

Complaints to Local Authorities on Behalf of Your Child

We understand that making complaints to your local authority can be complicated and daunting at a time when you only want the best for your child. We're here to help you understand the process and your rights when making a complaint.

Who can make a complaint?

Complaints are most commonly made on behalf of a child by their parent, carer or foster carer. However, children and young people can make comments and complaints in their own right.

There are three main stages to the complaints procedure:

Stage one: Local resolution

It's in a local authority's interests to resolve your complaint quickly before it escalates further. You should start by directly contacting the manager of the service responsible in writing. Your letter should include a clear, detailed description of what your complaint is about, copies of any letters or emails related to the complaint, a case reference number (if you already have one) and your email or postal address. You can also make a complaint verbally and the local authority must provide you with a written copy.

Your complaint should be acknowledged within three working days of it being received and you should expect a response within 10 working days. If it isn't possible to give a full response in this time the local authority may extend this timescale by a further 10 days, but should let you know if this is the case. If your child's community care package is funded by the NHS, complaints should be directed to the NHS Clinical Commissioning Group.

Stage two: Investigation

If you're not satisfied with the response you receive at stage one, you can ask for your complaint to be escalated within 20 working days of receiving the initial response. This stage involves an independent investigation of your complaint, usually by an external investigating officer who will set up a face-to-face meeting at your convenience to better understand your issues and expected outcomes. They'll then write a report with their recommendations to the Head of Service who will consider your case. You'll get a copy of what was discussed, along with a response, within 25 working days, but this may be extended to 65 workings days if necessary.

As the investigation process is more formal, our specialised solicitors are on hand at this stage to explain the investigating officer's report to ensure you're fully equipped to move forward to the next stage, if you need to.

Stage three: Review panel

If you're not satisfied with your stage two response you have the right to request a review panel within 20 days. The panel must be held within 30 working days of receiving your request and consists of three independent people who'll listen to all parties and present their findings on each of the complaints being reviewed. You'll be invited to attend the panel meeting and you can bring a friend, relative or advocate with you.

The panel will then send their report along with any recommendations to you and the Director of Children, Adults & Health Department within five working days. The Director will consider the panel's report and write to you with their findings within 15 working days of receipt.

What happens if I'm not satisfied with the outcome of my complaint?

If you don't feel that your complaint has been resolved to your satisfaction by your local authority, you can make a complaint to the Local Government Ombudsman within 12 months from the date of the incident or matter being raised as a complaint. The 12 month time limit may be extended with good reason providing it's still possible to efficiently investigate; however we recommend to make a complaint as soon as possible.

Can anyone complain to the Ombudsman?

Your local authority must've been given the opportunity to resolve the matter first and you must not be in the process of legal action in relation to your complaint. However, the Ombudsman will consider a complaint when the three previous stages haven't been completed if the matter is urgent, there has been unreasonable delay or there has been a complete breakdown of trust.

Also, the Ombudsman can only investigate complaints resulting in injustice, for example, discrimination, unnecessary delay or failure to abide by fair procedure. The Ombudsman may not investigate a complaint if they think that there's an alternative remedy, such as a legal challenge by way of judicial review.

What will the Ombudsman do?

Once you take up your case with the Ombudsman, your local authority must appoint you a responsible person to ensure compliance with the regulations and a complaints manager who'll manage the procedures; one person can take on both of these roles.

Many complaints are dealt without a full investigation and publication of report. For example the Ombudsman may decide it can't proceed any further as the local authority aren't at fault or there isn't sufficient injustice caused by the complaint. In some cases, it may be possible to reach a settlement with the local authority after the Local Government Ombudsman has written to them.

How long is the process?

Complaints can be dealt with in a variety of ways; therefore an estimated timescale of three months to a year is standard for a complaint resolution, depending on the complexity of the case.

What powers does the Ombudsman have?

The Local Government Ombudsman has a number of powers:

- The Ombudsman is allowed access to relevant information held by the local authority
- The Ombudsman can make recommendations to the local authority to put things right. This can include an award of compensation or an apology, or to put in place different policies and practices.

What if I want to pursue a legal challenge?

Decisions of local authorities can also be challenged in the courts through a process called judicial review, which must be brought within three months of the original decision. Therefore, it's important to consider at an early stage whether a formal complaint to the local authority and/or Ombudsman will provide a satisfactory remedy to your concerns or whether a legal challenge by way of a judicial review is more appropriate. We can guide you further on the correct path for your complaint.

Why choose us?

You're at the forefront of everything we do. Our team of expert community care and healthcare solicitors work across the country and have supported hundreds of individuals with their legal rights as well as charities and voluntary organisations.

Our solicitors are regarded as some of the best in the country by The Legal 500 and Chambers & Partners legal directories. Our specialists have been involved with some of the most high profile health and social care cases. We're frequently appointed by the Official Solicitor to look after the best interests of individuals who are unable to make their own decisions on social or healthcare related issues.

Our solicitors frequently deliver lectures and undertake cases promoting the rights of choice and control for disabled people, and we regularly lead the way in acting for disabled clients.

> Excellent service and care. Compassionate and professional. Would highly recommend.
>
> **Natalie**
> **5* Trustpilot review**

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