



Children & Families Directorate
Redcar and Cleveland Borough Council

Complaints, Compliments and Comments Procedure

Document Control

Date	Author	Version	Change Description	Approved / Quality Checked By & Date	Target Audience / Circulation	Document Review Date
12/02/13	Neil Blackett	1.0	N/A	SCFMT - 14/2/13	SCFMT/DMT/public	February 2014
17/10/14	Neil Blackett	2.0	General update	DMT - November 2014	Children's Services/Public	October 2016
18/02/21	Alex Bartram	3.0	General update	DMT - March 2021	Children's Services/Public	February 2023

Impact Assessment Record

Date	Type of Assessment Conducted (e.g.	Stage/ Level Completed (Where	Summary of Action Taken / Decision Made	Completed By	Impact Assessment Review Date
12/02/13	Impact Assessment not required. Document content does not impact directly on gender, race, disability, sexual orientation, age or faith groups	N/A	No action required	N/A	N/A

Document retention period	Transfer to place of deposit for a period of 10 years after administrative use is concluded, then review.
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1. Introduction

This policy outlines the approach of the Children & Families Directorate in relation to receiving and responding to complaints, compliments and comments received by the Children and Families Directorate. The complaint procedure set out within this policy relates to making complaints about children's social care services as per the statutory requirement. If a complaint relates to another division of children's services, or the person wishing to complain does not meet the requirements to make a complaint under the statutory procedures, then the complaint will be dealt with under the Council's Corporate Complaints and Compliments Procedure.

This policy has been developed in line with the Children Act 1989 Representations Procedure (England) Regulations 2006 and in accordance with the guidance *'Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others'* produced by the Department for Education and Skills and *'Effective Complaint Handling for Local Authorities'* produced by the Local Government & Social Care Ombudsman.

The Corporate Director for Children and Families is the responsible person for ensuring that the Council complies with the arrangements made under the regulations. They will act as the 'Adjudicating Officer', which means they will make any important decisions on complaints and ensure that action is taken if necessary, in the light of the outcome of your complaint. In most cases this responsibility will be delegated to the relevant Assistant Director, Children and Families.

The Complaints Officer is the responsible person for managing the procedure and for handling and considering complaints in accordance with the agreements made under these regulations. The Complaints Officer can be contacted via email at ChildrenServicesComplaints@redcar-cleveland.gov.uk or writing to Complaints Officer, 2nd Floor, Seafield House, Kirkleatham Street, Redcar, TS10 1SP or by telephone on 01642 771528. Compliments and comments can also be shared via the same contact details.

In line with Section 13(3) of the Children Act 1989 Representations Procedure (England) Regulations 2006, we will compile and publish an Annual Report containing details of complaints, compliments and comments we have received in the previous financial year, on our website. The report will not contain personal information that is identifiable about any individual complaint.

The Children and Families Directorate is committed to providing excellent customer service. To support this aim, we welcome customer feedback, which we will use to inform service improvements. Our aim is to put the customer first and provide the best possible service. To make this aim a reality it is important that we invite feedback about the services we provide.

Whilst we are committed to providing the best possible service to children and families, we are realistic in acknowledging that there will be times where children and families feel that they have not received a level of service that they expect and we will need to act upon such concerns. We will follow relevant guidance, such as that issued by the Department for Education and the Local Government & Social Care Ombudsman.

A formal complaint may not always be necessary, and therefore we would recommend consideration being given to contacting the relevant team directly. This may provide a much quicker resolution.

2. Compliments and Comments

2.1 Compliments

Compliments can help us share good practice and improve services.

You can pay a member of staff a compliment directly.

If you pay someone a compliment via the Complaints Officer (contact details above), they will record it and pass it on to the appropriate person.

2.2 Comments

Comments are also a great way to sharing your ideas about particular services. If you pass your comments on to a member of staff they will pass the details on to the Complaints Officer to be recorded. If you make a comment via the Complaints Officer, they will record it, send you an acknowledgement and pass it on to the appropriate service. The Complaints Officer will record any actions taken as a result of your comment.

3. Complaints

3.1 What is a complaint?

This section relates to making complaints about the Children and Families Social Care division. If your complaint relates to another division of the Children and Families service, your complaint will be dealt with in accordance with Corporate Complaints and Compliments Procedure.

We define a complaint as:

“When someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them”

A complaint may arise as a result of many things such as:

- a decision you are not happy with;
- a problem with the service you are receiving;
- delays in making decisions or providing services which affect you;
- the way that services have been delivered, including complaints procedures;
- a change to the cost of a service, or the amount of service you receive;
- attitude or behaviour of staff;
- application of eligibility and assessment criteria;
- the impact on a child of the application of a Council policy; and
- the way your assessment, care management and review have been carried out.

3.2 Time Limit

We will not usually investigate your complaint if 12 months have passed since the date you learned that something went wrong. However, we may accept your complaint for one or more of the following reasons:

- you are a vulnerable person and did not complain because you were concerned about what might happen;
- we believe that there would be a benefit to you in looking into your complaint;
- there is likely to be enough information or individuals available from the time the incident happened to enable an effective and fair investigation to be carried out; and
- where action needs to be taken in light of human rights based legislation.

There may be other reasons not included on this list, where we would consider your complaint. We will consider each case on its merits.

3.3 Who Can Make a Complaint?

Under the procedure, complaints can be made by:

- any child who is a Child in Our Care or is a Child in Need;
- a parent or a person with parental responsibility;

- a foster carer (including those caring for children placed through independent fostering agencies);
- a child or young person who is a care leaver;
- a child or young person (or parent) to whom a Special Guardianship Order is in force;
- any person who has applied for an assessment for Special Guardianship support;
- any child or young person who may be adopted, their parents or guardians;
- any persons wishing to adopt a child;
- any other person whom arrangements for the provision of adoption services extend;
- adopted persons, their adopted parents, birth parents and former guardians; and
- such other persons as the Council considers has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

The Complaints Officer will decide whether or not your complaint should be dealt with under this procedure. If the Complaints Officer decided it would not be appropriate to deal with your complaint under this procedure, they will inform you of the reasons why and explain how we will deal with the matter.

3.4 Staff Behaviour and Attitude

If your complaint is solely about the attitude or behaviour of a member of staff, it may be appropriate to investigate the matter under the Council's employment procedures. Where this is the case we will let you know how we will deal with the matter, however, due to the confidential nature of employer- employee relations, we will not be able to provide you with details of the outcome.

3.5 Services Provided on Behalf of the Council

If your complaint is about a service provided on our behalf, you may make a complaint to us or directly to the organisation providing your service. If we receive the complaint, we will ask for your consent to pass it to the organisation to deal with in the first instance. If you are dissatisfied with the response from them, we can then look into the matter. If you have any

concerns you can discuss them with the Complaints Officer.

If your complaint is in part about the standard of care provided on our behalf and in part about a service provided by us, we will contact you to let you know which part of the complaint will be handled by us and ask for your consent to forward the other elements of your complaint to the organisation providing the service. In such cases we will work with the organisation and provide you with one response covering all of the issues raised, where possible.

3.6 Help making a Complaint

If you need some help to make your complaint the Complaints Officer may be able to arrange an Advocate for you. An Advocate is someone who can speak on your behalf. Should you wish to use an advocate the National Youth Advocacy Service is available for that purpose. They can be contacted on 08088081001 or at www.nyas.net.

You might prefer a friend or relative to make a complaint on your behalf. If someone is complaining on your behalf you must tell us you have given your consent for us to share your personal information with them.

If you are making a complaint on behalf of a child or young person, we will need to confirm where appropriate that the child or young person is happy for this to happen and that the complaint is an accurate reflection of his or her views. We will also consider whether or not you are acting in the child or young person's best interest before investigating the complaint.

3.7 Anonymous Complaints

If you make an anonymous complaint, we will consider the matter but we will not be able to provide you with a response. If you do not want to give your name because you are worried that it might affect the service you receive, please be assured this will not be the case. Following consideration of an anonymous complaint the Adjudicating Officer will decide what, if any actions should be taken as a result of the investigation. This may be that your complaint is referred through our Safeguarding Process (please see page 13).

3.8 Withdrawing a Complaint

You can withdraw your complaint verbally or in writing at any time. If you decide not to pursue your complaint, the Complaints Officer will write to you confirming that your complaint has been withdrawn. A copy of the letter will also be sent to the relevant service manager. In some cases, we may still look into the issues you have raised outside the complaints process, for example, where there are safeguarding concerns or if there were areas identified where practice could be improved.

3.9 Referring your Complaint to the Ombudsman

You can refer your complaint to the Local Government Ombudsman at any time. However, the Ombudsman is unlikely to consider your complaint unless we have investigated it fully under the Children and Families Complaints Procedure. In a limited number of cases, following a Stage 2 investigation, the Complaints Officer may discuss the option of early referral to the Local Government Ombudsman with you.

4. When you cannot use this Procedure

The complaints regulations are very specific and not everything 'qualifies' to be dealt with under them. Where your complaint falls outside of the remit of the regulations, the Complaints Officer will advise of how we will deal with your complaint.

4.1 Non-Qualifying Complaints

The following types of complaints do not qualify to be dealt with under this procedure:

- a complaint which is made verbally and resolved immediately;
- a complaint that should be dealt with under another procedure, for example, the Corporate or Adult Social Care Complaints Procedure;
- a complaint about matter which have been fully dealt with under this or other appropriate procedures;
- a complaint about matters which are being or have been investigated by the Local Government & Social Care Ombudsman;
- a complaint by an employee about any matter relating to their employment; and
- a complaint about the handling of a request for information under the Freedom of Information Act or the Data Protection Act (although we can investigate this under the Council's Corporate Complaints Procedure).

4.2 Legal Proceedings

You cannot use this complaints procedure to challenge decisions of a Court. However, in certain types of proceedings children and young people can complain about the accuracy and quality of information or reports which the Council has provided in court proceedings. We will deal with this separately to

the actions of the Court. If we uphold your complaint, we will advise you what action we propose to take with regard to the court action.

If your complaint relates to ongoing legal proceedings and it is felt that a complaints investigation would interfere with the proceedings, we will not accept your complaint. In such cases we will write to you to advise you of our decision and offer you the opportunity to re-submit your complaint once the proceedings have finished.

4.3 Insurance Claims

Some issues are more appropriately dealt with as insurance claims against the Council. Where this is the case, we will inform you of our decision and the reasons for it.

5. The Complaint Process

5.1 Receiving a Complaint

The statutory timescale for responding to a complaint begins on the day the complaint is received by us.

A complaint can be made at any point of access to the Council's services, or directly to the service or individual involved, or to the Complaints Officer. The complaint can be made in writing, verbally, by e-mail, on our website, in person or via an advocate.

All complaints will be registered by the Complaints Officer. This will ensure that your complaint is managed and monitored appropriately. The Complaints Officer will record the complaint and acknowledge the complaint in writing to you (or by your other preferred form of communication if indicated). The Complaints Officer will provide you with information on the complaints process and offer assistance and guidance on following the procedure, including help in obtaining an advocate.

5.2 Informal Complaints

If a complaint is made verbally, directly to the service concerned, and the manager concludes that the complaint can be quickly resolved, it need not be dealt with under the formal complaints handling procedure. The manager, or an officer delegated by the manager, should liaise directly with you in order to discuss and resolve your complaint.

If the complaint can be resolved, a record of the complaint and the outcome should be noted on the relevant case notes. If it cannot be resolved, the complaint will be referred to the Complaints Officer for registration as an official Stage 1 complaint.

5.3 Resolving your complaint and putting things right

When you make a complaint, we will ask you what you would like us to do to put things right. We will take your views into account but it may not always be possible to give you exactly what you want. Where this is the case, we will discuss the matter with you and come to an agreement.

If we uphold or partly uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other actions.

Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.

Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again, or we may take a specific action.

5.4 Learning from Compliments, Comments and Complaints

It is vital that lessons are learned from any feedback that is received and where services are changed, reviewed and maintained accordingly.

Each time a complaint is registered a learning form is sent by the Complaints Officer to the relevant service manager, to identify and record any learning.

The Complaints Officer will record and work closely with colleagues in the Children and Families Service to ensure learning and good practice is shared. Learning can be applied to individuals, teams, individual service areas or the whole service.

6. The 3 Stage Social Care Complaints Procedure

The statutory Children's Social Care complaints procedure is a 3 stage process:

- Stage 1 – Local Resolution
- Stage 2 – Independent Investigation Stage
- Stage 3 – Review Panel Stage

We will try and resolve complaints at Stage 1. At Stage 1 a manager from the service you are complaining about will usually respond to your complaint and try to put things right. If you are unhappy with the response at Stage 1, you have the right to proceed to Stage 2 and following the outcome of a Stage 2 complaint, you have the right to progress to Stage 3 of this procedure.

6.1 Stage 1 – Local Resolution

10 working days (up to 20 working days)

The aim of Stage 1 is to resolve your complaint quickly and to reach an amicable solution. The team manager will be in the best position to respond to your complaint at Stage 1 as they are actively supervising your case and will be familiar with your history. If you are complaining about the team manager, we will ask another team manager or the service manager to deal with your complaint.

We will aim to provide a response within 10 working days. Most Stage 1 complaints should be concluded within this time but such things as the availability of key individuals and your availability can affect the timescale. Where we cannot provide a complete response within 10 working days, a further 10 working day extension may be needed.

If you feel you want an advocate and this takes time to arrange, the timescale for Stage 1 can be suspended until an advocate has been appointed.

If you are dissatisfied with the outcome of your complaint, you can ask for it to be progressed to Stage 2 of the complaints procedure.

6.2 Stage 2 – Independent Investigation

25 working days (up to a maximum of 65 working days)

Stage 2 involves an independent person reviewing your complaint. The complaint investigation will be undertaken by an Investigating Officer, who will be a manager from a different service within the Council or someone brought in from outside the Council specifically for this purpose. The investigation will be overseen by an Independent Person, someone who is not employed directly by the Council and whose role is to ensure that your complaint is investigated properly and fairly. Occasionally complaints will bypass Stage 1 and be dealt with immediately at Stage 2 because of the complexity or seriousness.

The Investigating Officer will produce a draft report which they will share with you. After doing, so the Investigating Officer and Independent Person will finalise their reports and send them to the Adjudicating Officer (the Corporate Director or Assistant Director). The Adjudicating Officer will decide what action to take as a result of the findings and write to you informing you of their decision. You will also be given a copy of the Investigating Officer's and Independent Person's reports.

If you are dissatisfied with the outcome of your complaint at this stage, you can ask for it to be heard by a Stage 3 Complaint Review Panel. You must request this within 20 working days after receipt of the Stage 2 adjudication letter from us.

6.3 Stage 3 - Complaint Review Panel

Held within 30 working days (response within 15 working days of the Panel)

Your request for a Stage 3 Complaint Review Panel will be acknowledged within 2 working days. Complaint Review Panels are made up of 3 people who have experience in social care or related professions but who are independent from the Council.

The Complaint Review Panel will meet you (and your representatives where appropriate), the Investigating Officer, the Independent Person, the Adjudicating Officer (in some cases) and the Complaints Officer to review the adequacy of the Stage 2 investigation. The Complaint Review Panel will then make recommendations to the Council in order to resolve your complaint. The Complaint Review Panel will not re-investigate the complaint but will try to find the best way to settle the complaint.

Stage 3 is the final stage of the Council's Complaint Procedure. If you remain dissatisfied with outcome of the Complaint Review Panel you can refer your complaint to the Local Government & Social Care Ombudsman.

7. Safeguarding

If your complaint mainly involves concerns about a child's safety, we will deal with it through Child Protection Procedures. If it is felt during the complaints investigation that a child is at risk, we will also follow our Child Protection Procedures. If you feel a child is at risk of neglect, physical abuse, emotional abuse or sexual abuse you can also contact our Multi-Agency Children's Hub (MACH) on 01642 130700. Alternatively, you can contact NSPCC on 0808 800 5000.

The procedures for dealing with these matters can be found on the South Tees Safeguarding Children Partnership website using the following link <https://stscp.co.uk/>.

Where possible we will continue investigating your complaint, however, where the Complaints Officer feels that the complaints investigation will interfere with the safeguarding investigation, they will put your complaint on hold until the safeguarding investigation has been concluded.

8. Accessibility and Equal Opportunities

We are committed to making sure that everyone has equal access to all our services, including this complaints procedure. To help make sure our complaints procedure is easily accessible we:

- use plain language;

- accept complaints in person, in writing, by e-mail, via our website, over the phone or by any other reasonable means;
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and
- provide translators (including sign language translators) where needed.

We provide information on how to make a complaint on our website. We will also make leaflets available, including a young person friendly version where needed.

Once we have dealt with your complaint, we might ask you to complete a satisfaction survey. This is about how you feel we handled your complaint. We would appreciate you taking the time to fill this in and help us improve the way we handle complaints.

9. Unacceptable Behaviour and Unreasonably Persistent Complaints

If complainants are unreasonably persistent, for example they contact our officers so many times that it hinders our handling of the complaint and/or a complainant displays unreasonable or unacceptable behaviour, for example offensive/threatening behaviour towards staff, we may take action. In these cases, we will follow the Council's guidance on *Dealing with Persistent, Habitual or Vexatious Complaints*, and the guidance *Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others* produced by the Department for Education and Skills (or such published guidance that replaces it).

Where the Council has attempted to move the complaint forward through the complaints process but the complainant has either refused or delayed such progression through excessive objection to the process, we will advise the complainant that this is causing delay and is unreasonable use of the complaints procedure.

If the Council find a complainant's behaviour unacceptable or persistent, we will write to them to explain why we find the behaviour unreasonable and advise them of the action being taken. This decision can be challenged by the complainant by writing to the Local Government Ombudsman.

In some cases, the Council may consider referring the complaint to the Local Government Ombudsman before the 'Complaints Procedure' has been exhausted or advising the complainant that it cannot assist further and informing them of their right to approach the Local Government Ombudsman.

Where a complainant continues to behave in a way which is deemed unacceptable, the Council may decide to terminate contact and discontinue any investigation into the complaint. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the Police or taking legal

action. We may not give the complainant prior warning of that action.

10. Record Keeping and Data Sharing

The Complaints Officer will place a record on our electronic complaints management system to say that you have made a complaint. For Stage 2 Complaints, during the investigation the Investigating Officer and Independent Person may keep a file containing correspondence and other relevant documentation (such as written notes, transcripts of conversations, etc).

Following the conclusion of the investigation the Investigating Officer and Independent Person will send the documents to the Complaints Officer. The Investigating Officer and Independent Person will dispose of any irrelevant information in a secure manner (i.e. shredding of paper documents and deletion from electronic systems).

We will keep all records in line with the Council's retention periods. These retention periods are taken from the Records Management Guidelines for Local Government.

During the complaints process it may be necessary to share your personal details with those staff involved in providing a service to you. We will only share details that are relevant to your complaint. Such details will only be recorded by the Investigating Officer, Independent Person and the Complaints Officer.

If you decide to take your complaint to the Local Government Ombudsman we may have to share data with them, but they will normally have sought your consent.

We may also share your personal data with our legal section where appropriate.

If you are classified as an unreasonable or unreasonably persistent complainant, some of your personal details will be communicated to complaints officers, social work staff, director's personal assistants, Councillors, members of the corporate manager's network and customer services staff. This may include your name, contact details, a physical description (to assist staff who have face-to-face contact with complainants) and details of the behaviour that has resulted in the application of the policy.

All personal data will be securely stored and will be processed in line with the Council's Data Protection Policy and the provisions of the Data Protection Act 2018.

11. Further Information

Please see below the list of documents we used in preparing this procedure:

- The Children Act 1989;
- The Children Act 1989 Representations Procedure (England) Regulations 2006;
- Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others' – Department for Education and Skills;
- Records Management Guidelines for Local Government; and
- Effective Complaint Handling for Local Authorities - the Local Government & Social Care Ombudsman.