

East Sussex County Council

Complaint Handling Policy

1. Introduction and Purpose

1.1 The purpose of this policy is to outline East Sussex County Council's procedures for handling complaints. We aim to ensure that complaints are investigated fairly, promptly, and in a manner that promotes learning and improvement.

1.2 East Sussex County Council values the views of our customers. We are committed to dealing effectively with any concerns or complaints about our services. If we have got something wrong, we'll apologise and try to put things right. We will listen to your concerns and ensure you have an opportunity to explain your position. We learn from complaints to help improve our services.

1.3 We will deal with your concerns in an objective, open and honest way. Any contact you have with us in the future will not be affected because you have expressed a concern or made a complaint. This includes acknowledging and taking steps to address any actual or perceived conflict of interest in the handling of your complaint that you may raise or that we may become aware of.

1.4 We define a complaint as ***'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.'*** This means that we may treat correspondence not received directly by complaints handling staff as a complaint and provide a written response.

1.5 You do not need to use the word 'complaint' in order for your concern or issue to be treated as a complaint. A complaint can also be submitted by a third party or representative and we will handle it in line with this policy.

1.6 This policy applies to complaints regarding a service where you have not been able to resolve the issues by speaking directly with the staff providing the service. The team delivering the service will first be given the opportunity to investigate what has gone wrong to allow them to try to put it right. This is a 'service request'.

1.7 We define a service request as ***"a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision"***. ***Service requests may include expressions of dissatisfaction.***

1.8 Wherever possible, it is best to deal with things sooner rather than later. If you have a concern, you should raise it as a service request with the person you are dealing with first. If possible, they will try to resolve it there and then. If you make

a complaint and there appears to be an immediate solution to your problem, we will handle this as a service request.

1.9 When this is not possible or you remain unhappy, we will start the complaints process. If we can resolve your concern or issue at any stage in the complaint process, we will ensure we contact you to offer you a solution.

1.10 Not all complaints require a detailed investigation. Where there is very little impact on the individual or the wider public, we may respond to a complaint with an explanation of the relevant law and/or our standard processes unless there is any clear fault that can be quickly addressed.

1.11 If you submit a complaint to a third-party site (such as Resolver), a Councillor or a member of the Council's senior leadership team such as a Director, we may pass it to the relevant complaints handling staff to handle under this policy. Where this happens, we will share copies of any response to you with the member or officer you originally contacted.

2. When does this policy apply and when do we accept a complaint?

2.1 We will need to check that we can accept your complaint. If we cannot accept your complaint, we will explain the reasons for this. If we cannot consider your complaint under this policy, we may be able to provide a response to the feedback you have given us.

2.2 This policy does not apply to complaints where there is a statutory process in place. Statutory complaints procedures for some complaints in Adult Social Care and Health and Children's Services are set out in Appendix 1.

2.3 We will accept complaints that are made within 12 months of the issue occurring. We will also accept complaints which are made within 12 months of when you become aware of the issue. We may accept a complaint outside of this timeframe where there are good reasons to do so.

2.4 We will not investigate complaints under this policy for services or decisions made which we are not responsible for. We only deal with complaints from individuals, their families or authorised representatives about services delivered by the Council. If you complain to us about matters outside our responsibility, we will do our best to signpost you to the right organisation or authority, providing their contact details where possible.

2.5 We will not investigate any matters where there is a right of appeal to a tribunal or appeal panel to resolve your concern. We will tell you where you can appeal and we expect you to follow the procedure available to you.

2.6 We may not be able to accept your complaint where a legal or other action is ongoing. The reason for this is that a complaint may interfere with the ongoing action or legal proceedings. This is called “concurrent consideration”. We will let you know if this is the case and why we are not able to accept your complaint. Once the legal or other action has ended, you may submit your complaint again and we will check if we can accept your complaint.

2.7 If you make a new complaint through another staff member or route and we are already handling a similar matter for you, we will not create a new complaint. We will let you know that we are already dealing with the matter.

2.8 Complaints about staff conduct are not dealt with by complaints handling staff directly. There are separate HR processes covering staff performance and conduct.

2.9 Where a complaint contains issues relating to staff conduct, we will then pass details of the part of the complaint about staff conduct to the relevant line manager for their information and action as appropriate. Depending on the nature of the complaint, we may also pass details to the Local Authority Designated Officer (LADO) or Persons in Position of Trust (PIPOT). The LADO oversees allegations about adults who work or volunteer with children. The PIPOT oversees allegations or concerns about individuals who work or volunteer with adults at risk.

2.10 For reasons of employer and employee confidentiality, feedback on staff conduct complaints will generally not be provided. However, you can be assured that all complaints are taken seriously, and the relevant action taken.

2.11 If you raise other issues as part of any conduct complaint, a response will be provided to these issues.

2.12 Complaints about Child Protection (CP) Conferences in East Sussex are governed by the [Pan-Sussex Child Protection and Safeguarding Procedures Manual](#). This is a shared set of procedures used throughout East Sussex, West Sussex and Brighton & Hove. Full details of this process are set out in the [Pan-Sussex Complaints Process](#), but the key information is provided in Appendix 3. Any changes made to the Pan-Sussex Complaints Process will override information here.

2.13 In most cases, if we tell you that we will not accept your complaint, we will explain that you can escalate it to the Local Government and Social Care Ombudsman. The Ombudsman is independent of all government bodies and can investigate the handling of your complaint by the Council. If you remain unhappy following our response, you can contact the Ombudsman to make a complaint to them. Normally, they will only investigate your case after you've given us the chance to investigate it.

Contact details for the Ombudsman

Website: www.lgo.org.uk

Phone: 0300 061 0614

Post: Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

3. Accessibility and Awareness

3.1 This policy takes into account the Council's [Equality of Opportunity and Diversity and Inclusion commitment](#). We help individuals to make a complaint by providing different methods of contact. Complaints can be made by:

- Webform
- Email
- Post
- Phone
- In person

3.2 We publicise this complaint policy and information about the Ombudsman and its Complaint Handling Code on the Council's website. We make information available to individuals on how to complain if they are unhappy with the services they have received from the Council.

3.3 If you raise a concern with any member of staff, which cannot be dealt with by them as a service request or has already been dealt with as a service request, we will provide information on how to make a formal complaint to raise your concern.

3.4 When we ask for feedback on our services, we will also give you details of how you can complain.

3.5 You can have a suitable representative deal with your complaint on your behalf. You can ask the representative to represent you or accompany you to any meeting regarding your complaint.

3.6 For complaints about Children's Services, our complaints process is designed to give a voice to children and young people. Complaints can also be made by or on behalf of a young person's family, where they hold parental responsibility (PR). People who can show a sufficient interest in the young person's well-being may also be able to complain.

3.7 If you need a representative to deal with your complaint on your behalf, tell us who we may or may not speak to about your complaint. Let us know if you want to be sent a copy of all correspondence we send to your representative.

3.8 If you are complaining on behalf of an older child or another adult, we may ask you to complete a Consent Form. More details about consent are explained in Appendix 4 below. This is to ensure that the person you are representing knows about

the complaint and agrees with it. We also need their permission to share personal and sensitive information about them with you.

3.9 If a representative is nominated, we will handle the complaint as if we were dealing with you directly and will ask them for any additional clarification or evidence we might need throughout the investigation.

3.10 We work in line with the Data Protection Act 2018 and UK GDPR. This affects the information we can share with an individual. If a representative makes the complaint, we may not be able to provide a detailed response without consent from the person the complaint is made on behalf of. Where we cannot respond to a complaint, we will always ensure that we provide the information shared with us to the relevant teams for action as appropriate.

3.11 Children and young people under 18 years old making a complaint can get support from a free independent advocate. They will help you make your complaint. We will usually offer this service at the point that we confirm we are dealing with your complaint.

3.12 If you are over 18 and need extra assistance to make your complaint to any service, we will try to put you in touch with someone who can help.

3.13 If you do not need a representative at all stages of your complaint, a representative may also advocate on your behalf at different stages of the complaint process or accompany you at any meetings or during calls which might be needed. Please tell us in advance who we may or may not speak to about your complaint and whether only certain matters can be discussed with them.

3.14 Citizens Advice offer an impartial service and can advise you if you need any help with making a complaint to us. To find out more, please contact your local branch. Details can be found on their website at: www.citizensadvice.org.uk

4. The complaint handling process

4.1 We make reasonable adjustments for individuals who may need to access the complaints process in different ways. We will keep a record of any reasonable adjustments agreed. Any reasonable adjustments agreed will be regularly reviewed.

4.2 We will keep a record of your complaint. Please see our privacy notices for information on how we handle and keep your personal data:

- [Privacy notice - Children's Services: your information and you | East Sussex County Council](#)
- [Corporate complaints and enquiries handled by our Customer Services team | East Sussex County Council](#)
- [Privacy notice - Adult Social Care and Health: your information and you | East Sussex County Council](#)

4.3 We have systems in place to ensure a complaint can be remedied at any part of the complaints process.

4.4 Our complaints teams are committed to providing a good service that is fair to all who access it. In rare cases we may need to reduce or end our involvement. This is to prevent unfair demands being placed on the service that would stop us being able to help people equally and efficiently.

4.5 We recognise that some individuals may find it hard to accept that we cannot help them. We will always explain our decisions and give clear reasons why we cannot help. In most cases we will offer signposting advice to services or authorities who we believe are best placed to assist.

4.6 The process we follow is set out below:

- Step 1: When we send a final decision or final response, we will make your next steps or escalation options clear. It is expected that you follow this advice.
- Step 2: If you do not follow the escalation advice and we continue to receive contact from you directly or via other officers or members of the Council, we will look at more formal ways to manage the situation. This will be in line with our published [Unreasonable Customer Behaviour Policy](#)

4.7 We ensure that any third parties we work with or commission or contract, understand our complaints handling process and work in line with our policies and procedures.

5. Complaints handling teams

The quickest way to make a complaint is online via our secure web forms. Contact details for the complaint handling teams are:

Adult Social Care and Health complaints

Online: [Submit a complaint or give feedback to adult social care and health online](#)

Email: asccomplaintsfeedback@eastsussex.gov.uk

Telephone: 01273 481 242

Post: Adult Social Care and Health Feedback Team, North C County Hall, St Anne's Crescent, Lewes, BN7 1UE

Children's Services

Online: [Feedback and complaints about Children's Services](#)

Email: CS.CustomerRelations@eastsussex.gov.uk

Telephone: 0345 60 80 192

Post: Customer Relations Team, North B County Hall, St Anne's Crescent, Lewes, BN7 1UE

Corporate Complaints

Online: [Complaint - East Sussex County Council](#)

Email: corporate.complaints@eastsussex.gov.uk

Telephone: 01273 482913

Post: Corporate Complaints, West D County Hall, St Anne's Crescent, Lewes, BN7 1UE

6. Complaints stages

Stage 1

6.1 We will check if we can accept your complaint. The steps we take to do this are set out Section 2.

6.2 If needed, we will set out our understanding of your concerns and ask you to confirm that we've got it right. We may also check with you to ask what outcome you're hoping for.

6.3 If it is unclear what you are complaining about, we will ask you to clarify what you are concerned about. If we do not hear back from you, we will close your complaint. But you can make a complaint again if you contact us at a later time.

6.4 You can raise a complaint on someone else's behalf. This includes children and young people. We will check that you have consent or another lawful basis from the person you are representing to consider your complaint and share personal and sensitive information about them with you. Our response to you will only include information that relates to you and your involvement with the Council unless we receive a valid consent form. More details about consent are explained in Appendix 4.

6.5 We will acknowledge receiving your complaint within five working days. If we cannot accept your complaint, we will tell you at this stage and explain the reason for this.

6.6 If it is not possible to acknowledge that we have accepted your complaint within five working days, we will let you know. We will explain why, and when you can expect to know whether we can respond to your complaint. We may request further information from you to help us understand your complaint.

6.7 We will review the available evidence. This could include case files, notes of conversations, letters, and emails. We may also talk to the staff about your

complaint. We will look at our policies and guidance and any legal entitlement if relevant.

6.8 If during the investigation, we become aware of circumstances that could lead to a safeguarding risk, we will take advice. We may suspend the complaint until this risk has reduced. We will tell you of this unless doing so would add to the risk identified.

6.9 In some cases, we may suggest a meeting with a service manager to discuss your concerns or another method to try to resolve any disagreements.

6.10 We will aim to send you a written response within 10 working days of your complaint being acknowledged.

6.11 If you add to your complaint, we will add the new issues into the response if we are able to. If this would delay the process or they are unrelated to the complaint already being considered, we will consider the new issues as a new complaint.

6.12 If we cannot respond to your complaint within 10 working days, we will let you know. We will explain why we need more time and let you know when we aim to respond.

6.13 Our written response will let you know what we have found. We will respond to the outcomes you asked for.

6.14 If you are unhappy with the outcome of your Stage 1 complaint, we will provide details to you of how to escalate your complaint Stage 2.

Stage 2

6.15 If you are unhappy with the Stage 1 response, you can escalate the complaint to Stage 2.

6.16 We will acknowledge your request to escalate a complaint to Stage 2 within five working days. The acknowledgement will summarise our understanding of any outstanding issues and the outcomes you are seeking. If this is not clear we will ask you for clarification.

6.17 Your complaint will be handled by a different complaint handler at Stage 2.

6.18 We will respond to your complaint within 20 working days of the complaint being acknowledged.

6.19 If your complaint is complex we will let you know that we need more time. We will explain the reasons for this and give you details of the Ombudsman.

6.20 The Stage 2 response will set out:

- the complaint stage;

- our understanding of the complaint;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the Ombudsman if you remain dissatisfied.

6.21 We will explain that the Stage 2 complaint is our final response.

7. Putting things right

7.1 Responses at Stage 1 and Stage 2 will state whether your complaint has been upheld, partly upheld or not upheld, or if we are unable to make a finding.

7.2 If we agree we got something wrong, we will apologise and tell you how and why it happened. We will explain what we have done to put it right.

7.3 We may provide a remedy to reflect the impact on you as a result of any fault identified.

7.4 When offering a remedy, we take account of practice guides issues by the Local Government and Social Care Ombudsman.

7.5 If we cannot meet the outcomes you asked for, we will explain why and try to offer another solution if possible. The focus of the complaints process is to provide a resolution, and we will do our best to achieve this for you. Where an outcome cannot be achieved through the complaints process, we will do what we can to help. For example, signpost you to further support or ensure your views are fairly represented.

7.6 If there are actions from your complaint which we cannot be carry out immediately, we will still respond to your complaint as soon as possible. We will explain any outstanding actions in your response and carry out the actions as soon as possible. We or the relevant service will keep you updated on the progress of the outstanding actions

7.7 If you disagree with a professional opinion in a report provided in your complaint response, we can ensure your disagreement is put on the record to be read alongside the report in the future.

8. Continuous learning and improvement

8.1 We take your concerns and complaints seriously and try to learn from any mistakes we've made. Where there is a need for service improvement, we will

develop an action plan setting out what we will do, who will do it and when we plan to do it by.

8.2 Complaints outcomes and actions to put things right are shared on a regular basis with senior managers to ensure continual improvement within our departments.

8.3 Monitoring

8.3.1 The Assistant Director Communities oversees the Council's complaint-handling performance, assessing any themes or trends to identify potential systemic Corporate Complaints Policy issues, serious risks, or policies and procedures that require revision.

8.3.2 The Governance Committee is the "Member Responsible for Complaints" in order to meet the responsibilities under the LGSCO Complaint Handling Code. Governance Committee receives an update about the complaint handling performance of the Council, in an annual report.

8.3.3 The Council produces an annual report for members to scrutinise and challenge, and for publication on its website. The annual complaints report will include:

- An annual self-assessment against the Local Government and Social Care Ombudsman's Complaint-handling Code, to ensure this policy remains in line with the Code's requirements.
- A qualitative and quantitative analysis of our complaint-handling performance. This will include a summary of the types of complaints we have refused to accept.
- Any findings of non-compliance with the Local Government and Social Care Ombudsman's Complaint-handling Code.
- The service improvements made as a result of the learning from complaints.
- The annual letter from the Local Government and Social Care Ombudsman about the Council's performance.
- Any other relevant reports or publications produced by the Ombudsmen in relation to our work.

8.3.4 Alongside the annual report, we will publish Members' response to it, in the form of the minutes of the meeting within which the annual report is presented.

9. Policy Review and Updates

9.1 This policy will be reviewed regularly to ensure its continued effectiveness and compliance with relevant legislation and guidance.

10. Appendix 1: Statutory complaints processes

Adult Social Care and Health statutory complaints

Adult Social Care and Health statutory complaints are handled under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. For more information please see [Adult Social Care and Health's leaflet: Your feedback matters](#).

Children's Services statutory complaints

Children's Services statutory complaints are handled under the Children Act 1989 Representations Procedure (England) Regulations 2006 and The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Complaints about social care services are covered by a three-stage statutory complaints process. This is set out in [The Children Act 1989 Representations Procedure \(England\) Regulations 2006](#) and supported by statutory guidance in [Getting the best from complaints](#). Parts of the [Ombudsman's factsheet](#) on social care complaints are also replicated here.

This route is mainly used to consider complaints by or about children and young people. Complaints about child protection (CP) matters or how the Council assesses families and prepares reports for the Court in private proceedings (Section 7 or 37 reports) are not covered by this route.

Stage 1 - Local resolution

We will acknowledge your complaint within three working days. We aim to respond in full within 10 working days. We will check that we can respond to your complaint as detailed in Section 2. If we need more time, we will let you know why and give a revised target date for your response. This will be a maximum of 20 working days from when we accepted your complaint.

If we are unable to respond within 20 working days, we will explain why and ask you to agree a further extension. You are not obliged to agree an extension. You have the right to ask that your complaint is escalated directly to Stage 2. However, as the Stage 2 process can take over 12 weeks, we would ask you to carefully consider a request to escalate on these grounds.

Once the investigation is complete, we will send you a written response. This will explain what we found and whether your complaint has been upheld or not. We will let you know what you can do next and your escalation rights. For this type of complaint, it will be to Stage 2 of the statutory process set out below. From the date the Stage 1 letter is sent, you have 20 working days to request that your complaint is escalated.

Detailed guidance on the Stage 2 process will be provided to you at the point your escalated complaint is accepted.

Stage 2 - Formal investigation

Most complaints are resolved at Stage 1. Where we have been unable to reach a resolution, you can request that your complaint is formally investigated at Stage 2 of the statutory process. We will acknowledge receipt of your escalation request within three working days. We will ask you to set out the issues that remain outstanding and what outcome you would like if you have not already done so. If we can deliver the outcome you have asked for, we will let you know.

If we cannot deliver the outcome you have asked for, or do not accept that there has been fault, a formal investigation will start. We will appoint an Investigating Officer (IO) to undertake the investigation into your complaint. This person may be a member of East Sussex staff who has not dealt with your case previously. In most cases, it will be an external contractor. We will also appoint an Independent Person (IP) who will always be independent of East Sussex County Council. Their role is to bring further independence to the process and accompany the IO during the investigation.

The IO and IP will meet with you to discuss your complaint and agree a formal Statement of Complaint (SoC). This is the main document used for the investigation. They will ask you to confirm that you are happy with what is written in the statement.

Once the SoC is agreed, the 25-working day timescale will start, and the IO will carry out their investigation. They will take evidence from you; interview members of staff involved in the complaint and raise enquiries with the Council. They will also have access to all relevant case files to allow for a full and thorough investigation.

In many cases, 25 working days is insufficient to carry out the investigation. An extension up to 65 working days may be agreed by the Customer Relations Manager. You will always be kept informed of this and advised when you can expect the investigation to be completed.

Once the investigation is completed the IO will report to the Assistant Director with their findings. This report will say whether your complaint has been upheld, partially upheld or not upheld. The report will also set out any recommendations that the IO thinks should be taken forward by the department. The IP will provide their own written report. This comments on the independence and the progress of the investigation.

Both the IO and IP reports are sent to the assigned Complaints Officer for quality assurance. The Complaints Officer will highlight any spelling or formatting issues. They also check that no confidential third-party information is in the report. They

then send the draft reports back to the IO and IP for them to review and sign-off as complete.

Once the final signed reports are received, the adjudication process starts. The Assistant Director will review the reports and write to you with their response to the investigation reports which will also be sent to you. This adjudication letter will state whether the Head of Service agrees with the findings and if so, what actions will be taken to put things right.

From the date the letter is sent, you have 20 working days to request that your complaint is escalated to Stage 3 of the statutory process. This is set out below.

The adjudication letter may invite you to a meeting to discuss the outcomes in more detail. Or it may suggest alternative dispute resolution, such as independent mediation, to try and reach a positive outcome. If you choose to accept either of these offers, your right to escalate is protected until 20 working days after the meeting or final mediation session.

You will receive detailed guidance on the Stage 3 process at the point we accept the escalation request.

Stage 3 - Independent review panel

If you remain unhappy after receiving the adjudication letter, you have the right to request an independent review panel. This is to consider the adequacy of the Stage 2 investigation and to try and reach a resolution. This request must be received within 20 working days of the adjudication letter or the final meeting of any mediation process.

In some limited cases we may ask if you would like to escalate your complaint directly to the Ombudsman. This must be done with your agreement. It will only usually be offered where the Stage 2 investigation upheld all aspects of the complaint and at adjudication the Council agreed, set out a clear action plan to any recommendations and met the requested outcomes.

If the above does not apply, we will acknowledge receipt of your request within two working days. We will ask for you to confirm your availability to attend a review panel meeting. We will then commission an independent panel. This is made up of three qualified people who are not employees of East Sussex County Council, with one person appointed as Chair. We will aim for the review panel to take place within 30 working days of receiving your request. In some cases, this may not be possible, for example if a key person is unavailable. But we will always aim to arrange the review panel as quickly as possible. The panel may be held virtually by video conferencing or at one of our buildings in East Sussex.

Ahead of the panel, the Complaints Officer assigned to your case will share the relevant documents from Stage 1 and 2 with everyone attending the panel. This is

usually in the form of a document bundle containing correspondence and reports from these two stages. You should send any information you would like to pre-submit to the panel at least 15 working days ahead of the panel meeting. This can then be circulated in plenty of time. You should also confirm at this point whether you will be bringing a supporter with you to the panel and provide their contact details.

On the day of the panel the Chair will be responsible for running the meeting. They will call on the various parties in attendance to give evidence and address the panel in the open session. The proceedings are usually audio recorded to help with the production of the minutes from the meeting. Consent will always be sought, and the recording will be deleted once the minutes have been typed. Attendees wishing to create their own audio record of the meeting will need the consent of all those attending. Permission to video record the meeting is at the sole discretion of the chair.

The usual review panel attendees are:

- 1 x Panel Chair
- 2 x Panel Members
- The complainant
- The complainant's named supporter (optional)
- The Investigating Officer from Stage 2
- The Independent Person from Stage 2
- The Head of Service
- The Customer Relations Manager
- The Clerk for minute-taking

At the end of the open session, the Chair and Panel Members will go into closed session to deliberate the complaint and agree their draft findings. The Customer Relations Manager and Clerk may also be in attendance. They will only be there in an advisory capacity and to share details from the draft minutes.

At the end of the closed session, the Chair will produce a written report of the panel findings. They will send this to you directly within 5 working days. The report is also shared with the Director of Children's Services who will write to you within 15 working days to give their response to the panel findings. This letter will state whether they agree with the recommendations and set out what actions, if any, will be taken as a result. The Director's letter represents the final response on behalf of the council and will include your escalation rights to the Ombudsman.

Stage 2 and 3 timescales when contact is not maintained

Once a complaint at Stage 2 or 3 has been accepted, we will move as quickly as possible through the process to ensure a swift outcome is reached. It is also important that you as the complainant do not unduly delay your involvement in the process.

If we contact you for information relating to your Stage 2 or 3 complaint, and more than 20 working days passes without a substantive reply, we will consider that you no longer wish to proceed with your complaint. We will make a reasonable attempt to contact you during the above time period to encourage you to engage and make you aware of the deadline for doing so.

If we do not hear from you, we will withdraw your escalation request and close your complaint. We will write to you and advise you of your escalation options, this will usually be to the Ombudsman.

Any request to continue a withdrawn complaint out of time will need to be supported by evidence showing exceptional circumstances prevented you from contacting us.

The above provisions are in line with section 3.8.6 of [Getting the Best from Complaints](#) and regulation 18(2) of The Children Act 1989 Representations Procedure (England) Regulations 2006.

11. Appendix 2 - Complaints about Child Protection Conferences (CP process)

It is important to note that the complaints process cannot itself change the decision to have a Child Protection Plan. Also, that during the complaints process, the decision made by the Conference stands.

At the end of the complaints process the outcome will be either that:

- A Conference is re-convened under a different Conference Chair or
- A Review Conference is brought forward or
- The status quo is confirmed.

Stage 1 - Exploration by the Conference Chair and or their Manager

If you wish to make a complaint about a CP Conference you must do this within 10 working days of the conference. You should set out what your complaint is and what you would like to see as the outcome. Complaints made outside this timeframe will only be accepted in exceptional circumstances and at the discretion of the Conference Chair.

Once received and validated, the Conference Chair will aim to meet with you. This will be within a further 10 working days to discuss your complaint and desired outcomes. This meeting may be via telephone or video conferencing and notes will usually be taken.

After the meeting and within a final 10 working days, you will receive a written outcome letter with a copy of any notes taken at the meeting. If you are unhappy with the outcome at Stage 1 you can ask for your complaint to be moved to Stage 2. You should make this request within 20 working days of receiving the Stage 1 outcome letter setting out why you remain unhappy and what resolution you are seeking.

Stage 2 - Formal Consideration

Once a valid request has been received, a Complaint Meeting should be arranged within 28 days. The aim is to try and resolve the areas of concern set out in the Stage 2 request.

The usual attendees for the Complaint Meeting are the Reviewing Manager /Senior Manager for Child Protection Conferences and a note taker. The meeting should try to address areas of dissatisfaction and to resolve them where possible.

After the meeting, an outcome letter will be sent to you within 28 days to confirm what was agreed. If you remain unhappy with the outcome at Stage 2 you can ask for the complaint to be moved to Stage 3. You should make this request within 20 working days of receiving the Stage 2 outcome letter setting out why you remain unhappy and what resolution you are seeking.

Stage 3 - The Complaint and Appeal Panel

Once a valid request has been received the Complaints Officer will aim to arrange a Complaint & Appeal Panel. This will be within 20 working days and will hear the complaint and make a final decision. This panel may be held in person or via telephone or video conferencing.

The panel will consider whether:

- The relevant policies and procedures have been followed properly and
- The disputed decision is as a result of the process that was followed or the information that was presented.

The panel will be made up of at least three safeguarding professionals who will not have had previous dealings with your case. You will be invited to attend the panel and give evidence. Evidence will also be heard from the Conference Chair and any other relevant person, such as the Safeguarding Team Manager.

If you wish to pre-submit written evidence to the panel, do this in a letter addressed to the panel. This must be received at least 10 working days ahead of the panel date. It should be one document that is page numbered for ease of reference.

Once the panel has heard all parties it will go into closed session to deliberate the complaint and reach a decision. After the panel has concluded, a letter will be sent to you with the panel's final decision within 10 working days. This letter represents the final response on behalf of the Council and will include your escalation rights to the Ombudsman or to judicially review the Council's decision.

12 Appendix 3 - Safeguarding issues or allegations against members of staff

When a complaint includes a safeguarding concern being shared with us, we may consider the complaint either fully or in part under this route.

12.1 Safeguarding referrals

If we are already working with individuals named in a complaint, we will usually pass details of the concern to the front-line service team who may be working with the individual named in the safeguarding concern. If we are not working with the individual involvement, we will always notify the correct team of the concern and ask that they take the appropriate action.

When the person making the referral to us does not have parental responsibility (PR) or cannot demonstrate a sufficient interest in the well-being of the named person, our response will be limited. It is unlikely that feedback will be provided to the person making the referral, nor will we be able to confirm whether the individual is known to us.

If there are additional concerns raised, a formal response will be provided to these concerns.

12.2 Allegations against members of staff

If a complaint includes an allegation against a member of staff, that allegation will be considered under this route. Details of the allegation will be referred internally to the Local Authority Designated Officer (LADO) or Persons in Position of Trust (PIPOT). They will undertake their own investigation into the allegations and take the appropriate action necessary.

For reasons of employer and employee confidentiality, feedback on LADO or PIPOT referrals will not be provided. However, you can be assured that all allegations are taken seriously, and the relevant action taken.

As above, if there are additional concerns raised as part of any allegation, a formal response will be provided to these concerns.

13 Appendix 4 - Consent

13.1 Confirming your identity and contact details

We take our responsibilities under the Data Protection Act 2018 and UK GDPR very seriously. Before we can investigate your complaint, we need to ensure that we will only share information with people who are entitled to receive it.

We will use information you provide in your complaint to verify your identity. If we are unable to do this, we will ask for more information from you. This will help us confirm your identity and relationship to the child, children or other adult named in the complaint.

If you are complaining on behalf of an older child or another adult, you will need to provide written consent from them. This will confirm that they agree to you submitting a complaint on their behalf. They need to confirm that they agree with the content of the complaint. They also need to give permission for us to share confidential information with you. We will provide you a consent form to fill in if it is needed.

We will only send written responses to postal or email addresses that we know belong to you. If we are unable to confirm an address is valid, we may ask you to provide further evidence. If we are still unable to verify the details you gave us, we may send your response to your nearest East Sussex County Council building. You can then collect it by providing photo identification.