

Complaints about children's care services

This fact sheet is aimed primarily at parents, carers and young people who have a problem with a children's care services complaint and may be considering making a complaint to the Ombudsman.

I have a problem with my complaint about children's care services. Can the Ombudsman help me?

- In some cases, yes. If you are a user of children and family services or are complaining on behalf of someone who is, you will very probably have the right to use the special complaints procedure which the law says councils have to operate to deal with these kinds of complaints.
- If you've made a complaint and the council has looked into it, but you're unhappy with the result or with the way your complaint has been dealt with, you can complain to us. But please be aware that we cannot look at the merits of decisions which have been properly made.
- There are some kinds of children and family services complaints that we can't deal with. We can't look into complaints about anything that has been considered by a court. And we can't stop a council from taking court action that will affect you, for example if the council starts proceedings to take a child into care, or to have a child adopted.
- In the same way, you can't use a complaint to us as a way of appealing against a court decision. If you want to change a decision a court has taken you need to seek legal advice, and we can't help you with that.

How do I complain?

- You should normally complain to the council first. We will not normally consider a children and family services complaint until it has gone right through the council's complaints procedure for children's social services.
- You should normally complain to us within 12 months of hearing what the council's final decision is. When you make a complaint to children and family services you should be given information about what will happen to your complaint and how long this will take.
- There are three stages, and generally the time to complain to us is if you're not happy with the outcome at the end of the third stage, after an independent Review Panel has considered your complaint.
- Social care complaints can take longer than others to complete. But as long as there is evidence that the complaint is being actively investigated, we would normally want you to allow the council's procedure to be completed before we would accept the complaint.
- To complain to the Ombudsman phone our helpline on 0300 061 0614 (8.30am to 5.00pm, Mondays to Fridays). You will be able to discuss your complaint with one of our advisers. You can text us on 0762 480 3014.
- You can complete an online complaint form at www.lgo.org.uk/making-a-complaint.

If you're a child or young person making a complaint to us we'll give you extra help

We'll help you make your complaint to the council, if you want to do that. Sometimes we will take your complaint ourselves, before you have been through the council's procedures, and we'll give it priority. We'll use the means of contact with you that you prefer – including by email or text, if you like. We'll also help you find an advocate to support you with your complaint if you want us to. There is more information on special pages on our website, at: www.lgo.org.uk/youngpeople/ or call our helpline on 0300 061 0614.

If you can consider my complaint what will the Ombudsman look for?

We consider whether the council has done something wrong in the way it went about dealing with your children and family services complaint which has caused you problems. Some of the issues we can look at are if the council:

- didn't sort out an advocate for a child or young person who had a complaint to make
- failed to provide you with information about how it would deal with your complaint and how long this will take
- did not look into all the important issues that you wanted to complain about, even though they are issues it could consider
- failed to keep to the timescales set down for any stage of your complaint
- asked someone to deal with your complaint who is biased against you, or who hadn't got enough knowledge or experience to do the job properly
- didn't check evidence available to it that could support what you say
- produced a report on your complaint that contained mistakes or that came to conclusions that aren't justified
- upheld your complaint, but then didn't take the action needed to try to put things right for you, or
- if in any other way it didn't follow the guidance that the Government has published that says how complaints about children's services have to be handled.

What happens if the Ombudsman finds that the council was at fault?

A lot depends on what kinds of faults we find and how we think you have been affected by them:

- if we decide that the council hasn't dealt with your complaint properly but that the outcome would have been the same if it had handled it well, then we probably won't ask it to do more than apologise to you, and perhaps make you a payment for your wasted time and inconvenience; or
- if we decide that the council should have come to the conclusion that your complaint was justified if it had looked into it properly, we then look at how you were affected by the original faults you complained about and how the council might now put things right for you.

Sometimes things have happened that can't be undone. But if we find you have been harmed by something children and family services have done wrong, we will ask the council to take action to make up for this, so far as is possible. As examples, we can ask it to:

- carry out proper assessments of needs and reviews, and make proper care plans, involving all the people and agencies who will have a part in delivering them
- make sure the services and support provided are what's needed and up to standard
- provide extra input, if appropriate, to make up for anything that you've missed out on
- if this is the only way of putting things right, pay you compensation – whether we ask the council to compensate you and how much we ask for will depend on how you've been affected by what has gone wrong, or
- make changes to its procedures so that the same problem doesn't happen again in the future, to you or anyone else.

Examples of complaints we have considered

Ms X complained to us when she was still under 18. She complained that social services had failed to take appropriate action when she made several reports that her father was ill-treating her.

We found that social services hadn't taken seriously either Ms X's reports of being abused or her complaint to them. We asked the council to improve its procedures, including the way it deals with complaints from young people, to compensate Ms X for the time and trouble she was put to in making her complaint, and to put a much larger sum of money in trust for her until she was 18. The council did this.

Mr A complained to us about the conduct of the social workers who investigated allegations against him and his partner relating to child protection issues. Their two children were taken into the council's care as a result of this work and he complained to the Ombudsman about losing his children, as he saw it, unfairly.

We were unable to investigate most of Mr A's complaint because it was a court's decision to take the children into care, and the court looked at the social workers' investigation as part of the proceedings. We were only able to look at one small part of his complaint, relating to the council's handling of sensitive information it held about his family, as this was nothing to do with the court process. We found no fault with the social services department's actions.

Our fact sheets give some general information about the most common type of complaints we receive but they cannot cover every situation. If you are not sure whether we can look into your complaint, please call 0300 061 0614.

The Local Government Ombudsmen provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result the Ombudsmen aim to get it put right by recommending a suitable remedy.

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