



North Tyneside Council

## **North Tyneside Council Childrens Statutory Complaint Process**

### **Making a complaint about Children's Social Care:**

At North Tyneside Council, we care about getting things right, and want to try and fix any problems you may be experiencing. If you have a complaint about our service, we'd like you to get in touch with us first, and we can try and resolve your complaint quickly and informally.

### **If you would still like to make a complaint:**

If you remain unhappy and we can't resolve your complaint informally, you have the right to make a complaint in person, by:

Telephone 0191 643 2280

Email: [customerfirstoffice@northtyneside.gov.uk](mailto:customerfirstoffice@northtyneside.gov.uk)

Or write to us at:

Customer First Office, North Tyneside Council, Quadrant, The Silverlink North, NE27 0BY

### **What happens when you make a complaint?**

We deal with most complaints about children's social services under the statutory social care complaints procedure. This process is based on "Getting the Best from Complaints" from the Department of

Education, which outlines the expected complaints process for children's services.

There are three stages to this complaint procedure.

Sometimes we deal with complaints under the corporate complaint procedure, this also has three stages.

We will tell you which procedure we will use to deal with your complaint and why.

An advocacy service can be arranged if required

### **Who can complain?**

A complaint can be made by:

- The child.
- A parent or person with Parental Responsibility.
- A local authority Foster Carer.
- Any other person the authority considers has sufficient interest in a child's welfare to warrant a complaint or representation being considered by them.
- Care leavers.
- Special Guardians.
- A child in respect of whom a Special Guardianship Order is in force.
- Any person who has applied for an assessment for special guardianship support.
- Any child who may be adopted, their parents and guardians.
- Any person wishing to adopt a child.
- Any person to whom arrangements for the provision of adoption support services extend.
- Adopted persons, their adoptive parents, birth parents and former guardians.

This is not an exhaustive list, and a Customer First Manager alongside a Senior Childrens Services manager will determine if

complaints from individuals outside the above categories fall within the legal definition.

Where a complaint is made on behalf of a child, the Customer First Officer will ask you to confirm, where appropriate, that the child is happy for this to happen, and that the Statement of complaint submitted reflects the child's views.

The council has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child's welfare. Any decision will always be explained to you.

### **What can be complained about:**

A complaint may arise as a result of many things relating to statutory children's social care functions such as:

- An unwelcome or disputed decision.
- Concern about the quality or appropriateness of a service.
- Delay in decision making or provision of services.
- Delivery or non-delivery of services including complaints procedures.
- Quantity, frequency, change or cost of a service.
- Attitude or behaviour of staff.
- Application of eligibility and assessment criteria.
- The impact on a child of the application of a local authority policy.
- Assessment, care management and review.

This list is not exhaustive and is not used as a means of restricting matters about which a complaint can be made and responded to.

Where there is any uncertainty about the validity of a complaint the Customer First Manager will seek legal advice as necessary.

The Customer First Manager alongside a Senior Childrens Services manager will have the discretion in deciding whether to consider

complaints where to do so would prejudice any of the following concurrent investigations:

- Court proceedings.
- Tribunals.
- Disciplinary proceedings.
- Criminal proceedings.

If the Customer First Manager decides not to consider, or further consider, complaints subject to these investigations, then they will write to you explaining the reason for their decision.

Once the court case / investigation has been concluded then you may resubmit your complaint to us.

### **Time frame for making a complaint:**

Complaints should be made as soon as possible after the incident occurs.

The Council cannot normally accept complaints made more than 12 months after the date the matter occurred or the date you became aware of the matter.

The Customer First Manager will look at any complaints received after the 12-month time limit on an individual basis and determine whether we can investigate.

## **The Complaint Process**

### **Stage One – Local Resolution**

A Stage One complaint is the first stage of the official complaints process.

It is where we start investigating your complaints through an official route. We work to the “Getting the Best of Complaints” from the Department of Education and Skills. You will have agreed a

statement of complaint which will include the details of what you want to achieve through the complaints process.

A manager will investigate your complaint and respond to you within 10 working days. If an extension is needed due to the complexity of your complaint, then the officer will let you know.

The response will include details of what options are available to you if you feel that the complaint has not been resolved.

## **Stage Two – Investigation**

A Stage Two complaint is where your complaint is escalated and will be investigated by an Independent Investigating Officer (IIO) and an Independent Person (IP). These are two people who do not work for North Tyneside Council.

After being appointed, the IIO will:

- Agree a Statement of Complaint with you.
- Investigate, and interview staff involved in your complaint as appropriate.
- Produce a report making recommendations about action to be considered.
- This report will be shared with you and the Customer First Manager.

Following the investigation:

Upon receiving the IIO's report and any supplementary report provided by the Independent Person, the Customer First Manager will:

- Send a copy of the report(s) to the Director of Childrens Services and a Senior Childrens Services manager.
- An Adjudication letter will then be sent to you detailing what action the local authority will be willing to take in relation to the investigation's recommendations.
- Send a copy of the IIO's report, IP's report and the local authority's response (Adjudication letter). This must be sent within a maximum of 65 working days of receipt of the complaint.

- You then have the right to submit a request to the Customer First Manager within 20 working days that you wish to escalate your complaint to a Stage Three Review Panel.

This should be within 25 working days of the receipt of your request to escalate your complaint. If this timescale is not possible, the Investigating Officer along with the Customer First Manager will agree a timescale for extension.

This extension must not exceed a full response to the complaint within 65 working days.

### **Stage Three – Review Panel**

A Stage Three complaint is the final stage of the official complaints process.

You can escalate to Stage Three when you believe that the Stage Two process has not been followed as set out above.

The purpose of the Stage Three is not to reinvestigate your complaint, but to review your reasons as to why you believe the Stage Two process was flawed, incorrect or not inclusive of all the complaint points.

The Customer First Manager will ensure a Review Panel is set up and meets within 30 working days of your request being made.

The Review Panel will be made up of three independent people, who do not work for North Tyneside Council.

One member will be appointed as the Panel Chair.

You will be notified of the Panel date and location in writing at least 10 working days before the Review Panel meets.

You will be informed of your right to be accompanied by another person and for this person to speak on your behalf.

The Investigating Officer and Independent Person who investigated your complaint at Stage Two will also be invited to attend.

The Chair will make the final decision on attendees (including asking North Tyneside Council to make specific members of staff available to provide specialist advice or opinion).

Panel papers will be sent to panel members and other attendees as soon as these have been agreed by the Chair and no later than 10 working days before the date of the Panel.

Panel papers will normally include information on Stage One, the Stage Two investigation report(s), the local authority's adjudication, any policy, practice, or guidance information relevant to the complaint, and any comments that you have submitted to the Panel.

The Review Panel's recommendations will be recorded in writing and copies sent to you and the Director of Children's Services within five working days.

The Director of Children's Services will respond to the recommendations of the Review Panel and make the decisions known to you within 15 working days, explaining the authority's decision and reasons.

### **Local Government and Social Care Ombudsman**

If you remain dissatisfied with the handling of your complaint you have the right to refer the matter to the Local Government and Social Care Ombudsman.

The contact details for the Local Government and Social Care Ombudsman are as follows: <https://www.lgo.org.uk/>

Telephone: 0300 061 0614

Opening hours: Monday to Friday - 10am to 4pm (except public holidays)

This document will be reviewed: December 2023