**Education, Health and Social Care**

Complaints and compliments procedures

**2019/2020**

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**Section 1: Introduction**

It is important for all agencies to receive feedback from users of their services. Learning from comments, complaints and compliments informs, influences and improves continuous service delivery. You may want to contact the education, health or social care agencies to:

Each agency has its own procedures. To find out how to deliver your feedback, click on the service area below which will give you information on how to make a comment, complaint or compliment. Where possible the links will provide you with the forms you will need to use. Each area will provide information about how you can obtain support and advice. Whilst each section refers only to complaints, you can nonetheless use the outlined procedure in respect of any comment you may wish to make.

1. Education

2. Health

3. Social Care

4. Special Educational Needs, resolving disagreements in relating to Education, Health and Care Plans

5. Local Authority (Non-social care)

6. Compliments

Sometimes, your feedback will relate to a number of agencies. In that case, you should send it to the agency to which it mostly relates. If you are unsure, contact the Complaints and Customer Relations Team at Newcastle City Council and we will advise you. We will suggest which procedure is most relevant to you and co-ordinate a joint response from the agencies concerned where possible.

You can contact the Complaints and Customer Relations Team by emailing:

[complaintspeople@newcastle.gov.uk](mailto:complaintspeople@newcastle.gov.uk)

**Section 2: Education**

**2.1 Early Years, pre-school and nursery provision**

The Early Years Foundation Stage (EYFS) Statutory Framework requires all registered child care providers to have a complaints procedure in place.

For a childcare provider that is registered with Ofsted, concerns should be raised directly with the manager or provider in the first instance. For complaints raised in writing, the [nursery] provider **must** respond within 28 days.

Where early childcare provision is run by a school, the school’s complaints procedure should be used.

**2.2 Local Authority Maintained Schools (Mainstream and Special)**

Governing bodies of all maintained schools are required under Section 29 of the Education Act 2002 to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that it provides. You should ask for a copy of the complaint’s procedure from your school.

The Department for Education has a model School Complaints Procedure:

[School complaints procedures: guidance for schools - GOV.UK](https://www.gov.uk/government/publications/school-complaints-procedures) Whilst not all school complaints procedures will follow this exactly, it sets out the general principles of good complaints handling.

It is in everyone’s interest to resolve complaints at the earliest possible stage:

**2.2.1 Escalating a complaint**

If you are dissatisfied with the school’s response and where you believe that the Governing Body is acting, or is proposing to act unreasonably, you can refer the matter to the Secretary of State. Unreasonableness has been defined by the Courts as acting in a way in which no reasonable body would have acted in the circumstances. It is a legal test which goes well beyond the day to day understanding of what might be considered reasonable.

The Secretary of State can also consider complaints in relation to an alleged breach of statutory duty for example, about disability discrimination in relation to a pupil at a school.

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| You can make complaints to the Secretary of State | [Contact the Department for Education - DFE Online Forms](https://form.education.gov.uk/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-f1453496-7d8a-463f-9f33-1da2ac47ed76/AF-Stage-1e64d4cc-25fb-499a-a8d7-74e98203ac00/definition.json&redirectlink=%2Fen&cancelRedirectLink=%2Fen) |

**2.3 Academies, Free Schools or Independent Schools**

Academies, Free schools and Independent Schools under theEducation (Independent School Standards) (England) Regulations 2010 must ensure that a written complaints procedure is made available to parents. This procedure must allow:

**2.3.1 Escalating a complaint**

In the case of Academies and Free schools, a referral can be made to the Education and Skills Funding Agency (ESFA) acting on behalf of the Secretary of State. The ESFA will look at complaints that fall into the following:

* Undue delay or non-compliance with the school’s own complaints procedure
* A failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
* A failure to comply with any legal obligation, unless there is another organisation better placed to consider the matter.

In the case of Independent Schools, a referral can be made directly to the Secretary of State.

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| You can find out more about making a complaint to the ESFA at: | [How ESFA handles complaints about academies - GOV.UK](https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy) |

**2.4 Additionally Resourced Centres/Provision**

Complaints about an Additionally Resourced Centres/Provision (ARC/ARP) is dependent upon the type of school the ARC/ARP is in and will follow the process as outlined in section 1.1, 1.2 or 1.3.

**2.5 Making a complaint about a Post 16 institution**

Complaints about Further Education Colleges can be made by:

Informally raising the issue with the teacher or principal

* Through the college’s formal complaints procedure
* Escalation is to the ESFA

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| Information about how to make a complaint about a post 16 institution: | [Complaints procedure - Education and Skills Funding Agency - GOV.UK](https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure) |

**2.6 Complaints to Ofsted**

Ofsted can consider complaints from parents and carers about Early Years providers and schools in relation to the school as a whole, rather than in relation to an individual child and where the complainant has already tried to resolve the complaint through the relevant procedure.

Examples where complaints might relate to the school, as a whole include:

* The school is not providing a satisfactory education
* The pupils are not achieving as much as they should, or their different needs are not being met
* The school is not being well led and managed, or is wasting money
* The pupils’ personal development and wellbeing is being neglected

Ofsted can respond to a complaint that relates to the whole school by bringing forward an Inspection, or it could decide to look at matters when next inspecting the school.

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| Further information and guidance to parents about making a complaint to OFSTED can be found at: | [Complain about a school or childminder - GOV.UK](https://www.gov.uk/complain-about-school) |

**Section 3: Health**

**3.1 NHS service to you**

The NHS has contracts with a range of organisations that provide health care services, such as hospitals, community services, GP practices, community pharmacies, dentists, opticians, community and voluntary organisations and the private sector.

It is expected that these organisations will provide high quality care and whilst most people are happy with the care they receive, this isn’t always the case.

**3.2. Your feedback can help**

There will be times when you may want to comment or complain about a service or to compliment the service or the staff involved. It is important that services are made aware of when things have gone well so good practices can be shared. In any service there is always scope for improvement and they will be pleased to receive any comments, suggestions or compliments you may have which can be considered in the future development of services.

Unfortunately, sometimes things go wrong, and it is equally important that services receive feedback so things can be put right and to prevent things from going wrong in the future.

**3.3 Your rights**

If you are not happy with the care or treatment you have received or you have been refused treatment for a condition, you have the right to complain, have your complaint investigated and be given a full and prompt reply.

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| The NHS Constitution explains your rights when it comes to making a complaint: | https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhs-constitution-for-england |

You have the right to:

**3.4 When should you make a complaint?**

Complaints should normally be made within **12 months of the date of the event** that you are complaining about, or as soon as the matter came to your attention. The time limit can sometimes be extended (so long as it is still possible to investigate the complaint). An extension might be possible in situations where it would have been difficult for you to complain earlier, for example, when you are grieving or undergoing trauma.

**3.5 How do you make a complaint?**

If your complaint or compliment is about a hospital, community or mental health service you should send this to the NHS organisation involved. In Newcastle these organisations may be:

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| Newcastle upon Tyne Hospitals NHS Foundation Trust | http://www.newcastle-hospitals.org.uk/patient-guides/comments-suggestions-or-complaints\_formal-complaints.aspx |
| Cumbria Northumberland Tyne and Wear NHS Foundation Trust | [Complaints and comments | Northumberland, Tyne and Wear NHS Foundation Trust](https://www.ntw.nhs.uk/contact/complaints/) |
| GP practice, dental practice, community pharmacy or optician | You should send your complaint to the practice concerned. |

If you feel too uncomfortable to complain to the service provider directly then you can make a complaint to the commissioner of the service instead however, the healthcare provider will normally be given the opportunity to investigate and respond to your complaint directly. The commissioning organisation pays for the healthcare services in your area and this will vary depending on the NHS service you are complaining about.

Please note, if you have already complained to your healthcare provider, the commissioner will not be able to re-investigate the same concerns.

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| Clinical Commissioning Groups (CCGs) | If your complaint is about services such as hospital care, mental health services, out of hours services and community services such as district nursing, the CCG is the commissioner. | If you live in Newcastle or Gateshead you should send your complaint to NHS Newcastle Gateshead CCG [ngccg.enquiries@nhs.net](mailto:ngccg.enquiries@nhs.net) |
| NHS England | * If your complaint is about primary care services such as GPs, dentists, opticians or community pharmacy services, NHS England is the commissioner. **CCGs cannot investigate complaints about primary care services.** | More information about NHS England is available via <https://www.england.nhs.uk/contact-us/complaint/> |
| Public Health | * If your complaint is about a public health organisation (which provides services that prevent disease, promote health and prolong life), the Public Health Department at the local authority is the commissioner. | Newcastle City Council is the local commissioner in Newcastle - complaintspeople@newcastle.gov.uk |

**3.6 The complaints procedure**

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| NHS complaints procedure | NHS Newcastle Gateshead CCG’s website contains information about the NHS complaints procedure | https://www.newcastlegatesheadccg.nhs.uk/contact-us/compliments-and-complaints/ |
| Parliamentary and Health Service Ombudsman (PHSO) | If you are unhappy with the response to your complaint, you can ask the Parliamentary and Health Service Ombudsman to review this. Find more information and contact details at: | [www.ombudsman.org](http://www.ombudsman.org) |

**3.7 Where can you get help and advice?**

Making a complaint can be daunting but help and advice is available from Patient Advice and Liaison Service (PALS), the Independent Complaints Advocacy Service and Healthwatch.

**3.7.1 Patient Advice and Liaison Service (PALS)**

You can raise your concerns immediately by speaking with the staff involved.  This might give you the response you require without having to take the matter further.

You can also contact the Patient Advice and Liaison Service (PALS) who can provide confidential advice and support to help you resolve queries and concerns about your NHS care within an NHS trust informally without having to make a formal complaint.

It is important to note that PALS does not investigate complaints but will provide informal support in resolving a query or concern. PALS cannot help with issues which have already been raised via the NHS complaints procedure or with social care complaints (which need to be addressed by the local authority) and does not provide medical advice.

The PALS service for Newcastle can be contacted by telephone on 0800 0320202 or at email [northoftynepals@nhct.nhs.uk](mailto:northoftynepals@nhct.nhs.uk)

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| PALS at Newcastle upon Tyne Hospitals | <http://www.newcastle-hospitals.org.uk/patient-guides/patient-advice-and-liaison-pals.aspx> |
| PALS at Northumberland, Tyne and Wear NHS Foundation Trust | <https://www.ntw.nhs.uk/contact/patient-advice-service/> |

**3.7.2 Independent Complaints Advocacy Service (ICA)**

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| The Independent Complaints Advocacy Service (ICA) provides help and support to people who want to raise concerns about the NHS. | <https://www.seap.org.uk/services/nhs-complaints-advocacy/> |

**3.7.3 Healthwatch**

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| Healthwatch will help you and your family get the best from your local health and social care services. Healthwatch will tell services about your experience | [About - Healthwatch Newcastle](https://www.healthwatchnewcastle.org.uk/about-us/) |

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**Section 4: Social Care**

**4.1 Your first contact**

In the first instance, contact your social worker or the team manager as soon as possible so that they can quickly try to resolve things for you. If they are unable to sort things out to your satisfaction, you can make a complaint in person, by phone, by writing, email or by completing our online form.

**4.2 How will your complaint be dealt with?**

Complaints about children and adult social care services can be dealt with under one of four procedures, depending on the nature of the complaint. We will determine which procedure is relevant to your complaint and tell you what will happen next.

**4.3** **Statutory Social Care complaints procedure for children and young people**

Most complaints about children will be dealt with under the Statutory Social Care Complaints Procedure for Children and Young People. If you are a service user, parent or significant person to the service user e.g. a carer and you want to make a complaint about a service received from children’s social care, we will deal with your complaint under this procedure. There are 3 stages:

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| More information about this procedure and an online form can be found at | <https://www.newcastle.gov.uk/services/care-and-support/children/make-complaint-about-childrens-social-care> |

**4.4 Newcastle Safeguarding Children Partnership complaints procedure**

If your complaint is about the conduct, process or decision making of a child protection conference or related multi agency meetings:

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| Newcastle Safeguarding Children Partnership Complaints Procedure will apply. | <https://newcastlescb.proceduresonline.com/chapters/contents.html> |

**4.5 Adult Social Care Statutory complaints procedure**

If you are making a complaint in respect of someone who is over 18 and receives a service from Adult Social care, the Adult Social Care complaint procedure will apply:

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| The Adults Social Care complaints procedure, and an online form can be found here: | <https://www.newcastle.gov.uk/services/care-and-support/information-and-support-adults/contact-care-and-support-adults/make-a-complaint> |

**4.6 Newcastle Safeguarding Adults Board (NSAB) complaints procedure**

Complaints about the NSAB will be dealt with by Newcastle City Council’s complaint procedure. If the complaint is with regard to the action or inaction of a partner agency concerning the protection of an adult at risk, then the partner agency will investigate the complaint using their complaint procedure and inform the NSAB of the outcome.

**4.7 Newcastle City Council corporate complaints procedure**

If you are not a service user, parent or significant person to the service user, oryou want to complain about another Council service outside of social care, your complaint may be dealt with under Newcastle City Council’s corporate complaints procedure:

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| Further information about this procedure and an online form can be found at: | [Corporate Complaints Form - Customer - Newcastle City Council](https://newcastlecc-self.achieveservice.com/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-3116bbf0-2fad-4a9d-bad6-4cc372427db4/AF-Stage-603b67f0-8b3a-4074-9127-fab6ce4a41de/definition.json&redirectlink=%2F&cancelRedirectLink=%2F&accept=yes) |

**4.8 What you can expect?**

Making a complaint should not affect the service you or your family receive. We aim to deal with complaints impartially, objectively and professionally and would hope to resolve the issue as quickly as possible. If this is not possible, then you may wish to refer the matter to the Local Government and Social Care Ombudsman (LGSCO):

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| LGSCO | https://www.lgo.org.uk/make-a-complaint |

**4.9 Children and young people’s advocacy**

Advocates are people who can offer independent advice and support to young people who want their wishes and feelings heard. All children and young people wishing to make a comment or complaint will be automatically offered an advocate to help support them through the process. Any child or young person can refer themselves for an advocate by contacting the National Youth Advocacy Service (NYAS):

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| National Youth Advocacy Service | <https://www.nyas.net/> |

**4.10 Adult advocacy**

There are a number of organisations that can provide advocates for adults including:

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| Advocacy Centre North | <https://www.cvsnewcastle.org.uk/advocacy-centre-north> |
| Skills for People | <http://skillsforpeople.org.uk/?q=what-we-do%2Fhelp-advocate%2Fyour-area> |

Email: [sendistqueries@hmcts.gsi.gov.uk](mailto:sendistqueries@hmcts.gsi.gov.uk)

If you need to contact them by telephone their number is: 01325 289350

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| This guide for parents, explains what an appeal to the Tribunal involves and describes the process step by step on how to appeal against a SEN decision | <https://www.gov.uk/government/collections/special-educational-needs-and-disability-tribunal-forms> |

**5.11 Useful Resources**

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| [Guide to the SEND Code of Practice: for parents | Council For Disabled Children](https://councilfordisabledchildren.org.uk/help-resources/resources/guide-send-code-practice-parents) |
| [SEND support: easy-read guide for parents - GOV.UK](https://www.gov.uk/government/publications/send-support-easy-read-guide-for-parents) |
| [SEND Complaints: A guide for Young People in education - Mott MacDonald](https://www.sendpathfinder.co.uk/send-complaints-a-guide-for-young-people-in-education) |

**Section 5. Local Authority (other than social care)**

**5.1 Purpose**

This section will advise you about how to make a comment, complaint or compliment in relation to:

* Local Authority duties
* School transport
* Local Authority decisions
* School admissions
* School exclusions

**5.2 Your first contact**

In the first instance, contact the relevant worker and/or manager to give them your feedback. They will want to try to fix any problems by talking to you as soon as they arise. You can phone them, write to them or arrange to meet with them. This way issues can be resolved quickly and easily.

**5.3 Which procedure will deal with your complaint?**

This will depend on what your complaint is about as detailed below.

**5.4 Newcastle City Council’s Corporate Complaint Procedure**

This procedure can address the following types of complaint:

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| Further information and an on-line form: | [Corporate Complaints Form - Customer - Newcastle City Council](https://newcastlecc-self.achieveservice.com/en/AchieveForms/?form_uri=sandbox-publish://AF-Process-3116bbf0-2fad-4a9d-bad6-4cc372427db4/AF-Stage-603b67f0-8b3a-4074-9127-fab6ce4a41de/definition.json&redirectlink=%2F&cancelRedirectLink=%2F&accept=yes) |

**5.5 School transport**

Comments or complaints about school transport can be made under the Council’s Corporate Complaints Procedure.

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| You can find the Council’s Home to School Travel and Transport Guidance, July 2014 here: | <https://www.newcastlesupportdirectory.org.uk/kb5/newcastle/fsd/advice.page?id=TcZGlYJcZco> |

**5.6 Appeals against certain decisions made by the Local Authority**

Some decisions made by the Council are not dealt with under a complaint’s procedure but by Independent Appeal Panels or by Appeal to an Independent Tribunal.

**5.7 School admission appeal panels**

An Independent Education Appeal Panel considers appeals by parents and carers whose children have been refused admission to their preferred school. Members of independent panels consider the cases put forward by the parents and schools and decide whether or not the appeal should be upheld. You can find out more about the school admissions appeal code at:

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| Information on the admissions appeal code: | <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/275897/school_admission_appeals_code_1_february_2012.pdf> |
| Information on the appeals process: | <https://www.newcastle.gov.uk/services/schools-learning-and-childcare/about-our-schools/appeals-school-places> |

**5.8 Exclusion independent review panels**

Independent Review Panels consider appeals by parents and carers whose children have been permanently excluded from a school or Pupil Referral Unit (PRU). The panel considers the decision of a governing body to uphold a permanent exclusion, and decides whether to uphold the exclusion decision, to recommend that the governing body reconsiders its decision or to quash the decision and direct the governing body to reconsider the exclusion again.

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| Information on exclusions: | <https://www.newcastle.gov.uk/services/schools-learning-and-childcare/parent-information/exclusions-school> |
| To make a request for an Independent Review Panel, please contact: | Clerk to the Independent Review Panel  Complaints and Customer Relations Team  Floor 4  Civic Centre  Newcastle upon Tyne  NE1 8QH  Email: [schoolappeals@newcastle.gov.uk](mailto:schoolappeals@newcastle.gov.uk)  Tel no: 0191 2777427 |

**5.9 Escalation to the Local Government and Social Care Ombudsman (LGSCO)**

If you are unhappy with the way in which the appeal was conducted, you may complain to the Local Government Ombudsman.  The Ombudsman can only look at matters relating to the administration of an appeal, not the actual decision (for example a failure to follow the correct procedure).

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| Contact details and further information can be found at: | [www.lgo.org.uk](http://www.lgo.org.uk) |

If you are unhappy with the way in which your appeal was conducted for an Academy, you may complain to the Secretary of State for Education.  The Education and Skills Funding Agency investigates these complaints on behalf of the Secretary of State.

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| For more information about Academy Admission Appeal Complaints go to: | <https://www.gov.uk/government/organisations/education-and-skills-funding-agency> |

**Section 6: Procedure for giving us a compliment or to make a suggestion**

It is of enormous value for all organisations to hear of any positive experiences or that you have had while involved with their services. Suggestions for how they might improve any aspect of services are always welcome. If you would like to pay a particular organisation a compliment or make a suggestion, please just write in or send them an email. You can send your compliments to the individual you have been on contact with or to chief executive.