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DARLINGTON
Borough Council

Children's Social Care Complaints, Compliments and Comments Procedure

2026

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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 may be able to 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 (independent of the service) 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 Children's Services 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 Complaints and Information Governance Manager is the responsible person for managing the procedures for handling and considering complaints in accordance with the agreements made under the regulations.

Complaint and Information Governance Team

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

The Complaints and Information Governance Team records and acknowledges all complaints made to the Council. It provides support to Investigating Officers and monitors the progress of complaint investigations. The Complaints and Information Governance Team 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 Complaints and Information Governance Team also carries out customer satisfaction surveys to ensure the people of Darlington are satisfied with the way we handle their complaints.

The Complaints and Information Governance Team is also the central point of contact for the Local Government and Social Care Ombudsman.

You can contact the Complaints and Information Governance Team by telephone, text, e-mail, via our website, in writing, via video call, in person or by any other reasonable means. Please see contact details below.

Complaints and Information Governance Team

Telephone: (01325) 406777

Text: 07852 715 241

E-mail: complaints@darlington.gov.uk

Complaints and Information Governance Team
Darlington Town Hall
Darlington
DL1 5QT

N.B. Please arrange an appointment prior to visiting to ensure someone is available to meet with you.

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:

"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."

The procedure is designed to cover things like:

- The way an assessment has been carried out;
- a decision you are not happy with;
- a problem with the service you are receiving;
- delays in making decisions or providing services; and
- attitude or behaviour of staff*;

This list does not cover everything but provides a good idea of the kinds of complaints the Council might receive.

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 about this you can discuss them with the Complaints Manager.

If your complaint is in part about the standard of a service 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 were 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 Complaints and Information Governance Team directly (contact details on page 4). Whoever receives your complaint should forward it to the Complaints and Information Governance Team on the day of receipt.

Complaint forms are available in every Council building and on our website. You can email: complaints@darlington.gov.uk or use our online complaints form which you will find at: 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 Complaints and Information Governance Team 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.

Involvement of councillors and MPs in the procedure
If you have any concerns it may be helpful to discuss them with your local councillor. Your councillor can help you decide on the best course of action.

This may involve putting you in touch with the appropriate council officer or making an enquiry on your behalf.

In cases where you need to make a complaint your councillor should refer you to the Complaints and Information Governance Team. They can make a complaint on your behalf and support you through the process. If your councillor does make a complaint on your behalf we will copy them in to all correspondence unless they request otherwise.

Whether or not you seek advice from a councillor you can expect a high quality service.

The same principles will apply where you make your complaint via your Member of Parliament (MP).

Consent
If you are making a complaint on behalf of another adult we will need their consent to investigate it and share their information with you. We will also consider whether or not you are acting in the person's best interest before investigating the complaint. We will not usually investigate the complaint until consent is received.

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 their views.

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 Complaints and Information Governance Team to be recorded.

If you pay someone a compliment via the Complaints and Information Governance Team, 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 Complaints and Information Governance Team to be recorded.

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

Where a response is required the service will provide one within **25 working days** of the date we receive your comment.

The Complaints and Information Governance Team 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 a set timescale:

- **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 usually ask their line 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 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.

- **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 and Social Care 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 and Social Care 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 decide to make an early referral to the Local Government and Social Care Ombudsman.

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, Adult Social Care or Housing 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 and Social Care 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. Where social work information or a social work report has gone to court you may be able to make a complaint about its quality or accuracy separate 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.

We will not investigate complaints about the quality or accuracy of information or reports provided in relation to private law proceedings. If you wish to challenge such information or a report (known as a section 7 or section 37 report) then the most appropriate way to do so is in court.

If your complaint relates to ongoing legal proceedings or you or the Council intends to take legal proceeding in relation to the substance of your complaint we will deal with your complaint unless we decide that consideration of your complaint will prejudice the conduct of those proceedings. We will take each decision based on the specific circumstances of the case.

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.

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.

Unreasonably Persistent Complainants

We do not normally limit contact with our offices. However, if complainants display unreasonably persistent behaviour 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 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. 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 Complaints and Information Governance Team.

If you decide to take your complaint to the Local Government and Social Care 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 staff, social work staff, personal assistants, Councillors, senior managers 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 UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Further details are contained in our Privacy Notice.

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;
- Housing 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.