

# Childrens Social Care Complaints Policy

**2025**

# Contents

|  |  |  |
| --- | --- | --- |
| 1 | Introduction | 3 |
| 2 | Values and behaviours | 4 |
| 3 | Information and Feedback Team | 5 |
| 4 | What is a a Children’s Social Care complaint? | 6 |
| 5 | Unacceptable actions | 6 |
| 6 | Who can make a Children’s Social Care complaint? | 7 |
| 7 | What does the complaints procedure cover? | 8 |
| 8 | What does the complaints procedure **not** cover? | 9 |
| 9 | Assistance with complaints | 10 |
| 10 | Childrens Social Care complaints procedure | 11 |
| 11 | Complaint stages   * Stage 1 complaint * Stage 2 investigation * Stage 3 complaint review panel | 12 |
| 12 | Putting things rights | 14 |
| 13 | Learning from complaints | 15 |
| 14 | Local Government and Social Care Ombudsman | 15 |
| 15 | Performance reporting and self-assessment | 15 |

1. **Introduction**

Our 20-year vision is:

**Our South Tyneside – A place where people live healthy, happy and fulfilled lives**

To make our vision a reality, it is important that people have the opportunity to let us know how they feel about the services we provide. Our Complaints, Compliments and Comments Policy is one way people can do this.

Complaints allow us to put things right where they have gone wrong, and identify any faults which can then be addressed. We aim to reach a speedy resolution, and will try wherever possible to put people back in the position they would have been in before having to make a complaint.

People can also tell us if you feel that we have done things right, as well as make comments on any services we provide, or make suggestions for improving our services.

This policy explains how we will deal with complaints, compliments and comments, in accordance with the Local Government and Social Care Ombudsman's Complaint Handling Code (the Code).

If a complaint is about a Corporate service, Adult Social Care Service, Public Health Service, certain housing matters or an elected official, it will be dealt with under a separate policy. This is a legal requirement.

The following are our principles when dealing with complaints:

* We will deal with complaints impartially, objectively and professionally. People who complain will receive no adverse treatment of themselves or their families because they have made a complaint.
* We will keep people informed about the progress of their complaint. Where complaints are complex or are likely to take time to investigate, people will be kept informed of progress and, if there is going to be a delay, will be told why.
* Where complaints cross organisational boundaries for example with the NHS, we will aim to coordinate a single response.
* The identity of the person making a complaint will be managed in line with the Data Protection Act and only shared when it is necessary to do so to enable the investigation of the complaint. We will not make a complainant’s identity public.

1. **Values and behaviours**

We have also agreed a set of 'Council Values' to define what we stand for as an organisation and the things that are most important in terms of how we work and act.



These **PROUD** values will be embedded into our corporate complaints, compliments and comments policy.

**Behaviours**

Under each Value sits a set of behaviours that we agree to in order to deliver on each specific Value, these include:

**Professional - we uphold high standards**

* Welcome people and offer help
* Be accountable
* Accept feedback and learn from mistakes
* Manage our time and resources well

**Respectful - we value people**

* Be polite, thoughtful and kind
* Listen to what others have to say
* Notice and thank others for their efforts
* Treat sensitive information appropriately with care

**Open and Honest - We trust each other**

* Share helpful information and ideas
* Work together to get great results
* Speak up against behaviours we do not want to see
* Use clear, jargon free information where possible

**Understanding and Engaging - We care about people**

* Accept and appreciate our similarities and differences
* Respect different needs and try to meet them
* Show we care and offer support
* Work together through any challenge to get the right outcome

**Deliver what we say we will - We provide great services**

* Always do what we say we will do
* Look to improve 'what we do' and 'how we do it'
* Reply in good time
* Keep you up to date with everything we do

1. **Information and Feedback Team**

Our Information and Feeback Team oversees the Childrens Social Care Complaints, Compliments and Comments Policy. The team are available to provide any advice and information relating to complaints, compliments, comments and suggestions.

The team can provide advice about the complaints procedure, as well as signpost people to any external advocacy or support services available. The team can also provide advice to Council officers who are investigating complaints.

The team will record and acknowledge all complaints made under the Statutory Childrens Social Care complaints policy, provide support to staff responding to complaints and

monitor the progress of complaint investigations.

The team also acts as the central point of contact for any enquiries from the Local Government and Social Care Ombudsman.

Complaints can be made verbally, in writing or electronically to any member of staff of South Tyneside Council. However, to ensure a rapid response, it is recommended that a complaint is made by:

Website: <https://www.southtyneside.gov.uk/complaints>

Email: [complaints@southtyneside.gov.uk](mailto:complaints@southtyneside.gov.uk)

Telephone: 0191 424 6028

Letter: Information and Feedback Team

South Tyneside Council

Town Hall and Civic Offices

Westoe Road

South Shields

NE33 2RL

It is important to recognise that not all concerns raised will progress to formal complaints procedures. Where a concern is raised that can be dealt with at the point of contact, staff will aim to resolve the issue(s). Where this is not possible, the person will be advised how to escalate their concern as a formal complaint.

1. **What is a Children’s Social Care complaint?**

The Council adopts the Local Government and Social Care Ombudsman’s definition of a complaint:

**‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.’**

An individual should not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative will still be handled in line with the Complaints, Compliments and Comments policy.

The Children Act 1989 Representations Procedure (England) Regulations 2006 requires Local Authorities to have a formal complaints procedure in place for those people who want to make a complaint or representation about children social care. This policy sets out South Tyneside Council’s procedure.

1. **Unreasonable Actions**

In a small number of cases people interact with services in a way that is unreasonable. This may include being unreasonably persistent in relation to their contact, which can prevent the Council from providing services to the individual and others, and have a significant impact on staff wellbeing. These actions can occur during delivery of a service, while a complaint is being investigated, or once an organisation has finished the complaint investigation.

The decision to restrict access to services should not be taken lightly. Careful consideration should be given to the Council’s duties under equality and human rights act legislation. The Council should not operate a blanket approach to managing challenging actions and should consider the circumstances of each individual case.

The Council has a Managing Unreasonable Actions Policy which defines unacceptable actions and sets out the measures we can take to deal with people who display this behaviour.

2. **Who can make a Children’s Social Care complaint?**

A complaint can be made by a child or young person (or their representative) who is being looked after by the local authority or is not looked after them but is in need. Other people eligible to complain are:

* Local Authority foster carers (including those caring for children placed through independent fostering agencies)
* Children leaving care
* Special Guardians, including a child or young person in respect of whom a Special Guardian order is in force
* Any person who has applied for assessment for Special Guardianship. support services under section 14F(3) or (4) of the Children Act 1989
* Children or young people who may be adopted, their parents and guardians
* Adopted persons, their parents, natural parents and former guardians
* Such other person as the local authority considers having a sufficient interest in the child or young person

If there is a person acting as a representative of the complainant South Tyneside Council will normally require written confirmation, as far as this is possible to give, from the service user that they are happy for this representation to take place and, if appropriate, for relevant information to be shared directly with this representative

South Tyneside Council has the discretion to decide upon the appropriateness of a person to act as a representative for a service user. If the representation is considered unsuitable, or not in the service user’s best interests, the person acting as representative will be informed in writing of the reasons why their representation has been refused. This test of suitability will be applied when the complaint is first made, and also at relevant stages of the complaint, as appropriate.

An independent and confidential advocacy services is available free of charge for children and young people who would like support in representing their views. They can ask for this at any time.

On occasion the Local Authority may receive complaints by adults that relate to a child or young person but are not made on the child’s behalf. The Children Act 1989 gives discretion to Local Authorities to decide in cases where eligibility is not automatic whether an individual has sufficient interest in the child’s welfare to justify his own complaint being considered by them. When appropriate the Local Authority will check with the child or young person that they agree with the person making the complaint.

The Complaints Manager will decide whether your complaint should be dealt with under this procedure. If the Complaints Manager decides 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.

1. **What does this policy cover?**

This procedure is specifically for making complaints about children’s social care services. The policy covers complaints about the following:

The procedure is designed to cover things like:

* an unwelcome or disputed decision
* concerns about the quality or appropriateness of a service
* delays in decision-making or provision of services
* delivery or non-delivery of services
* quantity, frequency, change or cost of a service
* the way an assessment has been carried out

This is not an exhaustive list. If someone is unsure whether their complaint falls within the scope of the Regulations, the Information and Feedback Team will be able to provide advice.

**Anonymous complaints**

Anonymous complaints can play a significant part in revealing poor practice, particularly in relation to vulnerable people. Anonymous complaints will be considered under the corporate complaints procedure where possible. If there are no means to provide a response in relation to allegations or issues raised, these this will be recorded as an initial report of concern and investigated as considered appropriate by the Lead Officer. The Council will be unable to provide a response to anonymous complaints.

Complaints **about the conduct of staff**

Where a complaint involves the conduct or attitude of a member of staff, this will be investigated under the corporate complaints procedure to ensure that the customer receives a response to the concerns raised. The corporate complaints procedure is a separate process from any internal disciplinary procedures that may follow as a result of the investigation of a complaint.

The relationship between employer and employee is confidential. It is appropriate to advise the customer of any action taken in response to their complaint, however the application or outcome of any HR process must remain confidential.

1. **What does this policy not cover?**

There are a number of circumstances where the children’s social care complaints procedure does not apply, or is not the most appropriate procedure to be used. The Information and Feedback Team can provide advice on this and wherever possible will provide information on alternate processes and procedures available to the customer in pursuit of their complaint.

* a complaint which is made verbally and resolved immediately
* a complaint that should be dealt with under a separate complaints procedure
* requests for services
* requests for information
* matters where a separate means of resolution exist such as an appeals process, courts, tribunals
* complaints already been investigated through the Council’s complaints procedure
* complaints investigated by the Local Government and Social Care Ombudsman
* where the issue of complaint is over 12 months old, unless there are exceptional circumstances
* allegations of criminal activity

***This list is not exhaustive and does not intend to cover every eventuality but is intended to provide a broad example of the areas.***

**Safeguarding**

If a complaint involves concerns about a child’s safety we will deal with it through our Child Protection Procedures. Where possible we will continue investigating your complaint, however, where the Complaints Manager feels that the complaints investigation will interfere with the safeguarding investigation we will put your complaint on hold until the safeguarding investigation has been concluded.

**Staff Behaviour and Attitude**

Where a complaint involves the conduct or attitude of a member of staff, this may be more appropriate to investigate under the corporate complaints procedure to ensure that the customer receives a response to the concerns raised.

**Complaints subject to legal proceedings**

If a complainant or the Council has, or intends to take legal action in relation to the substance of a complaint, the Council may decide not to investigate the issue as a complaint if this could prejudice the conduct of those proceedings. If the Council has already started to look into a complaint, it may be put it on hold until after the legal proceedings have finished.

The Council’s complaints process cannot overturn any decision made by a Court.

**Complaints about schools and academies**

Schools and academies have their own complaints procedures and should be contacted directly to raise a complaint. The Council cannot investigate complaints about schools or academies.

**Adoption Complaints**

Adoption services are managed regionally by Adopt North East – complaints about related functions can be made by contacting:

Adopt North East, Telephone: 0191 643 5000 Email: [adoptnortheast@northtyneside.gov.uk](mailto:adoptnortheast@northtyneside.gov.uk) Website: [www.adoptnortheast.org.uk](http://www.adoptnortheast.org.uk)

1. **Assistance with complaints**

In some cases, customers may need some help from an advocate to make a complaint. An advocate is someone who can speak on behalf of someone else.

If you are making a complaint on behalf of a child or young person, we may 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 their views.

Customers may prefer for a friend or relative to make a complaint on their behalf. If this is the case, the Council may need to seek consent from the customer that they are happy for a named person to act on their behalf, and that they are happy for the Council to share any information with their chosen advocate. Consent must be given freely, and can be removed at any time.

If someone is making a complaint on behalf of someone who is deemed not to have capacity as defined by the Mental Capacity Act, the complaint will only be considered if proof can be provided that the advocate has Lasting Power of Attorney (LPA), or are acting in that person’s best interest. If this cannot be provided, the Council may undertake a Capacity Assessment/Best Interest Decision.

If the Council believes that an advocate is inappropriate, or is not acting in a customer’s best interest, we will not consider the complaint but will inform the advocate and customer of the reasons for our decision. Customers have the right to appeal this decision with the Local Government and Social Care Ombudsman.

**Assistance from Councillors or Members of Parliament (MPs) with complaints**

In some cases, customers may seek assistance from their local Councillor or MP with enquiries or concerns. Councillors or MPs might include signposting customers to the correct route to submit an enquiry of concern or submitting this directly on their behalf.

In cases where the Council investigates a complaint submitted by Councillor or MP on a customer’s behalf, we will copy them into any complaint responses, unless the customer requests otherwise.

The Council cannot reinvestigate issues that have previously been investigated through the Childrens Social Care complaints procedure and/or considered by the Local Government and Social Care Ombudsman. If the Council receives a request from a Councillor or MP to open a complaint about an issue that has previously been investigated, we will advise them of this and provide them with the previous response.

1. **Children’s Social Care Complaints Procedure**

The Council has a single policy for dealing with complaints relating to children’s social care.

If a concern is not something that can be resolved immediately as part of our day-to-day business, customers will be offered the opportunity to make a complaint.

The Council will appoint an officer to investigate and respond to all stages of a complaint, who will do the following:

* clarify with the customer any aspects of the complaint they are unclear about
* deal with complaints on their merits
* act independently, and have an open mind
* provide the customer a fair chance to set out their position
* take measures to address any actual or perceived conflict of interest
* consider all relevant information and evidence carefully

If a response to a complaint will fall outside the timescales, the investigating officer will inform the customer of when the response will be provided, as well as the reasons for the delay.

The Council will make reasonable adjustments where appropriate under the Equality Act 2010. The Council will keep a record of any reasonable adjustments agreed and keep these under review.

The Council will keep a full record of a complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the customer, correspondence with other parties, and any relevant supporting documentation such as reports. This will be retained in line with the Council’s data retention policies.

During the complaints process it may be necessary to share personal details with Council officers. We will only share details that are relevant to the complaint.

The aim is to address the complaint at this stage through investigation using information and evidence supplied by case officers and section managers. At times specialist advice from other officers such as the Council’s Legal Team, or assistance from independent external sources may also be required. In most cases relevant local and national policies and procedures will need to be identified and referred to.

If the Senior Information and Feedback Officer (Children Services) decides it would not be appropriate to be deal with your complaint under this procedure they will inform you of the reasons why and explain how we will deal with the matter.

On receiving a complaint, the Information and Feedback Team will acknowledge it within three working days and undertake an initial Triage/Assessment of the issues raised. This will take into consideration the complexity of the case, the impact and likelihood of recurrence and whether there are any safeguarding issues to be considered as well as the involvement of other agencies.

Where safeguarding issues have been identified consultation will take place with the Safeguarding Team before any other action. Where it is considered more appropriate to use the Safeguarding process, the Senior Information and Feedback Officer (Children Services) will inform the complainant.

1. **Complaint stages**

If you make a complaint verbally and it is resolved immediately, we will not use this procedure. If the complaint is received in writing, however, we will always process it through this procedure.

The complaints process has three stages, each of which has a set timescale:

* Stage 1 – Local Resolution
* Stage 2 – Investigation
* Stage 3 – Review Panel

**Stage 1: Informal Resolution**

The aim of Stage 1 is to resolve complaints quickly and informally. 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 usually ask their line manager to deal with your complaint.

When a complaint is received at Stage 1 of our complaints procedure we will log and acknowledge the complaint **within 5 working days of the complaint being received**.

The investigating officer will provide a thorough response within **10 working days** of the complaint being acknowledged and logged, unless there are reasons that this needs to be extended.

Any extension should be no longer than **10 working days** without good reason and the reasons will be clearly explained to the customer. If a complaint is extended, the customer will be provided with the details of the Local Government and Social Care Ombudsman.

A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly, with appropriate updates provided to the customer.

The Council will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. The Council will be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.

If a customer raises additional complaints during stage 1, these should be incorporated into the stage 1 response if they are related, and the stage 1 response has not been provided. If the Stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

At the conclusion of stage 1, the Council will provide details of how to escalate the matter to stage 2 if the customer is not satisfied with the response.

Where the matter is not resolved as a result of Stage 1 work, or the person making the complaint is dissatisfied with the Local Authority’s response, the person making the complaint then has 20 working days from the expiry of the Stage 1 time limit or the date the Stage 1 response was sent in which to request consideration at Stage 2.

**Stage 2: Formal Investigation**

Stage 2 is the formal investigation stage. This investigation will normally be completed by a manager from a different service, they will be called the Investigating Officer. The investigation must be overseen by an Independent Person, someone who is completely separate from the Council and whose role it is to ensure that your complaint is investigated properly and fairly.

The Investigating Officer will produce a draft report which they will share with you. After doing so the Investigating Officer will finalise their report and the Independent Person will produce their report. They will send their reports to the Adjudicating Officer. 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 the Independent Person’s reports.

If you are dissatisfied with the outcome of your complaint, you can ask for it to be heard by a Complaint Review Panel.

Requests for stage 2 will be acknowledged and logged at stage 2 of the complaints procedure **within five working days of the escalation request being received**.

The investigating officer will issue a final response to the customer **within 25 working days of the complaint being acknowledged,** unless there are reasons that this needs to be extended.

Any extension should be no longer than **45 working days** without good reason and the reasons will be clearly explained to the customer. If a complaint is extended, the customer will be provided with the details of the Local Government and Social Care Ombudsman.

Following a Stage 2 investigation, in a limited number of cases, the Complaints Manager may decide to make an early referral to the Local Government and Social Care Ombudsman. However, the complainant will be consulted on this decision.

**Stage 3: Complaint Review Panel**

Complaint Review Panels are made up of three people who have experience in social care or related professions but who are completely independent from the Council.

The panel will meet you and your representatives (where appropriate), the Investigating Officer, the Independent Person, the Adjudicating Officer and the Complaints Manager to review the adequacy of the Stage 2 investigation. The panel will then make recommendations to the Council in order to resolve your complaint.

Complaint review panels should held within **30 working days** of the request to escalate to Stage 3. A response of the panel’s findings should be provided to the complainant within **15 working days** of the panel being held.

This is the last stage of the Council’s complaints procedure. If you remain dissatisfied with the outcome of the Complaint Review Panel you can refer your complaint to the Local Government and Social Care Ombudsman.

1. **Putting things right**

Where something has gone wrong, the Council will acknowledge this and set out the actions we have already taken, or intends to take, to put things right. These can include:

* apologising
* acknowledging where things have gone wrong
* providing an explanation, assistance or reasons
* taking action if there has been delay
* reconsidering or changing a decision
* amending a record or adding a correction or addendum
* providing a financial remedy
* changing policies, procedures or practices.

Any remedy offered will reflect the impact on the customer as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy proposed will be followed through to completion.

If a proposed remedy cannot be delivered, the complainant will be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman.

The Council will take account of the good practice guides issued by the Local Government and Social care Ombudsman when deciding on appropriate remedies.

1. **Learning from Complaints**

Complaints provide valuable opportunities for learning and improvement within the Council. They offer direct insight into areas where services or processes may not be meeting expectations. By actively listening to complaints and analysing their root causes, the Council can identify patterns, address recurring issues and implement meaningful changes to improve the services it provides.

A proactive approach to complaints promotes a culture of continuous improvement and accountability, ensuring that feedback is seen as a tool for growth rather than criticism. When handled effectively, complaints can not only resolve immediate concerns, but also strengthen trust.

Service will take responsibility for considering learning points from complaints and will track any actions resulting from complaint findings to ensure they are implemented and monitored to asses their effectiveness.

1. **The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman is an independent service set up by the Government to investigate complaints about Council matters.

Customers can refer their complaint to the Local Government and Social Care Ombudsman at any time. However, the Ombudsman is unlikely to consider a complaint until it has been fully investigated under the Council’s complaints procedure.

Customers can visit the Ombudsman’s website: [www.lgo.org.uk](http://www.lgo.org.uk) or contact their advice line on 0300 061 0614.

1. **Performance reporting**

The Council will produce an Annual Complaints Report which will be presented to the appropriate Scrutiny Committee and will include details of the activities of the Information and Feedback Team, any changes to the statutory procedures and a review of the operation and effectiveness of the Complaints Procedure.

The Council will also provide quarterly performance reports on all complaints across the Council, including Children’s Social Care complaints to the Council’s Standards Committee who have oversight of the Council’s complaints handling procedures to ensure that the complaints are managed appropriately and that residents, customers and service users have confidence that any complaints are dealt with in a professional manner.