



Making a complaint about Children's Services

In this factsheet we explain how to make a complaint to a local authority Children's Services department and what you can do if you are not satisfied with the outcome of your complaint. This information only applies to England. For complaints in Wales, ask your local authority for information about their complaints procedure.

You can make a complaint about:

- any decision made by, or service provided by, a child's social worker or a Children's Services department.
- not getting the services or help you or your child needs.

Generally parents, people caring for children, family members who are involved with the child and sometimes children themselves can make a complaint.

This factsheet does not cover complaints about a child protection investigation or conference. You can find information about child protection complaints at www.citizensadvice.org.uk.

How to make a complaint

You can request a copy of the complaints procedure or you should be able to find information about it on the local authority's website. The procedure will explain who to address the complaint to – it will usually be the Children's Services complaints team.

It's helpful to put your complaint in writing if you can. If you don't feel comfortable doing this, you could ask a friend, carer, family member or an organisation like Citizens Advice to help you. However you do it, make sure you say that you want your complaint treated as a 'formal complaint'.

If a child or young person wants to make a complaint themselves, Children's Services should provide information about advocacy services and help them to access these.

Don't delay – you should make your complaint within a year of the action/decision being complained about. If it's over a year, Children's Services should still consider your complaint if you have a good reason for not complaining earlier and it can still be decided fairly. But if they decide it's too late, you can try to complain to the Local Government Ombudsman (see below).

If you're considering making a complaint whilst a court case is still going on, you should get some legal advice as you don't want to risk it counting against you in the case. If you do make a complaint, Children's Services may not be able to consider it if they think the same issues will be investigated and decided in court. However, they should notify you of this in writing.

Tips for making a complaint

- Cover all the relevant points, but be as brief as you can. Stick to the facts. Try to remain polite and calm.
- Make sure you explain clearly what you think Children's Services has done wrong, how this has affected your child and what you want them to do to put things right.
- Keep a copy of the complaint and a note of the date you sent it.
- Send copies of relevant documents – but only those that will help the complaints officer understand your complaint or provide evidence to support it.
- Keep notes of any telephone calls about the complaint, including the name of the person you spoke to.

How are complaints dealt with?

Although each local authority has its own complaints procedure, they must all follow the same general guidelines including the three stages below and the set timescales for each stage.

Stage One: Local resolution

The first stage is usually dealt with by a service manager. They should discuss the complaint with you and address it as quickly as possible. Ideally, you will both be able to agree a resolution.

Stage one should be completed within 10 working days, although the time limit may be extended for a further 10 working days in a complex case.

If you agree that your complaint has been satisfactorily resolved at this stage, Children's Services must tell you in writing what they found to be wrong and what they will now do to put it right.

If you are not happy with the outcome of the first stage, you should ask for your complaint to go to the second stage.

Stage Two: Investigation

At this stage, the complaint is investigated by an investigating officer and an independent person. The investigation should be carried out within 25 working days, but in extreme circumstances this can be extended to a maximum of 65 working days. When the investigation is complete, the investigating officer will produce a written report setting out their findings. The report will be passed to a senior manager called the adjudication officer, who will consider the results of the investigation and decide what the response will be.

Children's Services must write to tell you the outcome of the investigation and any action to be taken. If you are not satisfied with the outcome of the investigation, you have 20 working days to request that your complaint is submitted to a review panel.

Stage Three: Review panel

This is a meeting of three independent people who will consider the complaint and make recommendations.

The panel must meet within 30 working days of receiving your request. You can attend the panel meeting and you can be accompanied or represented by anyone you choose. The panel must provide a written report of their recommendations within 5 working days of the meeting.

A senior person from Children's Services will make the final decision about your complaint and write to you with their response within 15 days of receiving the panel's report.

Local Government Ombudsman

If you've gone through the complaints procedure and are unhappy with the result or the way your complaint was dealt with, you can ask the Local Government Ombudsman to look at your case.

The Ombudsman will decide whether Children's Services has done something wrong which has directly affected you and caused you an injustice. See www.lgo.org.uk/make-a-complaint for further information about the Ombudsman's role in dealing with complaints about Children's Services.

You should normally complain to the Ombudsman within 12 months of the final decision. See below for details of how to contact the Ombudsman.

If the Ombudsman decides that Children's Services has done something wrong, it may recommend that action is taken to put things right. Although the Ombudsman can't make councils do what it recommends, they are almost always willing to act on what the Ombudsman says.

For example, the Ombudsman can ask Children's Services to:

- carry out proper assessments of needs and reviews
- make sure the services and support provided are what's needed and up to standard
- if this is the only way of putting things right, pay you compensation
- make changes to its procedures so that the same problem doesn't happen in the future.

In 2013 the Local Government Ombudsman produced a report on family and friends carers who it found had been treated unfairly and were not receiving the support to which they were entitled. You can find a copy of the report *Family Values: council services to family and friends who care for others' children* at www.lgo.org.uk.

Councillors and MPs

Sometimes it may help to involve your local councillor and/or MP. You could ask them to intervene even if you are still going through the complaints procedures.

Councillors and MPs usually hold regular surgeries. You can find details of your local councillor by contacting your council or looking on their website. Go to <http://www.parliament.uk/get-involved/contact-your-mp/> for details of how to contact your MP.

Judicial Review

If your complaint is very urgent and you can't wait for the complaints procedure to resolve the matter, or if you have exhausted the complaints procedure, you may be able to apply for Judicial Review. This is a process in which the High Court looks at the way a decision was reached to see if it was legally correct.

Judicial Review is a complicated area of the law and can be very expensive. If you are considering it, you should consult a solicitor specialising in this area of law. Strict deadlines usually apply to Judicial Review applications, so you should get legal advice as soon as possible.

Sources of help

Local Government Ombudsman

0300 061 0614

www.lgo.org.uk

If you are still not satisfied after making a complaint to a council, you can contact the LGO for advice. The LGO is a free service and its role is to investigate complaints in a fair and independent way.

Family Rights Group

0808 801 0366

www.frg.org.uk

FRG offers free, confidential, independent advice to family members who are involved with or need help from Children's Services.

NYAS

0808 808 1001

www.nyas.net

NYAS provides specialist legal advice, advocacy and legal representation to children, young people and vulnerable adults through a network of paid workers and volunteers throughout England and Wales.

Coram Children's Legal Centre

0300 330 5480

www.childlawadvice.org.uk

The Children's Legal Centre offers free legal information and advice on all legal issues relating to children and young people.

Further questions? Grandparents Plus advice service provides:

- **Free, comprehensive advice on welfare benefits and other sources of financial support.**
- **Independent advice and information on a wide range of other issues including employment, housing, education, disability parenting and legal options.**



Open Mon – Fri 9.30am – 3.30pm. Translation service available.

Call **0300 123 7015** or email advice@grandparentsplus.org.uk

This factsheet is for information only and should not be taken as a full statement of the law. Last updated April 2020