

SOCIAL SERVICES APPEALS PANEL

COMPLAINTS GUIDANCE NOTES

Terms of Reference:

“In accordance with the procedures and guidance given under the Children Act 1989 and the National Health Service and Community Care Act 1990, and when requested to do so by a dissatisfied complainant, to review decisions made relating to complaints”.

The Panel consists of 2 Councillors and 1 Independent Person. Independent Person is neither a Member nor officer of the Authority.

Guidance Notes:

1. Introduction

- 1.1. These notes are intended to explain the framework within which the Social Services Review Panel operates and the procedure to be observed when reviewing decisions made relating to complaints.
- 1.2. Social services responsibilities are now part of the People First Directorate.

2. The Complaints Procedure

2.1. Before a complaint reaches the Review Panel stage, it will first have passed through the Social Services complaints procedure. When a formal complaint is made, an investigating officer is appointed and when the investigation is complete, a senior officer decides what action to take and makes a formal response to the complainant. If the complainant is still dissatisfied, they may seek a review of that decision by the Social Services Review Panel.

2.2 Where the complaint is made under the Children Act 1989, an Independent Person will also be appointed to investigate the complaint and their report will be considered before a formal response to the complainant is made. That Independent Person will be invited to attend the Review Panel meeting but will not be the Independent Panel Member.

2.3 The Review Panel will consider the complaint in accordance with the procedure outlined below and will make such recommendations as it sees fit to the Director of Social Services. The Director of Social Services must then respond to those recommendations within 28 days.

3. The Review Panel Procedure

3.1 The Chair will open the meeting by explaining its purpose, procedure and the need for confidentiality.

3.2 The complainant addresses the Panel first, explaining the reasons for dissatisfaction with the investigation, its findings or the Department's response.

3.3 The Social Services' representative may then respond.

3.4 The Independent Person (appointed to consider the formal stage of the complaint) may make a statement if they have chosen to attend the Panel meeting.

3.5 The Panel may then ask questions of any person present.

3.6 The Complainant may then comment on responses made.

3.7 The Panel may ask those present to leave the room if it wishes to take legal advice on how to proceed.

3.8 In exceptional circumstances, the Complainant may be asked to leave the room if a Departmental response involves disclosure of information to which she/he has no right of access.

3.9 All those present will then leave the room so the Panel may consider its recommendations, if any are to be made, to the Director of Social Services. The Panel will have access to legal advice. Any recommendations will be recorded in writing within 24 hours of being agreed.

3.10 If no recommendation for action is made by the Panel to the Director, then the complainant will be informed in writing by the Panel Administrator, with copies of the letter being given to the Director of Social Services, the Complaints Manager and any other person that the Panel considers to have sufficient interest in the case.

3.11 The Panel Administrator will ensure that copies of the Panel's recommendations, if any are made, are sent to:

- (a) The Local Authority
- (b) The Complainant (and advocate, if appropriate)
- (c) If appropriate, the Independent Person appointed under the Children Act
- (d) Any other Person that the Panel considers to have sufficient interest in the case, bearing issues of confidentiality in mind.

3.12 If the Panel does make recommendations, the Director of Social Services will consider the Panel's recommendations and will notify the persons mentioned in 3.11 (b), (c) and (d) above, and the Members of the Review Panel of the Local Authority's decision and of the reasons for taking that decision and of any action taken or proposed. This written response must be made within 28 days of the date of the Panel's recommendation.

3.13 Where the complaint was under the Children Act complaints procedure, the Review Panel Independent Person will be involved with the Director of Social Services in the consideration of the Panel's recommendations, if any were made.