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1. Introduction

1.1 Blackpool Council always aims to provide a high standard of service. We welcome feedback about the services we offer, what we do well and how we can be more effective in sorting out problems. We want to ensure that children and young people who provide feedback have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally. This procedure should be a useful tool for indicating where services may need improving. It is a positive aid to inform and influence service improvements.

1.2 Throughout the document the term children and young people is used when referring to the individual, however this term includes adults making a complaint about services to a child. Where "he" is used, it refers equally to he or she.

1.3 We will try to resolve most concerns on an informal basis at the first point of contact but this procedure explains how children and young people can take up matters formally through the statutory children’s social care complaint process, if a young person feels that the service received from the council is unsatisfactory.

1.4 This procedure sets out how we will deal with children and young people’s complaints in line with the Children Act 1989 Representations Procedure (England) Regulations 2006 and supporting government guidance ‘Getting the Best from Complaints’. It also sets out how we will deal with compliments and comments.

1.5 The director of children’s services is the responsible person for ensuring that the council complies with the arrangements made under the regulations.

1.6 The customer relations manager is designated the ‘complaints manager’ in accordance with the regulations and is responsible for managing the procedures for handling and considering complaints in accordance with the agreements made under the regulations.

2. How to provide feedback

2.1 Customer feedback, including complaints, can be made by any method of contact:

- [Website \(Online Form\)](#)

- Email: customerrelations@blackpool.gov.uk

- Telephone – 01253 477700

- Post - Customer Relations Team, Blackpool Council, PO BOX 4, Blackpool, FY1 1NA

- Customer feedback form: available at council receptions

- Via the allocated social care worker, who will ensure that it gets passed to the customer relations team for action

2.2 We will ensure that our services are accessible equally to all sections of the community who may be in need of them and will not inadvertently discriminate against particular groups. Particular account will be taken of factors such as disability, age, gender, religion, race and sexual orientation.

2.3 If young people feel or appear to be at any disadvantage in being able to express themselves, children's services will offer them the help and support they need to have their concerns listened to and understood. This may include translation or interpretation services or referral to sources of local independent advocacy and advice (see Section 9 'Using an Advocate').

2.4 For feedback, including complaints, about the council's corporate services (not adult or children's services), please use the following contact details:

In Writing: Blackpool Council | Municipal Buildings | Corporation Street | Blackpool | FY1 1NF

[Website](#)

3. Comments and compliments

3.1 Comments are when people, who are not necessarily service users want to make the council aware of something so action can be taken. It could be an opinion, suggestion or a concern. Anyone receiving services, and their friends/family, may make a comment or a suggestion.

3.2 We believe that listening to our customers' comments helps us improve the way we do things. We welcome any suggestions about how we might do things differently or better and are committed to improving our services.

3.3 We also want to hear from people when we get 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 achieve our aim by continuing to learn and improve. Compliments also help us to recognise and reward our staff when they "go the extra mile".

3.4 We will pass comments and compliments on to the relevant service within 3 working days of receipt.

3.5 We will consider feedback in an open minded and impartial way and we will use it to help improve our services.

4. Making a complaint

4.1 We aim to handle complaints quickly, effectively and in a fair and honest way. We take all complaints seriously and use valuable information from investigating these to help us improve the services we provide. We treat all complaints in confidence.

4.2 We will try to resolve most concerns on an informal basis at the first point of contact but this procedure further explains how children and young people can take up matters formally through the children's social care complaint process, if a young person feels that the service received from the council is unsatisfactory.

4.3 It is much easier to investigate and respond to feedback if it is provided at the time of the incident. It can be difficult to fully investigate events if they are not reported at the time due to different circumstances such as; people's memories fade, staff may leave the authority or records may no longer be available. For the reasons outlined above, we will not usually look into a complaint if 12 months have passed since the date the young person learned that something went wrong.

4.4 In relation to paragraph 4.3, we may however accept a complaint for one or more of the following reasons:

- Genuine issues of vulnerability
- 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

5. Complaint legislation

5.1 Local authorities are legally required to establish complaints procedures to deal with complaints about their social care functions. This policy produced in accordance with the requirements of the [Children Act 1989 Representations Procedure \(England\) Regulations 2006](#) and government guidance, '[Getting the Best from Complaints](#)'. The information below provides further detail on the statutory children's social care complaint procedure.

6. What may be complained about?

6.1 The statutory children's social care complaint procedure is primarily to consider complaints by or about children; including complaints about the actions, decisions or apparent failings of a local authorities children's social services provision; and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right.

6.2 The procedure covers complaints about council services to children in need or in care; about how the council applies to take a child into care; many complaints about fostering and adoption services and complaints about services to children leaving care. For further details about what is covered, please refer to the government guidance document '[Getting the best from complaints](#)'.

7. Who may make complaints?

7.1 The following people are entitled to access the statutory complaints procedure:

- Any child or young person who is being looked after by the local authority or is a child in need
- A parent, or someone who has parental responsibility, of a looked after child or child in need
- Any local authority foster carer (including those caring for children placed through independent fostering agencies)
- An eligible young person, relevant young person, former relevant young person or qualifying young person (under Leaving Care Procedures)
- A person aged up to 24 who is or was a former relevant young person or qualified for advice and assistance under the leaving care procedures and whom the local authority may still assist in connection with education and training
- Special guardians
- A child or young person (or parent of his) for whom a Special Guardianship Order is in force
- Any person who has applied for an assessment for special guardianship support
- Any child, young person or adult who may be adopted, their birth family and adoptive parents
- Persons wishing to adopt a child
- Any other person to whom arrangements for the provision of adoption services extend
- Such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them

7.2 Where a complaint is received from a representative acting on behalf of a child or young person, the council should normally confirm where possible that the child or young person is happy for this to happen and that the complaint submitted reflects the child's views.

7.3 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.

7.4 Complaints by adults that relate to a child or young person but are not made on the child's behalf, the council has discretion to decide in cases where eligibility is not automatic whether or not an individual has sufficient interest in the child's welfare to justify his own complaint being considered. In reaching a decision, where possible the Council may check with the child or young person that they are happy with the person making a complaint.

7.5 Complaints of a general nature, which are not concerned with an individual case, or if the complaint is about how the council has treated an adult, will likely fall outside the statutory definition; this however does not mean that the council is not able to consider the complaint. The council will review the complaint and ensure that it is dealt with in accordance with the appropriate procedure and the individual will be advised of this.

7.6 Complaints received anonymously will be considered by the service concerned and where required, the appropriate investigations and actions will be carried out.

8. If you need help providing feedback

8.1 We will ensure that our services are fully accessible to all sections of the community who may be in need of them and we will not discriminate. Particular account will be taken of peoples' characteristics that are protected under the Equality Act 2010. If you would like assistance in providing feedback or consent, for example, you have a question about the procedure or need help completing a feedback form or consent form, please ask any member of staff and we will be happy to help.

8.2 If you would like this document in another language or format, or if you require the services of an interpreter, please contact us.

9. Using an advocate

9.1 Advocacy is a way of supporting children and young people to make sure they are heard and to help them raise concerns about their care with the appropriate professionals. Advocates are independent and impartial; they work with young people to ensure that they are treated fairly and that their rights are upheld and respected.

9.2 **The Blackpool Advocacy Hub** provides free, independent and confidential health and social care advocacy support. There is a dedicated children and young person's advocacy service to support young people when children's social care is involved in their life. The advocacy service is led by the child or young person to help empower them to have their voices heard.

For further information or if you require the support of an advocate, you can contact the Blackpool Advocacy Hub, Children & Young Person's Advocacy Service via the following;

- **Email:**bcypa@blackpooladvocacyhub.org.uk
- **Telephone:** 0300 32 30 251
- **Website:**<https://empowermentcharity.org.uk/blackpool-advocacy-hub/>

10. When does the statutory complaint procedure not apply?

10.1 Some complaints involve matters that are more appropriately dealt with under other council procedures or are outside of the council's jurisdiction. In these cases, we will let the young person know which elements of the complaint, if any, we can look at and under which procedure we will investigate the matter.

10.2 You **cannot use** the complaints procedure to challenge decisions of a court. When a child or young person's case has been before a court the evidence including assessments, reports and statements are subject to legal remedy. This means that disagreements are most appropriately challenged through the court process. The evidence that is before the court, including Section 7 and Section 37 reports, cannot be addressed through the complaints process.

Where it is intended that there will be, or there are, ongoing legal proceedings in relation to the complaint we may investigate the matter unless we feel it could prejudice the legal action. If we decide not to investigate the individual will be advised of this. We may investigate aspects of the complaint after the legal proceedings have finished.

To challenge a decision that a court has made or challenge court reports prepared by the council for private proceedings (Section 7 or 37 reports), legal advice will need to be sought by the individual.

10.3 This procedure does not include complaints about a **child protection conference**. Complaints about the process and outcome of a child protection conference, or challenges around the decision for a child to have, or not to have, a child protection plan or a decision to continue or not to discontinue a child protection plan, will be dealt with under the council's child protection procedures. Information leaflets sent out prior to child protection conferences will include details of how to complain.

10.4 Allegations against persons who work with children (including carers and volunteers) will be dealt with under a separate procedure. For further information please refer to the [Pan Lancashire Policy and Procedures for Safeguarding Children](#), section 6.4 Allegations against persons who work with children

10.5 Foster carer complaints concerning approval and termination will be dealt with under a separate procedure, where there is the opportunity to make representations to the agency decision maker or to request a review by an independent review panel under the independent review mechanism. [For further information](#).

NB: The foster carer will not have the right to request a review by an Independent review panel, if he or she regarded as disqualified as a result of a conviction or caution for a specified offence.

10.6 Complaints relating to disclosure of personal information will be dealt with in consultation with the council's data protection officer, taking into account the council's statutory obligations and information security policies.

10.7 In the case of complaints about discrimination concerning the protected characteristics under the Equality Act 2010 (i.e. age, race, religion or belief, disability, marriage and civil partnership, pregnancy and maternity, sex, sexual orientation and gender identity) the council will take into account its duties under the act and related council policies and objectives on promoting equality and diversity.

10.8 Occasionally, complaints may be made when other procedures are underway, for example criminal investigations, court and tribunal or disciplinary proceedings. The customer relations manager has the discretion not to commence, or to suspend, complaints investigations if to proceed would compromise another procedure. The complaint investigation may, if appropriate, start or resume

once the concurrent investigation is discontinued or completed.

10.9 If the complaint is about the attitude or behaviour of a member of a staff it may be appropriate to investigate the matter under the council's employment procedures. Where this is the case, we will let the individual 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 details of the outcome.

10.10 Other non-qualifying complaints - The following types of complaints do not qualify to be dealt with under this procedure:

- When the initial contact is a request for a service
- When the issue is about something other than a social care provision
- When the complaint is over 12 months old – unless there are exceptional circumstances
- When the complaint is made by an organisation
- When a complaint has already been considered under these procedures
- Services that are arranged and paid for through a direct payment or individual budget
- If a complaint has already been investigated by the Local Government and Social Care Ombudsman
- If a complaint has arisen out of the alleged failure to comply with a request for information under the Freedom of Information Act 2000 or the Data Protection Act 1998.

10.11 The customer relations team will be able to advise if a complaint would fall within this procedure.

11. The stages of the children's social care statutory complaint process

11.1 We will try to resolve most concerns on an informal basis at the first point of contact.

If appropriate, a manager will contact the individual within 3 working days to discuss the concerns in an attempt to reach resolution. Following this, a summary of the discussions will be provided in writing and the individual will be given details of what they can do should they remain dissatisfied.

If a complaint is received and can be resolved within 24 hours it will not be logged as a formal complaint.

Stage 1: Formal complaints

11.2 A senior officer within the service, which is the subject of the complaint, should deal with the complaint and inform the individual of their decision. The officer will not have been involved in the decision or action against which the complaint is being made. Acknowledgement of receipt of the complaint should be provided within 3 working days.

11.3 The council will aim to provide a response to the individual within 10 to 15 working days either via telephone, a letter or a face-to-face meeting. If the complaint is going to take longer than this to complete, an interim letter will be sent and the individual will be informed of an anticipated date for response.

11.4 The individual should be advised of any further steps, which they may take if they are not satisfied with the decision.

11.5 If the individual remains dissatisfied with the response at stage 1, they have a right to request progression to stage 2. The individual has 20 working days to make this request to the local authority.

11.6 Senior social care management will consider the request and ascertain if there is anything further that can be done at stage 1 to aid resolution.

Stage 2: Review/appeal of decision

11.7 Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an Investigating officer and an independent person.

11.8 The customer relations manager must ensure that the details of the complaint and the individual's desired outcomes are recorded in writing and agreed with the individual.

11.9 The local authority will appoint an internal or external investigating officer and an external independent person. The investigating officer and independent person should have access to all relevant records and staff.

11.10 On completion of consideration of the complaint the investigating officer should provide a report on the investigations including the findings, conclusions and outcomes of each point of the complaint. The independent person may also wish to complete a report.

11.11 Once the investigating officer has finished the report, a senior manager should act as the adjudicating officer and consider the

complaints, the investigating officer's findings, conclusions and recommendations and any report from the independent person.

11.12 The adjudicating officer will then prepare a response to the reports, which will include the decision on the complaint and any actions to be taken and timescales for implementation for these actions. This is the adjudication.

11.13 The local authority should then write to the individual with their response containing a complete copy of the investigation report, any report from the independent person and the adjudication. The investigation should be completed and a response should be provided within 25 working days. If the response is going to take longer than this to complete, an interim letter will be sent to the individual and they will be informed of an anticipated date for response.

11.14 The individual should be advised of any further steps, which they may take if they are not satisfied with the decisions. The individual has 20 working days to make this request to the local authority.

Stage 3: Panel review

11.15 Consideration of complaints at stage 3 is normally achieved through an Independent review panel. Stage 3 will only be initiated when the stage 2 investigation has concluded.

11.16 The customer relations manager should assess requests for the review panel as they are presented on a case by cases basis.

11.17 The panel must consist of three independent people. Independent means a person who is neither a member nor an officer of the local authority to which the complaint has been made. One member of the panel should be assigned as chair of the panel. The chair should be appointed first.

11.18 The review panel must be held within 30 working days of the receipt of a request for a review. The individual should be notified of the panel's date and location in writing at least 10 working days before the review panel meets and be invited to attend.

11.19 Those involved in the previous stages of the complaint will also be invited to attend.

11.20 The panel will consist of; a pre meeting whereby the panel members will discuss the order of business and any other relevant issues, presentations whereby the people who were invited to attend will be given the chance to speak and the panel will should be allowed sufficient opportunity to ask questions and deliberation whereby the panel must going into a closed session to deliberate their findings and conclusion.

11.21 The panel is required to produce a written report containing a brief summary of the representations and their recommendations for resolution of the issues. This report will be sent to the individual, the council and the independent person from stage 2 and any other person with sufficient interest within 5 working days of the panel meeting.

11.22 The council must send a response to the panel's recommendations to the individual within 15 days of receiving the panel's report. The response should be provided by the director of children's services setting out how the council will respond to the recommendations and what actions will be taken.

11.23 The individual should be advised of any further steps which they may take if they are not satisfied with the decision.

The final stage: Local Government and Social Care Ombudsman

11.24 If the individual remains unhappy, they have the right to contact the Local Government and Social Care Ombudsman.

11.25 The Local Government and Social Care Ombudsman is an independent body who investigates complaints about councils. However, the ombudsman will usually only investigate complaints when the council's own complaint procedure has been exhausted.

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

- Website - www.lgo.org.uk
- Telephone - 0300 061 0614
- Text - 'call back' to: 0762 480 4323
- [Online feedback form](#)
- Post - The Local Government and Social Care Ombudsman | PO Box 4771 | Coventry | CV4 0EH

12. Protecting the vulnerable

12.1 Some complaints received by the council may make reference to safeguarding concerns for an adult or child at risk of harm. An adult or child at risk of harm in this context is usually understood to have needs for care and support (whether or not the Authority is meeting any of those needs) and as a result of those needs is or may be unable to protect themselves against abuse or neglect or the risk of it. Abuse and neglect in this context is given to mean a violation of an individual's human and civil rights by any other person or

persons (No Secrets DH 2000).

12.2 Whilst the details of the complaint will be considered, the safety of the service user is paramount and takes precedence over any other procedures.

13. Abusive, persistent or otherwise unreasonable individuals

13.01 Blackpool Council aims to treat all individuals fairly and will, as far as possible, ensure that the substance of any complaint is addressed. However, the council also has a duty to effectively manage public funds by ensuring resources expended on handling complaints are proportionate.

13.02 There are a small number of individuals who pursue their complaints in ways that are unreasonable and /or who take up an unwarranted amount of council resources. In such circumstances, the council may choose to apply its policy on the management of unreasonable and persistent individual behaviour, which has been drawn up in line with guidance issued by the Local Government and Social Care Ombudsman. Such action is very rare and not taken lightly and individuals will be informed before any restrictions are applied to them in order that they might moderate their behaviour.

13.03 Examples of unreasonable actions and behaviours include:

- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of the complaints procedure
- Making unjustified complaints about staff who are trying to deal with the issue, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Introducing trivial or irrelevant information at a later stage
- Frequent, lengthy contacts and repetitive information
- Submitting repeat complaints with minor additions/variation
- Refusing to accept the decision; repeatedly arguing points with no new evidence

13.04 The council will notify individuals deemed unreasonably persistent of the action it proposes, which may include terminating contact with them.

13.05 The council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from individuals and will take appropriate and proportionate action should such circumstances arise.

14. Complaints involving more than one council service

14.1 Where a complaint covers more than one service, in most circumstances, a single council reply should be provided and this should be co-ordinated by the service, which is the subject of the largest part of the complaint.

15. Complaints involving third parties

15.1 Where there is a complaint about a service, which the council is responsible for, but which is delivered by a third party, the council remains accountable for any service failure.

15.2 An agreement should be made with a partner or contractor about how complaints are handled. This should incorporate adherence to this code of practice.

15.3 Subject to the arrangements in paragraph 15.2 above, a contractor may investigate a complaint.

16. Keeping records

16.1 The council aims to resolve issues immediately at the first point of contact thus negating the need to invoke the formal complaints process.

16.2 Records should be retained electronically for all formal complaints.

16.3 Detailed information on individual complaints should be treated confidentially with access limited to those involved in resolving the matter.

16.4 Records on individual children's social care complaints should be stored electronically in line with the [Blackpool Council Retention schedule | GDPR](#).

16.5 Within each service, mechanisms should be put in place for ensuring that any suggestions for service improvements arising from complaint investigations are considered and followed through as appropriate.

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