



# **Children's Social Care**

## **Complaints, Compliments and Comments Procedure**

**January 2011**

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## **Introduction**

Our aim is to put you first and provide you with the best possible service. To make this aim a reality it is important that you tell us what you think about the services we provide. The Children's Social Care Complaints, Compliments and Comments Procedure is one way you can do this. You can tell us when we get things wrong so we can put them right. You can also tell us when we get things right, make comments about the things we do and suggest new ways of doing things.

We understand that sometimes it is difficult to complain and can arrange an advocate should you need help making your complaint. If you do need to make a complaint we will take your concerns seriously. We will treat you fairly and with respect and you can be confident that you will not receive a poorer service as a result. If we uphold your complaint you can expect an apology and for us to put things right quickly. What we ask in return is that you treat our staff with respect. In addition to resolving your complaint we will use the information we gather on complaints to help us improve the services we provide.

This procedure sets out how we will deal with your complaints in line with the Children Act 1989 Representations Procedure (England) Regulations 2006. It also sets out how we will deal with your compliments and comments. Our aim is to resolve your complaint and put you back in the position you would have been in before having to make the complaint.

This procedure has three stages in relation to complaints. We will try to resolve the majority of 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 not happy with the outcome you can ask for your complaint to be investigated at Stage 2 where an Investigating Officer and Independent Person are appointed to look into your complaint. If you are still unhappy with the outcome, you can request that your complaint is independently reviewed at Stage 3 by a Complaints Review Panel. For more information regarding the stages of the procedure, please see page 7.

The Assistant Director of the People Department - (Children, Families and Learning) 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.

The Corporate Complaints Manager is the responsible person for managing the procedures for handling and considering complaints in accordance with the agreements made under the regulations. Functions of the Complaints Manager set out in this procedure may be delegated to the Children's Social Care Complaints Officer.

## **Corporate Complaints Unit**

The Corporate Complaints Unit is a single point of contact for anyone wishing to make a complaint. It oversees all Children's Social Care Complaints and provides advice and information to complainants, members of staff and Councillors in relation to complaints.

The Corporate Complaints Unit can provide information about the complaints procedure in other formats and help arrange advocates and interpreters. The Corporate Complaints Unit can also provide advice on the support available for staff involved in complaints.

The Corporate Complaints Unit records and acknowledges all complaints made to the Council. It provides support to Investigating Officers and monitors the progress of complaint investigations. The Corporate Complaints Unit uses the information it collects about complaints to identify any topics and trends to help improve services and is responsible for producing the annual report on complaints, compliments and comments received under this procedure.

The Corporate Complaints Unit also carries out equal opportunities and customer satisfaction surveys to ensure our services meet the diverse needs of the people of Darlington and that people are satisfied with the way we handle their complaints.

The Corporate Complaints Unit is also the central point of contact for the Local Government Ombudsman.

You can contact the Corporate Complaints Unit by telephone, text, e-mail, via our website, in writing, in person or by any other reasonable means. Please see contact details below.

### **Corporate Complaints Manager**

Telephone (01325) 388401

### **Children's Social Care Complaints Officer**

Telephone: (01325) 388931

Text: 07852 715 241

E-mail: [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)

Corporate Complaints Unit  
Darlington Town Hall  
Darlington  
DL1 5QT

## **Making a Complaint**

### **What is a complaint?**

This procedure is specifically for making complaints about Children's Social Care services. Darlington Borough Council defines 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"*

The procedure is designed to cover things like:

- 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\*;
- the way a local authority policy has affected you; and
- the way your assessment, care management and review have been carried out.

### **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 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.

### **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 Manager.

If your complaint is in part about the standard of care provided on our behalf and in part about a service provided by us, for example your assessment, 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.

## **How to Make a Complaint**

You can make a complaint in person, in writing, by e-mail, via our website, over the phone, via our text service or by any other reasonable means. You can speak to any member of staff or you can contact the Corporate Complaints Unit directly (contact details on page 4). Whoever receives your complaint should forward it to the Corporate Complaints Unit.

Complaint forms are available in every Council building and on our website. You can email: [complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk) or use our online complaints form which you will find at: [www.darlington.gov.uk/complaints](http://www.darlington.gov.uk/complaints)

## **Who can complain?**

You can use this procedure to complain if you are receiving support from Children's Social Care or acting on behalf of someone receiving support. In some cases you may be able to make a complaint even if you are not directly in receipt of services.

The Complaints Manager will decide whether or not 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.

## **Help Making a Complaint**

If you need some help to make your complaint the Corporate Complaints Unit may be able to arrange an Advocate for you. An Advocate is someone who can speak on your behalf.

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.

## **Consent**

If you are making a complaint on behalf of another adult we will need their consent to investigate it and share information with you. We will not usually investigate the complaint until consent is received. Where consent is not received the Adjudicating Officer will decide what, if any, actions should be taken as a result of the complaint.

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 that person's best interest before investigating the complaint.

## **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.

## **Compliments and Comments**

### **Compliments**

Compliments can help us share good practice and improve services. If you pay someone a compliment in person they will pass the details on to the Corporate Complaints Unit to be recorded.

If you pay someone a compliment via the Corporate Complaints Unit, we will record it, send you an acknowledgement and pass it on to the appropriate person.

### **Comments**

Comments are also a great way of sharing your ideas about particular projects or services in general. If you pass your comments on to a member of staff they will pass the details on to the Corporate Complaints Unit to be recorded.

If you make a comment via the Corporate Complaints Unit, we will record it, send you an acknowledgement and pass it on to the appropriate service.

The Corporate Complaints Unit will record any actions taken as a result of your comment.

## **The Complaints Process**

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 set timescales:

- **Stage 1: Informal Resolution**  
*10 working days (up to 20 working days)*

The aim of Stage 1 is to resolve your complaint 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 ask another team manager to deal with your complaint.

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.

- **Stage 2: Formal Investigation**  
*25 working days (up to a maximum of 65 working days)*

Stage 2 is the formal investigation stage. This will usually be done 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. Occasionally complaints will 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 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.

- **Stage 3: Complaint Review Panel**  
*(Held within 30 working days, response within 15 working days of the 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.

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 Ombudsman.

### **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. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have

suffered as a result. 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.

### **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's Social Care complaints procedure. Following a Stage 2 investigation, in a limited number of cases, the Complaints Manager may discuss the option of early referral to the Local Government Ombudsman with you.

### **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 Manager 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.

## **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 Manager will advise you of how we will deal with your complaint.

### **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 is 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 matters 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 Ombudsman.
- A complaint by an employee about any matter relating to their employment.
- 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).

## **Legal Proceedings**

You cannot use this complaints procedure to challenge decisions of a Court. However, in certain types of proceedings 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.

## **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.

## **Time Limit**

We will not usually look into 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 available from the time the incident happened to enable an effective and fair investigation to be carried out.
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
- Where action needs to be taken in light of human rights based legislation.

*There may be other reasons why we would consider your complaint that are not included in this list, we will consider each case on its merits.*

## **Safeguarding**

If your complaint mainly involves concerns about a child's safety we will deal with it through Darlington Child Protection Procedures. If it is felt during a complaints investigation that a child is at risk we will also follow 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.

## **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, via our text service 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.

After you have made a complaint we will ask you your age, gender, ethnic origin and whether or not you consider yourself to be a disabled person. We appreciate you providing this information as it helps us ensure our services meet the diverse needs of the people of Darlington.

### **Public Information**

We will provide information on how to make a complaint on our website. We will also make leaflets, including a young person friendly leaflet, available in all Council buildings.

### **Satisfaction Surveys**

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. For example, whether or not we kept you informed, met timescales and so on, it is not about the outcome of your complaint. We would appreciate you taking the time to fill this in and help us improve the way we handle complaints.

## **Unreasonable and Unreasonably Persistent Complainants**

We do not normally limit contact with our offices. However, if complainants display unreasonable behaviour, for example, offensive or threatening behaviour towards staff we may take action to limit their contact. Similarly if they are unreasonably persistent for example, they contact our offices so many times that it hinders our handling of their complaint, we may take action to limit their contact. In these cases we will follow the Council's Unreasonable and Unreasonably Persistent Complainants Procedure.

## **Record Keeping and Data Sharing**

The Complaints Manager will place a record on your electronic social care record to say that you have made a complaint. During the complaint investigation the Investigating Officer 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 will send the documents to the Complaints Manager. The Investigating Officer 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 and advice from the National Archives.

During the complaints process it may be necessary to share your personal details with those staff involved in providing your care. We will only share details that are relevant to your complaint. Such details will only be recorded by the Investigating Officer and the Corporate Complaints Unit.

If you decide to take your complaint to the Local Government Ombudsman we may share your personal data with the Borough Solicitor.

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 1998.

## **Further Information**

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

- The Children's Act 1989;
- The Children Act 1989 Representations Procedure (England) Regulations 2006;
- Getting the Best from Complaints – Department for Education and Skills; and
- Records Management Guidelines for Local Government and advice from the National Archives.

This procedure links to a number of existing policies and procedures. To be fully understood in its wider organisational context it should be read in conjunction with the:

- Corporate Complaints, Compliments and Comments Procedure;

- Adult's Social Care Complaints, Compliments and Comments Procedure;
- Unreasonable and Unreasonably Persistent Complainants Procedure;
- Safeguarding Adults Darlington Inter-Agency Policy;
- Darlington Child Protection Procedures;
- Disciplinary Procedure;
- Grievance Procedure;
- Anti Harassment and Bullying Procedure;
- Guidelines for reporting and dealing with racial incidents;
- Freedom of Information Policy; and
- Data Protection Policy.