review;
- The decision by the local authority to apply for care and supervision orders;
- The effect of the care order and the local authority's actions and decisions where a care order is made;
- Control of parental contact with children in care;
- How supervisors perform their duties where a supervision order is in force;
- Matters that do not relate to the court and which are specifically actions of the local authority can be considered, regarding applications for and duties in relation to child assessment orders;
- Matters relating to applications for emergency protection orders and decisions relating to the return of children who have been removed;

- Various adoption-related functions;
- Various functions relating to Special Guardianship

4.3 Complaints about regulated services

Where complaints are about regulated services under the Care Standards Act 2000 and where services are delivered on the council's behalf or through an internal service that is regulated, we will need to be satisfied that the complaint can be considered under this procedure.

4.4 Who may complain?

- Any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need;
- Any local authority foster carer (including those caring for children placed through independent fostering agencies);
- Children leaving care;
- Special Guardians;
- A child or young person (or parent of his) to whom a Special Guardianship order is in force;
- Any person who has applied for an assessment;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;
- Any other person to whom arrangements for the provision of adoption services extend;
- Adopted persons, their parents, natural parents and former guardians;
- and
- Such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

4.5 Exemptions from this complaints procedure:

- The person wishing to complain does not meet the requirements of "who may complain" and is not acting on behalf of such an individual;
- The complaint is not with regard to the actions or decisions of the local authority complained to, or of any body acting on its behalf; or
- The same complaint has already been dealt with at all stages of the procedure;
- To consider a complaint would prejudice Court proceedings, tribunals, disciplinary proceedings or criminal proceedings;
- The events complained about occurred more than twelve months prior to the complaint being made, apart from those who were receiving a service as a child, or who were looked after children, or were the subject of child protection procedures.
- Other agencies involved with the complaint although they may be considered as part of a multi agency service delivery investigation.

4.6 Anonymous complaints

Anonymous complaints should always be recorded and referred to the customer service and complaints section. Anonymous complaints fall outside of the scope of the statutory procedure, but the fact that the complaint is from an anonymous source should not in itself justify a decision not to pursue the matter. Where the complaint is of a serious nature, we will investigate it as far as possible, and take any necessary action.

4.7 Complaints made on behalf of or relating to a child

Where a complaint is received from a representative acting on behalf of a child or young person, or does an adult that relates to a child or young person make a complaint, we may check with the child that they are happy for the person to make the complaint.

It is hard for children to make complaints about a service that they receive. It is therefore essential that extra consideration is given to these complaints and every effort must be made to ensure that they are dealt with both promptly and sympathetically.

Children and young people making a complaint, or raising a concern about services will be given the opportunity to be provided with advocacy services. The advocate should be independent of the people or services being complained about. The customer service and complaints team can provide complainants with contact details for the advocacy services.

4.8 Timescales

The timescales for responses to complaints which are subject to the Children's Act 1989 are as follows. **Please note that these are in working days, and start from the day on which the complaint is received.** A flowchart summarising the timescales involved with each stage is given at the back of this document.

- ⊕ **2 days** at informal stage
- ⊕ **10 days at Stage 1** (with a further 10 days for more complex complaints or additional time if an advocate is required);
- ⊕ **25 days at Stage 2** (with maximum extension to 65 days);
- ⊕ **20 days** for the complainant to request a Review Panel;
- ⊕ **30 days** to convene and hold the Review Panel at Stage 3;
- ⊕ **5 days** for the panel to issue its findings; and
- ⊕ **15 days** for the local authority to respond to the findings.

4.9 Informal Stage

Once a complaint is received, the customer service officer will access if the complaint should proceed straight to Stage 1 or if a response can be given in **2 working days**. In these cases the Customer Service Officer will contact the team manager involved, explain the query/ complaint, the Team Manager would then need to contact the complainant by the end of the next working day to try and resolve the issue. If the complaint is not resolved it will then progress to Stage 1.

4.10 Stage 1- local resolution

Ways to complain

The complaint can be made face-to-face, by telephone, in writing, by e-mail or By completing the complaint leaflet. All officers should be prepared to offer advice and assistance if the complainant needs it.

A quick resolution

Every effort should be made to ensure that the majority of complaints are considered and resolved at Stage 1. However, if the council or the complainant believes that it would not be appropriate to consider the complaint at Stage 1, this should be discussed. If both parties agree, the complaint can be escalated immediately to Stage 2.

Addressing the complaint

At Stage 1, staff at the point of service delivery and the complainant should discuss and attempt to address the complaint as quickly as possible. They should discuss the issue and exchange information and thinking behind decisions and try to agree a way forward. It is expected that the relevant team manager will deal with Stage 1 complaints, along with the customer service and complaints section who will assist the appropriate manager to fully investigate the complaint.

Timescales at Stage 1

A written response to the Stage 1 complaint must be sent **within ten working days of receipt of the complaint**. Where this is not possible, there can be a further 10 days' extension. If necessary, we may also suspend Stage 1 until an advocate has been appointed. The maximum amount of time that Stage 1 should take is **20 working days**. After this deadline the complainant can request consideration at Stage 2 if he so wishes.

Next stage

The complainant must be informed that they have the right to move on to **Stage 2** if the timescale has elapsed for **Stage 1** and they have not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person being off sick or on leave), so this period can be extended with the complainant's agreement or request.

If the matter is resolved, we will write to the complainant confirming the agreed resolution and the customer service and complaints section should be informed of the outcome as soon as possible. Otherwise, a letter should be sent to the complainant (or a meeting offered, if this is more appropriate) responding to the complaint. **The letter of resolution must provide details of the complainant's right to proceed to the next stage of the procedure if they are unhappy with the outcome of their complaint.**

Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. For good practice reasons, it is recommended that the complainant does this within 20 working days so that momentum in resolving the complaint is not lost. Once this request is received the Customer Service Officer will assess the complaint and response at stage 1 to see if it would be beneficial to arrange a stage 2 resolution meeting with the complainant and the team manager involved to try and resolve the complaint.

4.11 Stage 2 -Independent Investigation

Roles

For Stage 2 complaints, we will appoint an **Investigating Officer** and an **Independent Person**, and an **Adjudicating Officer**. The customer service and complaints section must ensure that these individuals are appointed.

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

The IO's undertakings may include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - Sensitive and thorough interviewing of the complainant;
 - Consideration of social work records and other relevant information;
 - Interviewing staff and other people relevant to the complaint; and
 - 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 customer service and complaints manager (social care) as appropriate; and
- Identifying solutions and recommending courses of action to resolve problems.

The Independent Person (IP) must be neither an elected member nor an employee of Merton Council, nor a spouse of an employee or member of the council. Former staff are eligible, but good practice would suggest at least three years have elapsed since they were employed by us.

The IP may not undertake any other roles in the consideration of the same complaint (such as advocate, or review panellist).

The IP 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.

An offer may be made to the complainant that the **IO and IP** can meet with them for the purpose of explaining their conclusions in their reports.

The purpose of the **Adjudicating Officer (AO)** is to consider the complaint, the IO and IP's findings, conclusions, and recommendations and the complainant's desired outcomes.

The AO must write 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 AO should issue the details of the adjudication with the investigation report and the IP's report. He should also release the reports to his staff as appropriate.

PROCESS

If the complaint has been submitted verbally, the customer service and complaints section must ensure that the details of the complaint and the

complainant's desired outcome are recorded in writing and agreed with the complainant. This may be achieved either by correspondence or by meeting the complainant to discuss, followed by a written record of what was agreed. He may wish to do this in conjunction with the IO and IP appointed to conduct Stage 2. **Should the complainant amend the written record of his complaint, the Stage 2 timescale will start from the date that the complaint is finalised.**

The customer service and complaints section will arrange for a full and considered investigation of the complaint to take place without delay. They may also request (in writing) any person or body to produce information or documents to facilitate investigation, and consideration should be given to matters of disclosure and confidentiality. Consideration of the complaint at Stage 2 should be fair, thorough and transparent with clear and logical outcomes.

The IO should have access to all relevant records and staff. These should be released within the bounds of normal confidentiality and with regard to relevant legislation in the Freedom of Information Act 2000 and the Data Protection Act 1998.

The investigation will be completed and the response sent to the child or young person **within 25 working days**. However, this may be impractical in some cases, e.g. where the complaint involves several agencies, all or some of the matters are the subject of a concurrent investigation (such as a disciplinary process), if the complaint is particularly complicated or if a key witness is unavailable for part of the time.

Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to **a maximum of 65 working days**. All extensions should be agreed by the customer service and complaints section. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

We will inform the complainant in writing of the reason for the delay and the expected response date.

The IO will write a report on the outcome of his investigation, including:

- Details of findings, conclusions and outcomes are against each point of complaint (i.e. "upheld" or "not upheld") and
- Recommendations on how to remedy any injustice to the complainant as appropriate.

The report should be written in plain language, avoiding jargon, so that everyone can understand it. It should distinguish between fact, feelings and opinion.

When the report is complete, the AO will consider the complaint, the IO's

findings, conclusions, and recommendations, any report from the IP and the complainant's desired outcomes. The AO should consider the reports and identify:

- The council's response;
- The council's decision on each point of complaint; and
- Any action to be taken (with timescales for implementation).

The AO may wish to meet with the complainant, the customer service and complaints section, the IP or the IO to clarify the report or the final decision made.

We will then write to the complainant with our response containing:

- A complete copy of the investigation report;
- Any report from the IP; and
- The adjudication.

This response must contain details of the complainant's right to have the complaint submitted to a Review Panel if they are dissatisfied and that they have 20 working days to make this request to the local authority.

The AO will ensure that any recommendations contained in the response are implemented. The customer service and complaints section will monitor implementation and report regularly to the Director of Children, Schools and Families on what action has been taken.

4.12 Stage 3 Review Panel

Purpose

Review Panels meet in order 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 his clearly defined 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 local authority 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 authority.

As a general rule, the Review Panel should not reinvestigate the complaint, nor should it be able to consider any substantively new complaints that have not been first considered at Stage 2.

Composition

The Panel must consist of three independent people. **Independent means a person who is neither a member nor an officer of Merton Council, nor the spouse or civil partner of such a person.**

In selecting the Panel we will consider:

- The profile of the local population;
- How best to demonstrate independence of the procedure;
- The needs and circumstances of the individual complainant and the need for specialist skills, knowledge, or awareness regarding the presenting complaint;
- Any real or perceived conflict of interest raised by either the substance of the complaint or the Panel process for considering that complaint; and
- Due care regarding political sensitivity.
- Including, if possible, a panel member with current General Social Care Council (GSCC) registration.

One member of the Panel should be assigned as Chair of the panel. Good practice suggests that the person appointed as Chair should not have been an officer or a member of Merton Council during the three years preceding the Panel. In order that the Chair may contribute to the organisation of the panel, the customer service and complaints section should appoint the Chair first – ideally within ten working days of the complainant's request to proceed to Stage 3 – before identifying other panel members.

Before the Meeting

- The Panel must meet within 30 working days of receipt of the request for a review;
- The authority must acknowledge the request within two days of receipt;
- The complainant should be notified of the Panel's date and location in writing at least ten working days before the Panel is due to meet;
- Panel papers should be sent as soon as they are agreed by the chair, and no later than ten working days before the date of the Panel.

Attendance

The complainant has a right to attend the Panel. Ideally, no party should feel the need to be represented by lawyers at the Review Panel. The purpose of the Panel is to consider the complaint and wherever possible, work towards a resolution. It is not a quasi-judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, the complainant has the right to bring a representative to speak on his behalf.

The people involved in the Stage 2 investigation should be invited to attend and contribute. The AO should attend, as the authority's representative, if he has rejected any of the IO's findings at Stage 2.

The customer service and complaints section, and anyone providing administrative support should also attend.

Meeting

A pre-meeting should take place for the panellists and their administrative support to meet in closed session to discuss the order of business and any other relevant issues (e.g. taking legal advice). No deliberations on the complaint should commence at this meeting.

Once all attendees are present, the Chair should start the Review by explaining its purpose and the need for confidentiality. The Chair should advise the complainant of the respective roles and responsibilities of those present and address any questions or concerns that the complainant may have about the process. The Chair should ensure that the Panel's focus is on the agreed complaint and the complainant's desired outcomes from the Stage 2 investigation. The purpose of hearing the presentations is to understand each party's opinion of the complaint rather than an opportunity to cross-examine attendees.

The full Panel meeting should begin with presentations on the points of complaint and desired outcomes by the complainant and the council. Normally, the first presentation should be by the complainant (or advocate / representative). The Chair should ensure that this presentation is reasonable and relevant, exercising discretion in limiting its scope, substance or duration.

The IO and IP will usually be required to present their conclusions in the stage 2 report to the panel if required.

Panellists should then have sufficient opportunity to ask questions of all present and seek clarification on the issues being discussed so they are in a position to make recommendations regarding the outcome. The Chair should also invite the complainant, the local authority and other attendees to ask questions and raise points of information and opinion as relevant to the complaint.

The Panel should then go into closed session to deliberate on their findings and conclusions. The Panel may need administrative support at this stage, but this should not unduly influence the Panel's deliberations and no conflict of interest should arise.

The Panel is required to produce a written report containing a brief summary of the representations and their recommendations for resolution of the issues. **They must send this to the complainant, the council, the IP from Stage 2 and any other person with sufficient interest within 5 working days of the Panel meeting.** The written record should set out simply and clearly a brief summary of the representations; their recommendations for the resolution of the issues and

the reasons for them. If a panellist disagrees with the majority recommendation, this should also be recorded and the reason for it given.

After the Meeting

We must send our response to the Panel's recommendations to the complainant (and other participants as necessary) within 15 days of receiving the Panel's report. The response should be from the Director of Children, Schools and Families and must set out how the local authority will respond to the recommendations and what action will be taken. If the Director deviates from the Panel's recommendations he should demonstrate his reasoning in the response. In developing his response he should invite comment from all the attendees including the IP from Stage 2.

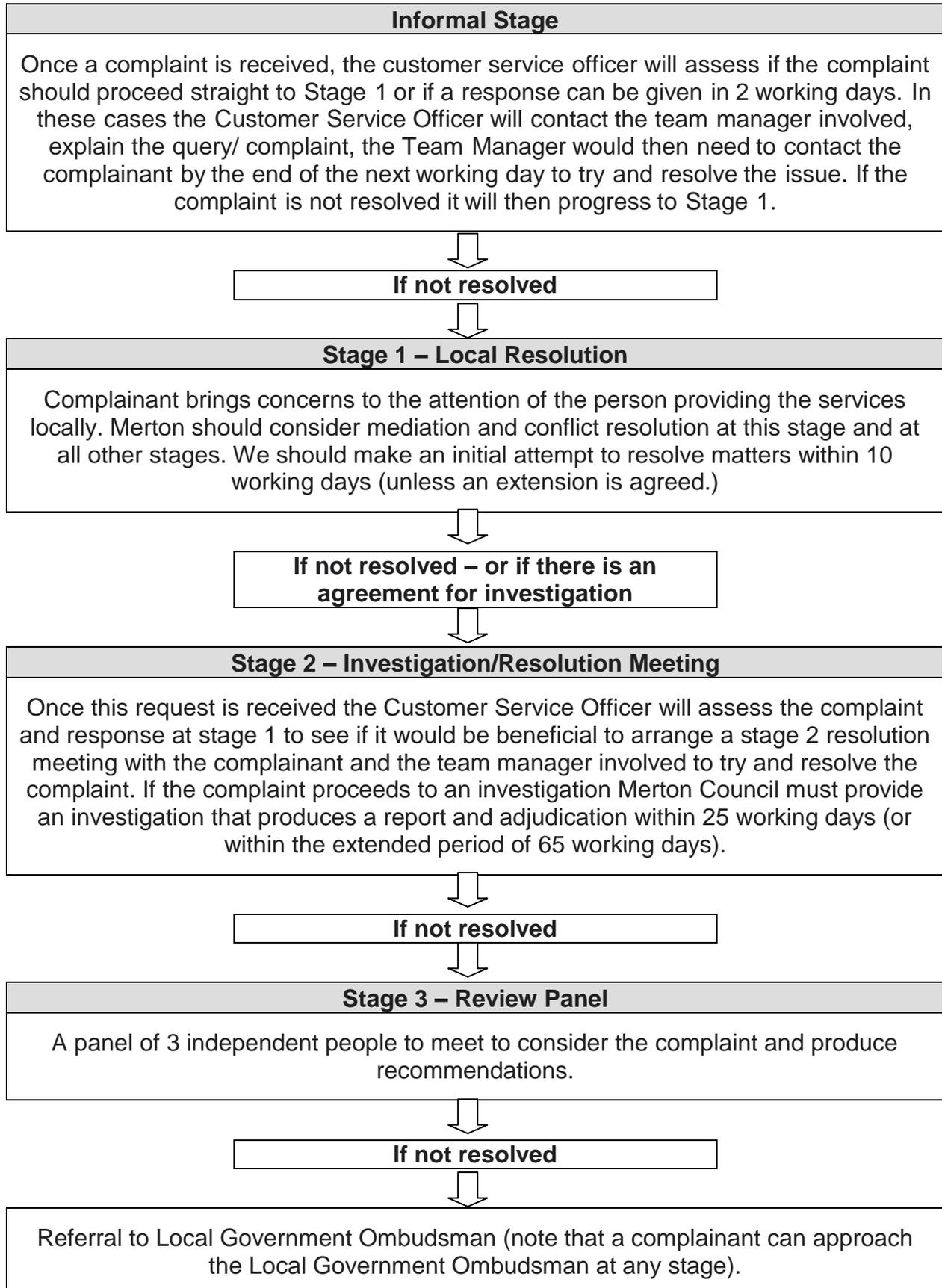
The complainant should be advised of their right to refer their complaints (if still dissatisfied) to the Local Government Ombudsman.

4.13 Summary of Timescales

Action	Time
Complainant requests Review Panel	Up to 20 working days after receipt of the Stage 2 adjudication
Customer service and complaints manager (social care) acknowledges request	Within 2 working days
Customer service and complaints manager (social care) appoints Chair and confirms attendees and content 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 its written report (including any recommendations)	Within 5 working days of the Review Panel
Relevant Director issues his response	Within 15 working days of receiving the Review Panel's report

Children Act 1989 Complaints

Summary



Children, Schools and Families Department Complaints Handling Guidance for Staff

It is possible that any member of staff could be involved in handling a complaint at some point or another. In Merton we take complaints seriously, and all staff should aim to ensure that complaints are handled appropriately and effectively.

If you need any help at all with any aspect of complaints handling, please feel free to contact the departmental customer service and complaints section:

Tel: 020 8545 3086

Email: childrenservicescomplaints@merton.gov.uk

There are many documents that you can refer to when dealing with a complaint, and these are listed below. Most are available on the intranet, and links are given where appropriate. This document uses all of the policies and procedures available to give you some practical advice on how to handle a complaint.

Corporate Complaints Procedure
Children, Schools and Families Complaints Procedure
Customer Service Standards
Complaints, Comments and Suggestions leaflet.

These are all available on the CSF intranet site at:

<http://intranet/csf-index/csf-policy/csfcomplaints.htm>

The Children, Schools and Families Department is unique in that we have to handle our complaints in different ways.

- Complaints that fall under the Children Act (most of Children's Social Care and Youth Inclusion's complaints) have to be dealt with according to legislation and guidance produced by the DCSF
- Complaints about schools are handled, in the main, by the relevant school.
- Complaints about SEN, admissions and exclusions have their own appeals processes.
- Other complaints are handled by the Corporate complaints procedure.

Given below is some practical advice that will assist you when faced with a complaint and applies for all complaints we receive, however they are to be handled. Remember, if you need any help at all with dealing with a complaint, contact the customer service and complaints section.

What is a complaint?

The corporate complaints procedure defines a complaint as "any expression of dissatisfaction about the service provided by the council or approved providers". Children Act complaints are much more clearly defined, and the definition is listed in full in the CSF complaints procedure.

Very often people complain because they feel it's the only way to get something done. If you are dealing with a customer, please make every effort to solve the issue before it becomes a complaint. Generally people do not want to go through the complaints process, if it can be avoided. Try to agree on a way forward before a complaint becomes necessary.

How is a complaint received?

A complaint can be made in any of the following ways:

- Using a complaints form
- In person
- By letter
- By fax
- By email
- Via the Merton website

If you are aware that a person wishes to make a complaint you should assist them in any way you can. If they wish to make the complaint over the phone, please take down the details for them, and read them back so you are both clear on all the issues raised. When a complaint is complicated it is often simpler for the complaint to be submitted in writing, but people should not be forced to do so if they don't want to. Similarly, further assistance should be given to customers with particular needs.

If a complainant asks you to send them a form, send it out immediately. If this is not possible, ask the customer service and complaints section to do so on your behalf.

What to do with a complaint once it's received

If you receive a complaint, that **hasn't** been sent to you by the customer service and complaints section, you should consider first how the complaint should be handled. You must do this by deciding what kind of complaint it is. For example:

- Is it a Children Act complaint?
- Is it a corporate complaint?
- Is it a policy complaint?
- Is there an appeals process in place to handle the complaint?

You cannot deal with the matter effectively if you don't know which sort of complaint it is. Consult with your manager or the customer service and complaints section if need some help with this.

The first thing to be done with a complaint is to acknowledge it in writing. This will generally be done by the customer service and complaints section. Sometimes complaints are sent directly to the customer service and complaints section, other times they may be sent directly to one of you, or you may take a complaint over the telephone.

The complaint must be copied to the customer service and complaints section as soon as it is received.

They will then:

- Log the complaint;
- Send a letter of acknowledgement;
- Ensure that whoever is answering it will know the due date for a response.
- Check if any previous correspondence has been received from the complainant, and link up where appropriate.

Dealing with complainants over the telephone

It can be difficult to deal with complaints over the phone, especially when customers are angry and upset. Some helpful points are given below:

- Listen to what the complainant is saying, and try to ensure you find out exactly what the problem is;
- Stay calm. Don't raise your voice.
- Don't be defensive or argumentative. The complainant is rarely attacking you as a person, merely the authority in which you work.
- Apologise that they've had to make a complaint, if appropriate.
- Make sure that you take down the full details of the complaint, as well as full contact details for the complainant.
- If you agree to call back, make sure you do so. If you intend to write, advise the complainant when they will receive the letter.
- If you consider that a caller is becoming offensive and/or aggressive, you may inform the caller that you will terminate the call unless such behaviour stops.
- If the aggression continues, put down the phone.

Dealing with complaints in writing

- ✓ Make sure you address the letter to the right person. Run a spell check and ensure all details are correct.
- ✓ Don't be defensive - the complainant is not attacking or blaming you as an individual, they are merely expressing an opinion about the council.

- ✓ Apologise - if we've made a mistake, say "sorry" and if it isn't directly our mistake it still doesn't hurt to say "I'm sorry to hear".
- ✓ Respond fully to each of the points and issues raised in the complaint letter. Failure to respond to just one issue will result in the complaint escalating.
- ✓ Avoid jargon - never assume that a complainant knows what all our council terminology means. Stick to explaining things in the simplest way without being patronising.
- ✓ Reflect the style of the complaint letter.
- ✓ Say what will be done to resolve the issue, this way the complainant will know what to expect.
- ✓ Make sure any actions are carried out – we have to be seen to do what we say we will.
- ✓ Put yourself in the position of the complainant - Read through the content of your draft, would you be happy if you received this letter in response to a complaint you had made? If not, don't assume somebody else would be happy with it.

When you respond to a complaint in writing, at stage one or two, you must ensure that you add the following paragraph at the end:

If you are not satisfied with the outcome of your complaint at this stage, you have the right to progress to the next stage. Should you wish to do so, please contact the customer service and complaints section on 020 8545 3086 or email childrensservicescomplaints@merton.gov.uk

Reporting on complaints

The customer service and complaints section reports monthly to departmental management team and corporate management team on CSF's performance in handling complaints. Figures are broken down by division, and by team if necessary so that senior managers can be made aware of a problem area.

Points to remember:

You must ascertain what area the complaint is about before you can follow the relevant procedure. Is it a Children Act complaint? A corporate complaint? A policy complaint? If you're not sure, consult with your manager or the customer service and complaints section.

There are strict deadlines for responses to complaints. You will be advised of due dates for response. Make every effort to stick to them.

Keep the customer service and complaints section informed about the complaint. They are here to help and will be happy to discuss the best way to handle a complaint if you are unsure.

Do the best you can to resolve the complaint, or even prevent an issue becoming a complaint. It will mean less work in the long run.

[End of Document]

If you would like more information in your own language,
please contact us at the address shown in the bottom box.

Albanian Nese deshironi me shume informacion ne gjuhen tuaj, ju lutemi te na kontaktoni ne adresen e dhene ne kutine me poshte.

Arabic إذا أردت معلومات إضافية بلغتك الأصلية الرجاء الاتصال بنا في العنوان المدون ضمن الإطار أدناه.

Bengali যদি আপনার নিজের ভাষায় লেখা আরও তথ্য চান তাহলে দয়া করে আমাদের সঙ্গে যোগাযোগ করুন, ওনার বক্ সে আমাদের ঠিকানা রয়েছে।

Chinese 如果你需要用中文印成的資料，
請按低端方格內提供的地址與我們聯系。

Farsi اگر مایل به اطلاعات بیشتر به زبان خود هستید، لطفاً با ما از طریق آدرس زیر تماس بگیرید.

French Pour tout renseignement complémentaire dans votre propre langue, veuillez nous contacter à l'adresse figurant dans l'encadré du bas.

Gujarati જો તમને તમારી પોતાની ભાષામાં વધારે માહિતી જોઈતી હોય, તો કૃપા કરીને નીચે અંતમાં આપેલા ખાનામાં દર્શાવેલા સરનામે અમારો સંપર્ક કરો.

Punjabi ਜੇਕਰ ਤੁਸੀਂ ਪੰਜਾਬੀ ਵਿਚ ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਹਿੱਸਾ ਕਰਕੇ ਹੇਠ ਲਿਖੇ ਖਾਨੇ ਵਿਚ ਦਿੱਤੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Somali Hadii aad u baahan tahay faahfaahin intaa kabadan oo ku soobsan afkaaka hooyo ama Af Somali fadlan lana soo xiira cinwaanka hoos ku qoran.

Spanish Si usted desea más información en su propia lengua,
por favor contáctenos en la dirección al pie del formato.

Tamil உங்கள் மொழியில் மேலதிக தகவலைப் பெற விரும்பினால், கீழயிலுள்ள பெட்டிகளுக்குள் தரப்பட்டுள்ள விலாசத்தில் எம்முடன் தொடர்பு கொள்ளுங்கள்.

Urdu اگر آپ اپنی زبان میں مزید مطومات حاصل کرنا چاہتے ہیں تو براہ کرم ہم سے اس پتے پر رابطہ قائم کریں جو کہ نیچے کے بکس میں درج ہے۔

You can also get this
information in large print,
in Braille and on tape.

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Translated by Merton Translation Service merton.translation.service@merton.gov.uk