



Childrens & Families Complaint and Compliments Procedure

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1. Introduction

- 1.2 Redcar and Cleveland Borough Council aim to provide a high standard of social care for children, however from time-to-time things can go wrong and we receive a complaint. The complaints procedure is a valuable way of seeking feedback about services, and when managed in the right way complaints can become constructive opportunities. Redcar and Cleveland Borough Council welcomes service user feedback regarding its services and staff and has a process for service users to express their views and opinions.
- 1.3 We will aim to ensure that everyone is treated fairly and consistently in expressing their views and opinions and we will be mindful of equality and diversity issues.
- 1.4 We will also ensure that a customer's concerns are taken seriously, and that they receive a timely response and an explanation of how any decision about an issue raised has been reached.
- 1.5 All service requests, complaints and compliments will be recorded, with the intention that this will help us to:
 - monitor our performance,
 - learn lessons for future,
 - inform and shape service delivery.

2. Principles and Purpose

- 2.1 We will ensure that our customers are at the heart of our complaints management, and we will use information provided as a learning opportunity with a view to avoiding similar complaints where possible.
- 2.2 We will use the information gained from complaints to drive improvements in the quality of the services we provide, and our relationship with our service users. Complaints regarding the services we provide, either ourselves or via our service providers, will be addressed through this procedure, unless otherwise stated.

3. Responsibilities

- 3.1 The Council will deal with complaints impartially, objectively, professionally, ensuring confidentiality of all parties as appropriate. We will treat complainants with respect, as we ourselves would like to be treated.
- 3.2 Complainants, or their representatives will not receive adverse treatment because they have made a complaint.
- 3.3 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.
- 3.4 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 complaints. In most cases this responsibility will be delegated to the relevant Assistant Director, Children and Families.

- 3.5 We will let complainants know which complaints procedure is being followed, what stage their complaint is at and what the next stage will be within the relevant procedure.
- 3.6 Equality of access is key as the Council deals with a diverse population, including vulnerable individuals. In implementing this policy, the Council will seek to ensure that its actions are in accordance with its obligations under the Equality Act 2010 and other policies which may be relevant in the circumstances of an individual complaint.
- 3.7 At times individuals may need support to make a complaint and should be fully involved throughout the process. This support may be in the form of an alternative procedure format such as audio, braille or another language, or ongoing support from an advocate. The Complaints Officer will be able to make arrangements for the necessary support should an individual require assistance.

4. Definitions

- 4.1 Effective complaint handling enables individuals to be heard and understood.
- 4.2 A shared understanding of what constitutes a service request and what constitutes a complaint is necessary as, in most cases, issues can be resolved through normal service delivery in the first instance.
- 4.3 What is a service request?

A service request is defined as:

“A request that the organisation provide or improves a service, fixes a problem.”

- 4.4 Concerns are assessed at the outset and if appropriate the concerns are resolved as a service request. Service requests are not complaints but may contain expressions of dissatisfaction.
- 4.5 Some issues can be addressed through normal service delivery in the first instance. By utilising the service request option, we strive to address the concerns efficiently without the need to escalate to a formal complaint.
- 4.6 Service requests are a proactive effort to prevent issues from escalating into formal complaints, addressing concerns earlier, providing a timely and appropriate outcome for the individuals.
- 4.7 If the complainant remains dissatisfied with the response to their service request, it can be escalated and dealt with as a complaint.

4.8 What is a complaint?

A complaint is defined 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.”

4.9 You can make a complaint if you are not satisfied with the outcome of a service request or:

- You feel you have not been treated with courtesy or fairness.
- You are unhappy about the standard of service you have received.
- You feel we have failed to provide a service to which you are entitled.
- You are unhappy about the action taken.

4.10 What is a compliment?

A compliment is defined as:

“An unsolicited statement of satisfaction or praise received from an outside source regarding an aspect of the service or an individual member of staff.”

4.11 The Council wants to hear from people when it gets things right. This helps us to understand what services people value. When we know what is working for our customers, we can develop as well as share good practice. This ensures we can continue to learn and improve. Compliments also help us to recognise and reward our staff when they “go the extra mile”.

4.12 When a compliment is received, the information will be shared with our senior managers so that they are aware of what their staff are achieving.

4.13 When deciding what qualifies as a Statutory Childrens complaint we will utilise the LGO guidance on what qualifies as a children’s complaint.

4.14 Non-Qualifying Complaints – Exclusions

4.15 Although each complaint is considered on its own merits, there are occasions when there is a valid reason not to treat an issue as a complaint. The following exclusions are not generally regarded as a complaint, and we would not usually consider them under our Children’s Social Care Complaints procedure:

- The first request for a service or where we have been given insufficient time to deliver that service according to our service standards – this will be dealt with as a Service Request via the Service Request process.
- A complaint which is made verbally and resolved immediately.
- A complaint that should be dealt with under another procedure, for example, the Corporate or Adults complaint procedures.
- A complaint about a matter that 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.
- A complaint about the handling of a request for information under the Freedom of Information Act or the Data Protection Act.
- Insurance Claims
- Anonymous complaints, these issues will be sent to the relevant services for consideration, however, there will be no formal acknowledgement of the complaint, and the investigating officer will be unable to interview or respond to the complainant.

- 4.16 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.
- 4.17 Schools are responsible for managing their own complaints, the Council has no legal right or duty to deal with complaints regarding school business, save for the following statutory exceptions:
- Issues surrounding the national curriculum - for example if a parent believes that the Council or governing body is failing to deliver the national curriculum in the school for a particular child.
 - Religious education and worship.
 - Admissions - if a parent feels that the Admission and Appeals Code has not been applied.
 - Transfers to maintained schools.
 - Home to school transport.
 - Special Educational Needs.
- 4.18 Some areas/aspects of the Council have their own complaint procedures, for example:
- Statutory Complaints Procedure for Adult Social Care
 - Vexatious Complainants Procedure – Management of Unreasonable Complainant Behaviour
 - Complaints about the Conduct of a Councillor
 - Corporate Complaints Procedure
- 4.19 On receipt of a complaint deemed to meet the criteria for one of the above complaint procedures, the complaint will be assigned to the relevant Officer responsible for the procedure.
- 4.20 Where the Council find that there is a valid reason for not treating an issue as a complaint, we will contact the complainant, explain our rationale, and signpost the complainant to the Ombudsman.
- 4.21 Safeguarding
- 4.22 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.

4.23 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/>.

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

5. Who Can Make a Complaint or a Compliment?

5.1 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.

5.2 Some people may need help to make a complaint and, so, we accept complaints made on their behalf, if they have the complainant's consent. Complaints could be made, for example, by a concerned relative / carer, a solicitor or other appointed advocate.

5.3 The Council reserves the right to limit correspondence with any such party that falls out of the above categories.

5.4 In cases involving children or vulnerable people, if it seems that the person may be unable to give their consent to proceed with a complaint or to appoint somebody to act on their behalf, we will need to make a judgment as to whether it is appropriate to accept the complaint from their representative.

5.5 Councillors can use the complaints procedure in their capacity as citizens and service users; however, the complaints procedure is not appropriate for complaints which arise from undertaking their roles as a member of the Council.

6. Vexatious Complaints - Management of Unreasonable Complainant Behaviour

6.1 The Council is committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who complain. In a very small number of cases, where a complainant's behaviour may become unacceptable the Council has a duty to protect its staff from behaviour, which is abusive, offensive, or threatening.

6.2 Unreasonable or vexatious behaviour by a complainant may include, but is not limited to:

- Repeated shouting at a member of staff, swearing, threats, and name-calling.
- Obsessive, harassing, or prolific behaviour.
- Making the same complaint repeatedly or with minor differences but never accepting the outcome.
- Making unjustified complaints about staff who are trying to deal with the issue and seeking to have them replaced.
- Seeking an unrealistic outcome and persisting until it is reached.
- A history of making other unreasonably persistent complaints.
- Sending unnecessarily persistent e-mail communications to numerous Officers.

6.3 Where it is considered that such behaviour means the relationship has become unworkable and/it is necessary to protect staff, the Vexatious Complainants Procedure may be instigated.

7. How Can a Complaint or Compliment be Made?

7.1 A complaint or a compliment can be made to any member of Council's staff, however, to assist, contact can also be made by the following methods:

Online: <https://www.redcar-cleveland.gov.uk/about-the-council/compliments-and-complaints-procedures>

Telephone:
01642 774774

By Post to:
Redcar & Cleveland House, Kirkleatham Street, Redcar
Yorkshire. TS10 1RT

In Person:
At any Council Office

By E-mail
Complaints@redcar-cleveland.gov.uk

7.2 The Council is committed to ensuring that all the services we provide are relevant and are fully accessible to all sections of the community who may need them. As part of the initial contact, we will ascertain if the complainant requires any reasonable adjustments under the Equality Act 2010. The Council will keep a record of any reasonable adjustment agreed and keep them under active review.

8. Stages of the Childrens Complaints Procedure

Please see Appendix 1 for a flow chart of the two stages of the Childrens Complaint's procedure

8.1 Acknowledging Children's Social Care Complaints

8.2 Once the complaint process is instigated, the Complaints Team will aim to acknowledge a complaint within 5 working days of receiving it.

8.3 All acknowledgement letters will include a summary of the Children's Social Care Complaints Procedure.

8.4 Stage 1 Complaint – Children's Social Care Complaints Procedure

An Investigating Officer in the Directorate concerned will be designated the task of considering the complaint and addressing the issues raised where appropriate. A response in writing must generally be sent to the complainant within 10 working days of the complaint being acknowledged by the Complaints Team.

- 8.5 Where it is not possible to reply to the complaint within this length of time, the Investigating Officer can request an extension of up to 10 working days. This provision for an extension should not be used as a matter of course and only utilised where a complaint may be:
- more complex to resolve.
 - a key witness is unavailable for part of the time.
 - the complaint involves several agencies.
 - all or some of the matters concerned are the subject of a concurrent investigation.
 - there are other extenuating circumstances in which it is reasonable for the timescale to be extended.
- 8.6 If an extension is required, the Complaints Team will contact the complainant and advise them of the reason for the extension and the expected timescales of the response. Additionally, the contact details of the Ombudsman will be included in the letter.
- 8.7 The Stage 1 response letter should address all points raised by the complainant and provide clear reasons for any decisions, referencing relevant policy, law, and good practice where appropriate.
- 8.8 Stage 1 response letters should advise that any request made by the complainant to move to Stage 2 of the Children's Social Care Complaints Procedure should be received by the Complaints Team within 20 working days of the Stage 1 response letter. In addition, the Stage 1 response letter should confirm that the complainant may refer the complaint to the Local Government & Social Care Ombudsman at any point during the Children's Social Care Complaints process.
- 8.9 If dissatisfied with the outcome set out in the Stage 1 response letter, the complainant should notify the Complaints Team in writing within the 20 working days timescale set out above.
- 8.10 Stage 2 Complaint – Children's Social Care Complaints Procedure
- Once a complainant has notified the Council that they are dissatisfied with the response at Stage 1, the Complaints Team will acknowledge receipt of the escalation request. The acknowledgement letter should be sent within 5 working days of the receipt to move to Stage 2 of the Children's Social Care Complaint Procedure.
- 8.11 Stage 2 involves an independent person reviewing the complaint. The complaint investigation will be undertaken by an Investigating Officer, who will either 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.
- 8.12 The investigating Officer will meet with the complainant to draw up a statement of complaint, this will be the basis for your Stage 2 complaint, they will then conduct their investigation based off this.

- 8.13 The Investigating Officer will produce a draft report which they will share with the complainant. 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 the complainant informing them of their decision. The complainant will also be given a copy of the Investigating Officer's and Independent Person's reports.
- 8.14 The Stage 2 complaint response should be notified to the complainant within 25 working days of the acknowledgement letter. Where it is not possible to reply to the complainant in this length of time, the Investigating Officer can request an extension of up to 65 working days from the request of the Stage 2.
- 8.15 If an extension is required, the Complaints Team will contact the complainant and advise them of the reason for the extension and the expected timescales of the response. Additionally, the contact details of the Ombudsman will be included in the letter. As per Stage 1, use of the provisions for extensions should be used as a matter of course.
- 8.16 If the complainant remains unhappy following the Stage 2 the complainant can request a Stage 3 Complaint Review Panel. This must be requested within 20 working days of the complainant receiving the Adjudicating Response Letter.
- 8.17 Stage 3 – Complaint Review Panel
- 8.18 The Stage 3 complaints review panel is to be held within 30 working days of the request to go to Stage 3.
- 8.19 The response from the council following the Stage 3 complaints review panel should be issued within 15 working days of the panel.
- 8.20 On request of a Stage 3 Complaint Review Panel acknowledgement will be sent within 2 working days.
- 8.21 Complaint Review Panels are made up of 3 professionals who have experience in social care or related professions, but who are independent from the Council.
- 8.22 The Complaint Review Panel will meet with the complainant (and 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.
- 8.23 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.

The Local Government and Social Care Ombudsman can be contacted in the following ways:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

On-line: www.lgo.org.uk/making-a-complaint

Post: The Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

9. Putting Things Right - Remedies

- 9.1 When it is found there has been fault on the part of the Council, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the Council will do to prevent the same mistake happening again.
- 9.2 Any remedy offered should reflect the impact on the individual(s).
- 9.3 So far as possible, we will aim to place the complainant back in the position they would have been if there had been no fault. Sometimes it is not possible to do this, and, in such cases, compensation may be appropriate. In other cases, a remedy could include:
- **Paying some compensation** – money is not the only, or necessarily the best, remedy in every case, but the Council will generally consider payment of compensation if people are out of pocket because of its mistakes, or if they have been caused undue hardship, inconvenience, or distress. In making such payments, the Council will follow the guidelines issued by the Ombudsman in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies

10. Performance Reporting and Continuous Learning Improvements

- 1.1 Complaints, service requests and compliments form a vital part of our overall engagement activity. By listening to the children and families we support, we can gain valuable insight into the unique experiences of those who use our services.
- 1.2 Whilst our service works closely with children and their families to ensure they understand what is happening or will happen when they receive care and support from us, there may be times where things go wrong.
- 10.1 Our aim is to resolve and learn from complaints raised, identify when we are not getting things right and what we need to do to improve our services to ensure they do not happen again.
- 10.2 At the conclusion of the complaint investigation, lessons learned are reviewed by Service Managers and discussed with senior management to capture any learning and improvements to be made. This is recorded and monitored to give assurances that improvements have been made and any agreed actions completed.

- 10.3 It is a statutory requirement for all local authorities who deliver a social care service to report annually on the number of complaints received. This report will be published on the Complaints section of the Council's website and is available to anyone who requests it. The report will include:
- The number of complaints received
 - specify the number of complaints which were upheld
 - specify the number of complaints which have been referred to the LGSCO; and
 - summarise:
 - the subject matter of the complaints received;
 - any matters of general importance arising from complaints, or the way in which the complaints were handled;
 - and matters where action has been or is to be taken to improve services as a consequence of those complaints.

11. Confidentiality

- 11.1 The Council considers the importance of confidentiality when handling any complaints. However, to enable a complaint investigation to be undertaken, a person's information will be shared with the investigating officers and, on occasion, other officers as reasonably necessary in order to consider the complaint effectively.
- 11.2 Personal information will not be shared with anyone unnecessarily and will be handled in accordance with the requirements of the Council's Data Protection Policy and the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- 11.3 If information is given to the Council in confidence, the information will not be disclosed without consent, unless the Council has a legitimate or legal reason to do so, for example a safeguarding concern.
- 11.4 Where the Council identifies there is a need for a joint complaint investigation with another organisation, the Council will seek consent from the complainant to share their details with the other organisation.

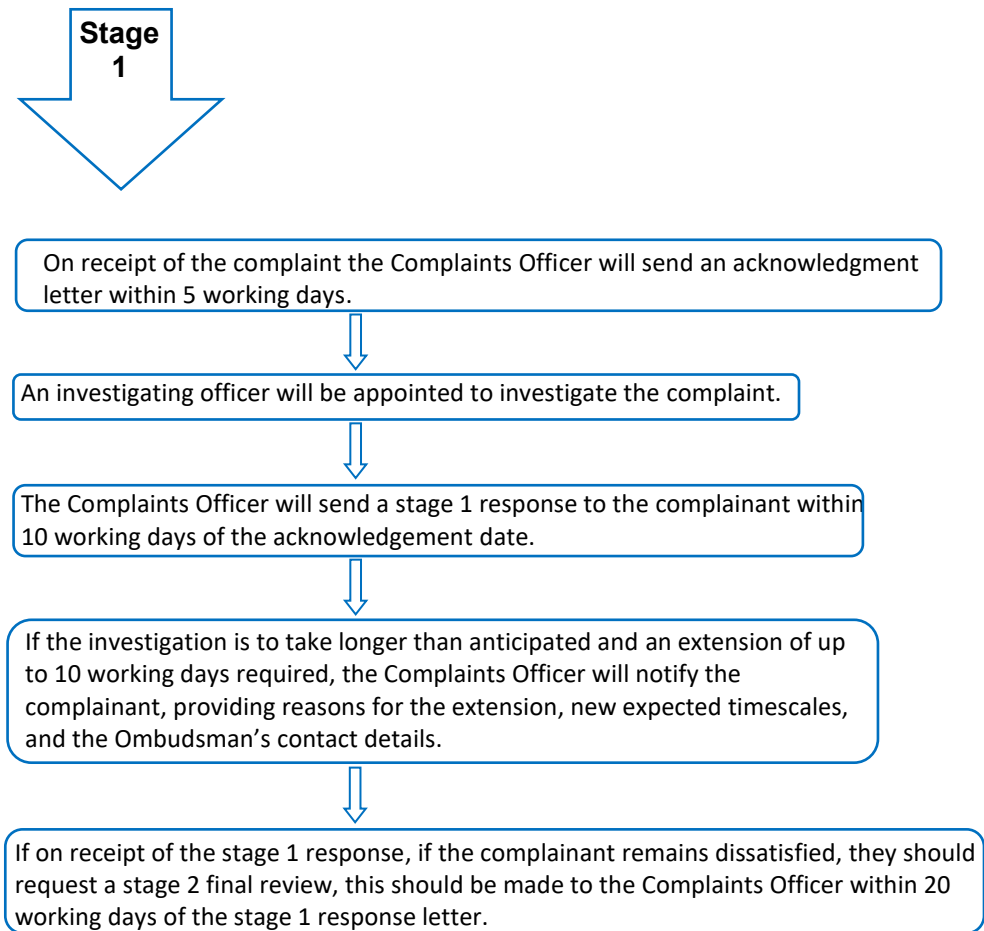
12. Retention of Complaint Documents

- 12.1 All records will be kept 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.

13. Review of the Childrens Complaint and Compliment Procedure

- 13.1 The Childrens Complaint and Compliment Procedure will be reviewed when necessary, including following the notification of Complaint Handling Code changes or best practice guidance from the Local Government and Social Care Ombudsman.
- 13.2 The Council reserves the right to make amendments to this procedure at short notice, or in any situation that warrants an immediate amendment being introduced.

Appendix 1 - Redcar and Cleveland Borough Council Childrens Social Care Complaints Procedure



Stage 2

On receipt of the stage 2 request the Complaints Officer will send an acknowledgment letter within 5 working of receipt of the escalation request.



An Investigating officer and an Independent Person will be appointed to investigate the complaint at stage 2.



The Complaints Officer will send a Stage 2 final response to the complainant within 25 working days of the acknowledgement to escalate to a stage 2 complaint.



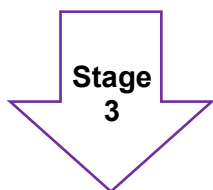
If the investigation is to take longer than anticipated and an extension of up to 65 working days from request of the Stage 2. The Complaints Officer will notify the complainant, providing reasons for the extension, new expected timescales, and the Ombudsman's contact details.



The Investigating Officer and Independent Person will provide their reports and the Adjudicating Officer will write a response letter from the Council to be issued to the complainant with the final response.



If the complainant remains unhappy with the Stage 2 response, they have 20 working days to request a Stage 3 Complaints Review Panel.



The Stage 3 Complaints Panel should be held within 30 working days from the day of request.



The Stage 3 Complaints Panel is made up of 3 independent professionals who have a working knowledge of Childrens Social Care or related professions.



The complaint panel will meet with the complainant and their representatives, in attendance will be the investigating officer, the independent person, the adjudicating officer, complaints officer.



The Stage 3 Complaints Review Panel will make recommendations to the council in order to resolve the complaint.



The council has 15 working days from the date of the panel to issue their response to the complainant.



If the complainant remains unhappy with the outcome of the Stage 3 complaints review panel, they can contact the Local Government and Social Care Ombudsman.