



**BLACKBURN**  
*with*  
**DARWEN**  
BOROUGH COUNCIL

## **Children's Services (Social Care)**

### **Customer Care Complaints and Representations**

**Annual Report 2018– 2019**

## **Introduction**

The Children Act 1989 defines the representations procedure as being for 'representations (including complaints)'.

This is the thirteenth Annual Report regarding Children's Services – Social Care on representations and complaints, dealt with during the 2018/19 financial year (1 April 2018 to 31 March 2019). It primarily concerns new complaints received during that period, but also includes complaints received prior to 1 April 2018 which were ongoing or completed during the period. This Annual Report provides a summary and analysis of the complaints considered under the complaints representations procedure. It also includes compliments and representations (feedback and contacts other than formal complaints). Letters from MPs are also included this year. The report is accepted as the mechanism by which Senior Management and Elected members can monitor and scrutinise Children's Social Care complaints (and compliments).

## **Structure of this report**

The Department is committed to a process of continually improving its services to the public. Complaints received by the Department are dealt with under The Children Act 1989 Representations Procedure. The aim of this is for Children and Young People to have their concerns resolved swiftly and wherever possible by the people who provide the service locally.

The complaints procedure is a useful tool for indicating where service may need improving. It is a positive aid to inform and influence service improvements, and not a negative process to apportion blame.

We make use of Sharepoint and our comprehensive software package Respond to log and analyse data, not only on complaints but also on compliments and queries.

Further information on any aspect of data or analysis is available from Shima Ahmed, the Complaints Officer, who can be contacted on 01254 585367.

Section 1 of this report contains data and commentary for this reviewing period.

Section 2 sets out our learning from 'closed feedback loops' including lessons learned from complaints and fed into service planning.

Section 3 covers wider issues of customer care.

# **1. Complaints, Queries and Compliments**

All complaints, compliments and queries received by this Department are logged using Sharepoint and Respond database, which is the source of graphs and trends analysis contained within the report.

## **Complaints: Review for the year 2018/2019**

The overall number of complaints recorded for the statutory Children's Services (Social Care) has reduced from 131 (recorded in 2017 – 2018) to 65 recorded for the reported year. This is because we have changed our approach and processes for dealing with Children's complaints by introducing 'alternative dispute resolution' whereby we make every effort to resolve complaints informally and de-escalate wherever necessary. The Complaints team has been very successful with this approach thus avoiding the need to address complaints at formal stages.

In the previous year, 90% of complaints had been dealt with at the formal Stage 1 level, which allowed automatic escalation for a Stage 2 review at a cost to the Council for commissioning Independent Investigators.

For the reported period, only 2 complaints escalated to Stage 2 of the Statutory Complaints Procedure (independent investigation) in this monitoring period. Both complainants did not escalate their complaint for a Stage 3 review.

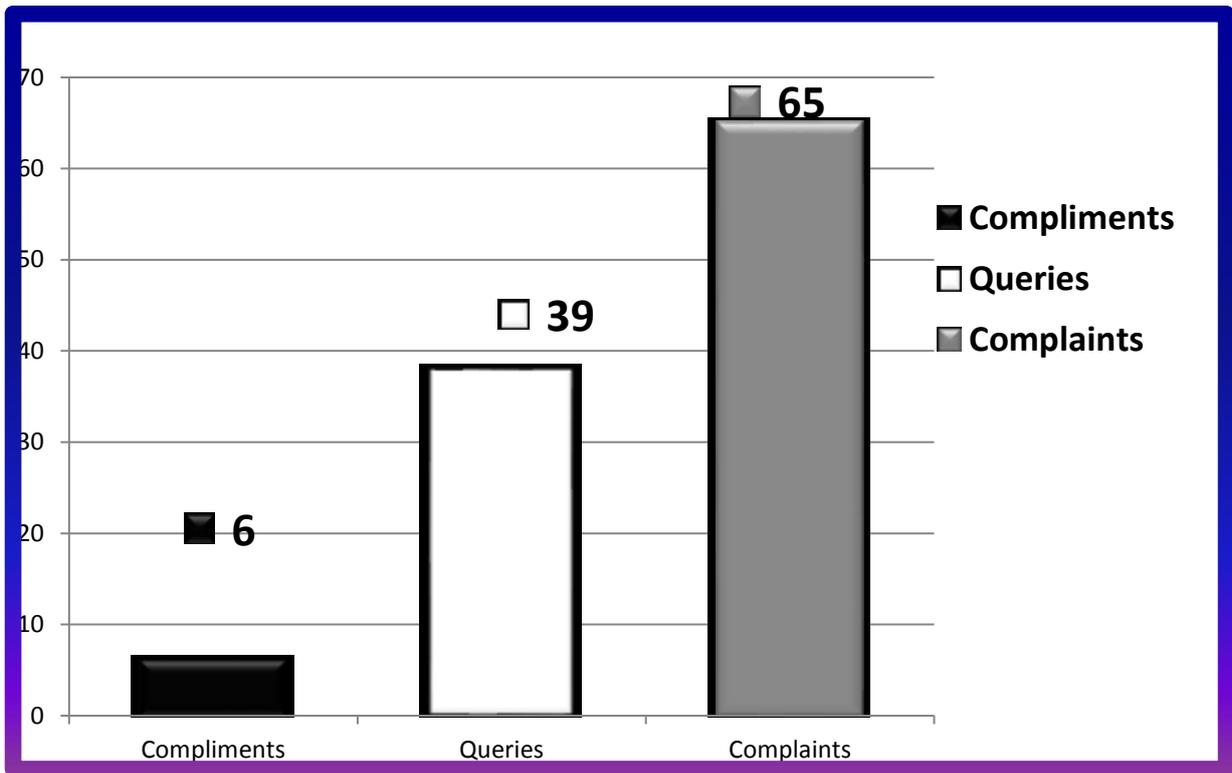
## **Compliments and Other Feedback**

We always welcome compliments from whatever source, as a sign of appreciation from the children/young people and families we support.

During the year 1 April 2018 to 31 March 2019 a total of 6 compliments were formally received from Social Care service users and external professionals and acknowledged on behalf of the Director of Children's Services. This is a decrease of 79% from the previous year. The Department has been encouraged to record compliments about Children's services to help share good practice and recognise excellent services provided by staff. We are now capturing positive feedback and will be providing examples of these in future reports.

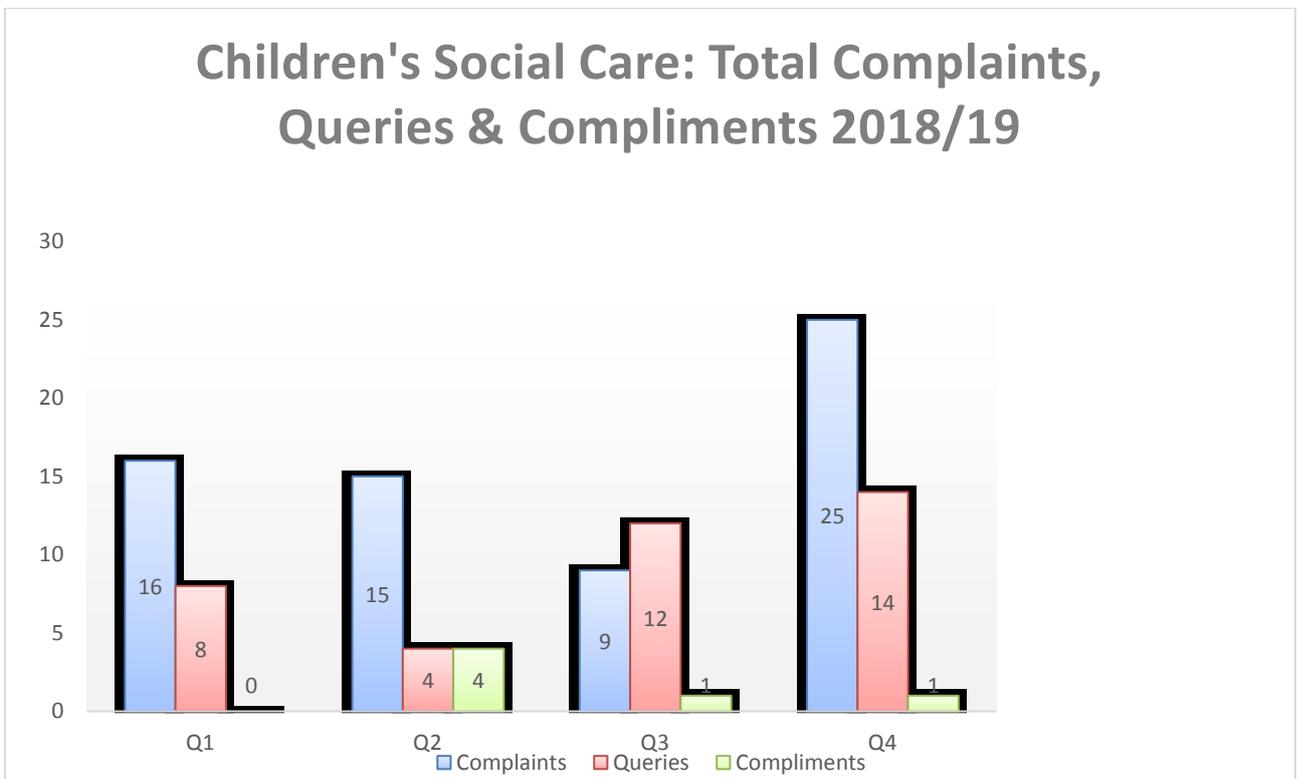
Copies of compliments are routinely forwarded to managers, in cases where staff are directly named, to enable direct feedback.

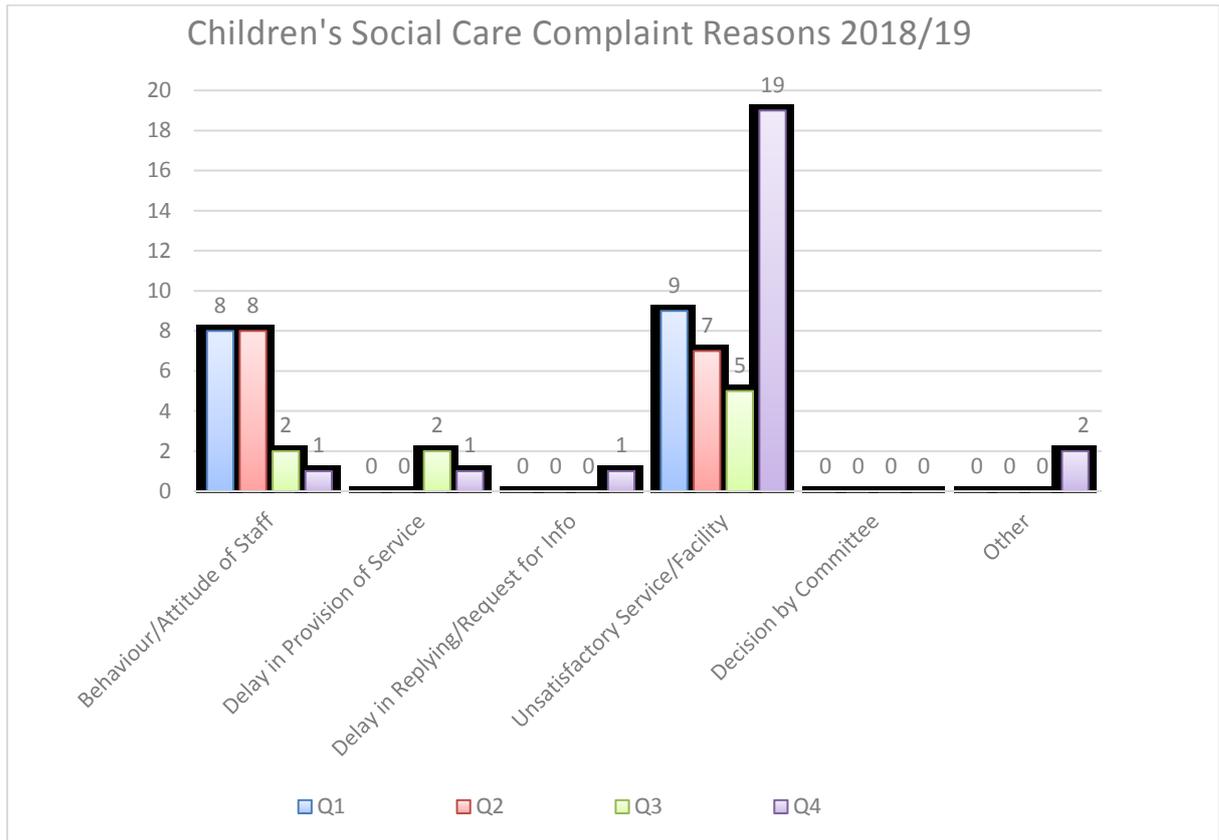
Efforts continue to be made to ensure parents and young people/children are fully aware of the ways that complaints or representations can be made. There are currently 3 leaflets dedicated to Children's Services (one for children, one for parents and an easy read). All of these means of providing information ensure that individuals are aware of their right to make complaints or representations and what they can expect from the process.



The chart above illustrates the number of compliments, queries and complaints received during this monitoring period 2018 to 2019.

A detailed analysis can be found of trends/patterns in complaints on page 6 to 7 and examples of compliments can be found on pages 10 to 11.





**Complaints Themes – Children’s Services (Social Care) 2018/19**

Common issues that have come to the attention of the Complaints Team over this monitoring period can be categorised as follows;

- Inaccuracies in reports and assessments; perceived bias in the reports by Social Workers;
- Poor Communication – messages left by telephone not being returned; lack of written correspondence – minutes and assessments not being received.
- Children and Family Assessments being completed without parents having the opportunity to comment on them in the first instance.
- Delays in completing reports and assessments.
- Lack of communication by staff; lack of updates about child cases.
- Issues with contact arrangements with children. Lack of clarity and support from Social Work Teams.

Response times to complaints continue to be an area where improvement is still required.

## **Steps taken to Rectify**

### **(1) Quality of Combined Assessments**

➤ Social Workers to be reminded that draft assessments should be shared with parents and young people prior to being signed off and finalised. Parents should have the opportunity to comment on the factual accuracy of assessments (and reports such as those prepared for the courts) and be able to offer their views on professional opinions given in reports. Assessments should be shared with all relevant family members including fathers where they hold Parental Responsibility.

### **(2) Distribution of Minutes of Meetings**

➤ Protection Conferences and Core Group meetings should be sent out to parents/young people within the agreed timescales or as soon as possible thereafter. Clients should not have to chase staff for the minutes of meetings (including Child in Need meetings), or resort to the complaints process in order to obtain them.

### **(3) Timing of and attendance at Meetings**

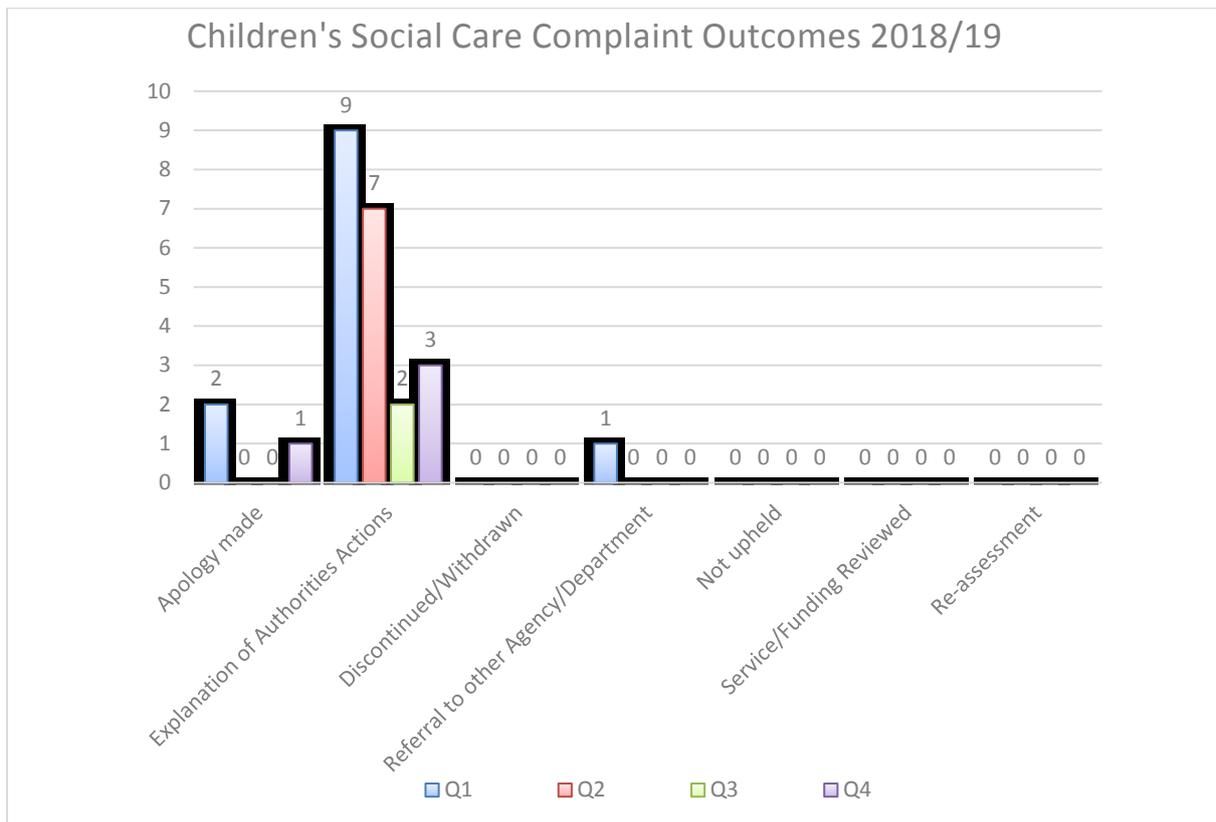
➤ Social workers (and other professionals) to give as much notice as possible where they know they will be on leave or unable to attend a pre-arranged meeting. Apologies for non-attendance should be sent to the Chair as far as possible in advance of the meeting.

### **(4) Communication Issues**

➤ Absent parent who hold Parental Responsibility should be sent all relevant paperwork, such as copies of assessments and minutes of meetings that relate to their children. They also need to be notified of any changes in Social Worker.

➤ Telephone messages should be returned by Social Workers within a reasonable amount of time. If a client's designated Social Worker isn't available and the client wishes to speak with someone urgently, they should be put through to the Duty Social Worker.

➤ Young people to be kept clearly informed of what is happening before and during any placement move, especially if the reasons are not clear to them.



## **Complaints and Feedback specific to CIOC 2018/19**

### **Looked After Children (LAC)**

During the reported year, only 1 complaint was received from our looked after children.

The Complaints Team in the past, have written out on a 6-monthly basis reminding all LAC of their right to make a complaint, this was usually accompanied by a freepost leaflet. The leaflet provides information and contact details about the advocacy service and also provides an email, and contact number for the Complaints Team. Unfortunately, due to changes within the structure of the team, this piece of work hasn't been completed this year. We do however, endeavour to resume this contact with the assistance of Children's Services Managers.

Should a complaint involve an independent provider, the complaint would be addressed with the agency concerned by the Social Worker. The Contract team would also be made aware of these complaints. During this monitoring period no complaints were received about agency placements or involvements.

## Queries Review for the year 2018/19

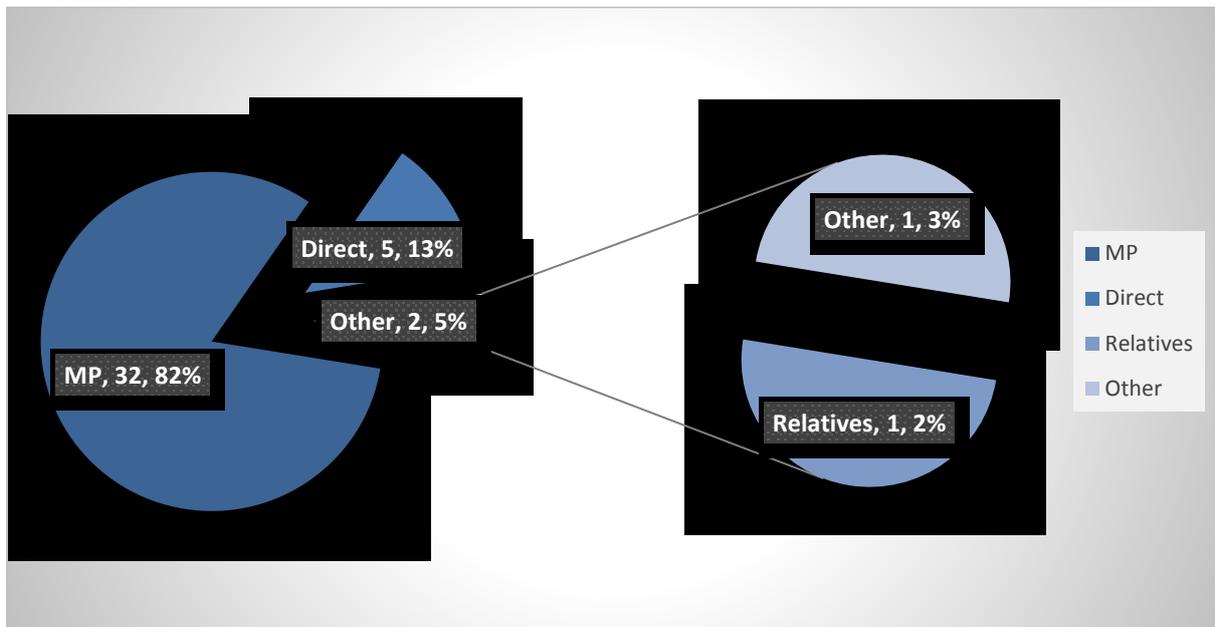
The complaints team now deal with all MP enquiries centrally since October 2017, which enables the team to monitor the levels and types of enquiries received. This data is then used to inform departments on how we can support MP's offices in finding quicker resolutions/answers to their queries for constituents.

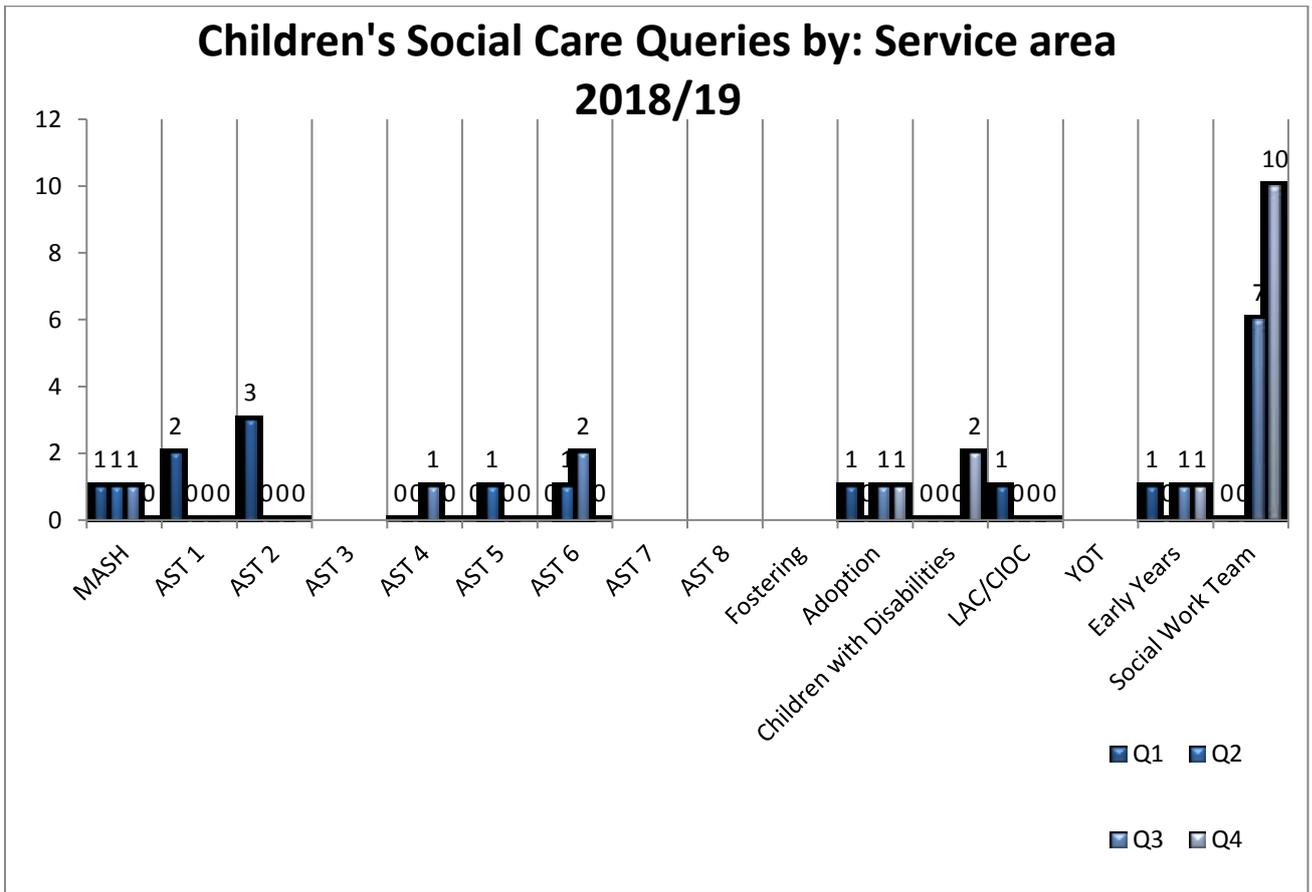
During the reported year, the Council recorded 32 MP enquiries for Children's Services, which shows a 20% increase from the previous year. Please note that last year's information has only been recorded accurately since October 2017 so we may well have received more enquiries that have not been previously recorded.

The below charts indicate the number of queries received during this monitoring period, and from whom they were received from.

A total number of 39 enquiries of which 32 were received via the Members of Parliament for Blackburn and Darwen during this monitoring period.

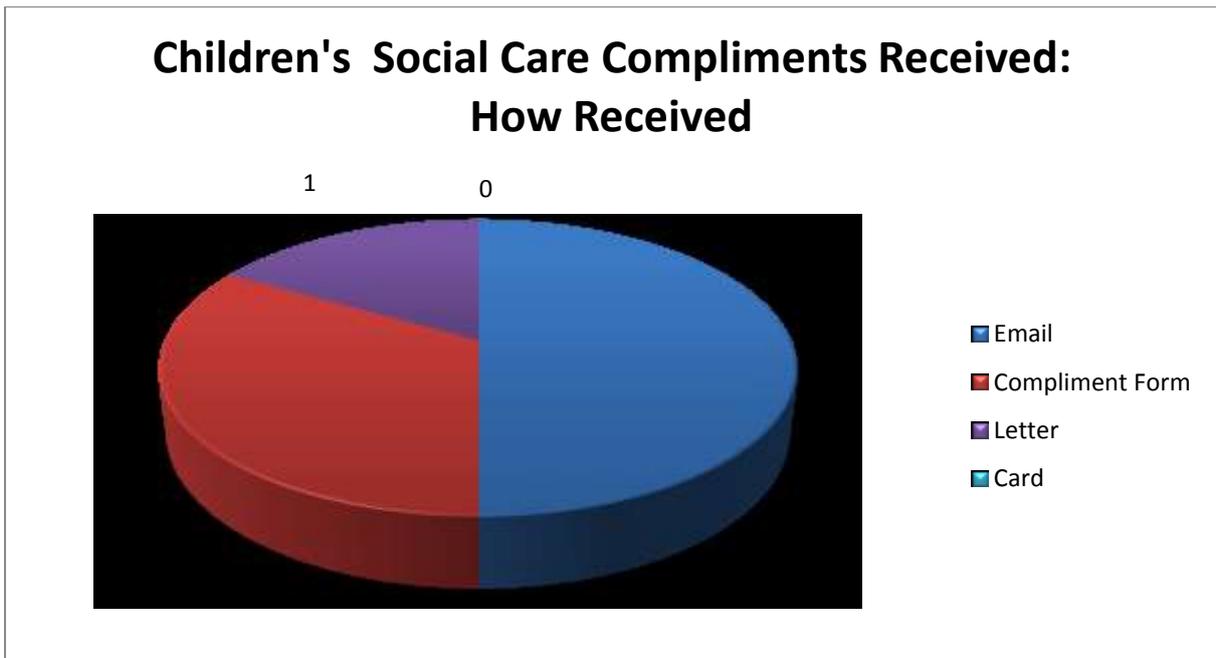
The remainder of the queries were either made directly or on behalf of relatives.





Actions taken and learning by the Department are described in the next section “Feedback loops; learning the lessons from complaints and other comments”.

The below chart identifies the range of methods that Children/Young people and their families use to compliment Children’s Services.



## **Compliment Snapshot**

SEEDS (Support/Experience/Enjoy/Develop/Succeed) offer a range of support and activity sessions to help young people age ranging from 11-17.

These young people may have struggles with family relationships, education, peer, influences, substance misuse and may need support with emotional health and well-being.

Young people are referred to SEEDS and allocated a Social Worker. During the initial visit, a support plan is agreed, which determines the package of support. This could include 1:1 sessions, group work, outreach and/or planned short breaks

Every 8-12 weeks, cases are reviewed to assess any progress that has been made. Any further support that is needed is then agreed with the young person and their family.

“...I’ve been reflecting on your Ofsted inspection and I know you guys are pleased with the good yet feel you could do more.

I want you to reflect on the progress you have made in the last 6 months. You were never a service that *needed* improvement but you have started to better evidence what it is you do and how you monitor this (Monitoring is key). When you combine this progress with the time and effort that has gone into moving (which you won’t have to deal with in the next 6 months) I think you should be proud of where you are all at. The enthusiasm for the service by all your team is fantastic, as are your outcomes for young people and families. I truly believe you are an outstanding service, an outstanding management team and you should be proud of who you all are”.

“N hadn’t been doing very well at school and had been moved into a (Special Education Needs (S.E.N) class which N was extremely unhappy about and there was talk of N being excluded if his negative behaviour continued. He desperately wanted to be back in mainstream classes and felt that he had been wrongly placed in the S.E.N class. After attending a meeting at school, it was explained that N had been disruptive in class and this was one of the reasons he had been moved.

I suggested that the SEEDS would fund a trip for N and his Grandma as N had a big passion for trains. It was explained to N that his behaviour needed to improve in order for it to happen. N understood and was determined that he could turn things around in school.

After the last meeting before the summer break, N had turned his behaviour around so much The SEEDS funded the train journey as promised.

Eventually a decision had been made by the school to remove N from S.E.N class and be placed back into mainstream classes. A decision had also been made by the Social Worker that the case was now ready to be stepped down by The Seeds due to massive improvements behaviour made overall by N.

The feedback from N was that he had a fantastic time and was so grateful for the opportunity and support that The Seeds had given him”.

“...We would like to say a big thank you and well done to all staff for listening and engaging young people in dialogue that has led to change.”

“...I think they should get a reward and deserve one because they have done lots of good and hard work and they are really lovely.”

## **2. Feedback Loops: Learning the Lessons from Complaints and other Comments**

The Department is committed to a process of continually improving its services to the public.

We use the outcomes of the complaints to assist us in identifying where improvements and changes need to be made to policy, procedure or services.

**The outcomes of all complaints investigations are analysed under the following categories:**

1. Complaints that were not upheld because they were the result of misunderstandings or confusion and were rectified following further clarification
2. Complaints that were as a result of lack of eligibility
3. Complaints that resulted from process not being followed
4. Complaints that highlighted a need to change procedures
5. Complaints that highlighted a need to change policy

N.B: Complaints may be classified under more than one of these headings.

**The actions that the Department takes in relation to each of the above categories of complaints are as follows:**

<b>1) Misunderstanding/confusion</b>	<i>Appropriate training and activity is identified and implemented within the teams</i>
<b>2) Lack of eligibility</b>	<i>The customer is signposted to alternative provision within the private or voluntary sector</i>
<b>3) Process not followed</b>	<i>Appropriate training and activity is identified and implemented within the teams.</i>
<b>4) Procedures change</b>	<i>Procedures are reviewed and amended as required.</i>
<b>5) Policy change</b>	<i>Options are investigated and proposals prepared for submission into the policy planning process for consideration by SLT and Members.</i>

## **Key Learning Points from Complaints**

Complaints are a valuable source of information. It is a vital part of the process that services learn from the representations that are made about their provision. The process that addresses complaints help provide a picture of how services are performing and identify recurring or underlying issues so that any areas for improvement or learning can be made and suggestions for the action that will be taken. Where necessary action plans are be drawn up and responsibilities assigned.

When recommendations are made following investigations of a complaint, an action plan is usually produced by the Head of Service and the Complaints Manager which identifies how changes/improvements are to be made. This plan will identify what actions are to be taken, who is responsible for implementing the actions and within what timescales. The Action Plan then has to be agreed by the Director.

The Head of Service is responsible for placing the action plan on the Leadership team agenda and to ensure that all actions are formally approved by the wider Management Team, and where required policy and procedural changes are progressed and to provide an opportunity to highlight any learning for the organisation as a whole. Actions to respond to complaints will be monitored to ensure action is taken and a summary outcome reports provided to the Senior Management Team and Strategic Commissioner.

Following formal agreement of the action plan the Complaints Manager will then place a copy on file and distribute to all persons who are listed as leading upon on the actions. A copy of the action plan is also sent to the complainant. A date is set on the action plan for when the Complaints Manager will feedback the progress of the actions to the complainant. The Complaints Manager will request that a lead persons provide them with a progress report and evidence would be collated in a file held on the Sharepoint and Respond database. On conclusion of the actions, the plan is to be signed off by the Senior Leadership Team.

**Note:** examples of evidence must be provided to the Complaints Manager e.g.

- Any changes in policy is forwarded to the Complaints Team.
- Date of Training event and aims, objectives of training that has been provided to meet an action.

## **Examples of changes following feedback:**

Complaints can have implications beyond the concerns of an individual user. Complaints often highlight other issues requiring review of procedure, policy, service range or training. In all such cases, issues are followed through to ensure a full, closed 'feedback loop', and improvements to services for all users.

The following is a summary of the key learning points from the areas where most complaints were received in the reporting period. Consistent with previous years, most complaints related to the actions (or lack of) and conduct of members of staff, communication issues and issues with lack of factual accuracy in reports and assessments.

**Examples of the recommendations as a result of investigation and review panel outcomes**

Recommendations for training or improvement activities:

<b>Reason for Complaint</b>	<b>Recommendations for training or improvement activities</b>	<b>Action Taken</b>
The Authority failed to make Foster Carers aware of child 1's aggressive and volatile behaviour even when the Authority knew about this. The Authority failed to provide Foster Carers with a Placement Plan.	All relevant information held by the Authority about a child or young person being placed with foster carers is communicated to the carers in writing. Foster carers are provided with a Placement Plan for any child placed with them and it is recorded on the child's file that the Plan has been provided. The Plan should include details of agreed contact with any family members or others.	In progress with the Fostering team
Child 1 made an allegation to the SW regarding his Foster Carer. This was not acted on until Child 1 put this to the Court.	Any allegation against an in-house foster carer is reported to the fostering service immediately.	Action in progress
An allegation that foster carer had met Child 2 after they had left placement was found inappropriate and was found substantiated at an Allegations Meeting. This was practice issue rather than a safeguarding issue.	A clear distinction should be drawn between practice concerns about foster carers which can be dealt with by the Fostering Service, and allegations of a safeguarding nature which may lead to investigation by Children's Social Care and/or the police and should be dealt with through the appropriate procedure in the Authority's Safeguarding Manual.	Procedural note for team to ensure that the correct process is followed
Wrong DOB recorded on report for Foster Carer.	The Correct date of birth is recorded for the Foster Carer.	Date corrected on file
Contact was stopped between Child 3 and the complainants without an adequate explanation being given to them	Any contact planned between foster carers, children and their birth families when children leave foster placements should be clearly agreed and recorded.	Procedural note for team to ensure that the correct process is followed

The concerns of Mr & Mrs C about Child 3's father ability to safeguard Child 3 were not taken seriously or acted upon in a timely manner	There should be a section in the foster care agreement when using agency carers about who will raise any concerns with the foster carers.	In progress with the Fostering team
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### **3. Customer Representations**

One of the benefits of a relatively small unitary authority is the opportunity it gives to provide locally responsive services.

Frontline managers are trained to proactively work with children and young people and their families in addressing complaints and representations and whenever possible to resolve issues without redress to the formal complaints process.

Once again, our success in this approach is illustrated in the relatively low numbers of formal complaints. However, there is no room for complacency and steps have now been taken to reinforce the need to deal with complaints in a structured and effective manner.

As a Department we pride ourselves on our dedicated approach to customer care. We are keen to have feedback on all aspects of our service. Your comments are invited to the Complaints Team, or to Jayne Ivory, Director of Children's Services.

#### **Communication with Children/Young People, Families and Staff**

In line with our Customer Care Procedures, we regularly review and update the information we make available to children/young people, families and the public regarding comments, complaints and compliments.

The leaflets are publicised by use of posters and the internet, which encourages the use of the complaints process.

The Complaints Team keep people informed about what is happening in relation to complaints in the following way:

- Produce an Annual Report
- Making sure that complainants are kept up to date with the progress relating to complaints investigation
- Ensuring recommendations from complaints investigations are received and are actioned within the services
- Ensuring complainants are informed of actions on each recommendations made as a result of their complaint.

## **Safeguarding Children and Young People/ Complaints/ Contracts and Quality**

### **Background**

- Children's Services (Social Care) has a responsibility to ensure the delivery of quality services, which are able to respond flexibly and sensitively to the needs of children and young people and their families. Implicit in this, is the recognition of the need to safeguard vulnerable children and young people.
- The systematic and effective handling of complaints and comments is essential, and the recognition of when these cross over into safeguarding and child protection, and therefore, more importantly, addressed under the correct procedure – safeguarding.
- The Complaints Team and the Quality Assurance Team work closely to ensure any complaints or safeguarding referrals that may fall into the 'grey area' between the 2 procedures, are triaged and dealt with under the appropriate procedure.
- If a complaint is made from a 'child in our care' the Complaints Team would ensure the Reviewing Officer is made aware and kept abreast of progress and outcome of the complaint.

### **Process**

- If a complaint is received identifying issues of a safeguarding nature then a referral is made to the Safeguarding Team via Customer Liaison and the Complaint suspended until such time as the outcome of the safeguarding investigation is completed. Should outstanding issues of the original complaint remain unresolved then the complaint is reinstated and an investigation undertaken.

### **Complaints – Independent Provider**

Upon receipt of a complaint or comment about a contracted service, the complaint is logged and acknowledged by the Complaints Team, and permission sought from the complainant to share the information with the Contracts Manager, and in turn the provider. Once the permission has been received, the complaint is shared with the Contracts Manager, who would:

- Inform the Service Provider of the complaint and carry out any necessary interviews
- Advise the complainant, the Service Provider and the Complaints Manager of the outcome of the investigation

## **Advocacy**

There is a commitment by the Department to provide advocacy for children and young people. The advocacy role is also used when complaints are made by children and young people. The service aims to make the complaints process available to everyone.

The Department has engaged the services Barnardos to take on the role of advocate for the children within the Local Authority.

## **Stage 2 – Independent Investigations**

Historically, the Department has preferred to use the services of an external Investigating Officer (IO) on a fee-paid basis in order to promote the independent element of its complaints process. This role can also be undertaken by a manager from a client group area that is independent of the service being complained about.

However, a review panel recommendation asked for the Department to consider having all complaints of a serious nature investigated by an Independent Investigator rather than a manager from the Department. This recommendation was accepted by the Department Management Team in September 2005 and has been in place since.

During the period 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2019 there have been 2 complaints progressed beyond the initial Stage 1 investigation and the services of an Independent Investigator and Independent Person was commissioned.

**Complaint 1** – Complaint by former Foster Carer's who felt that they and the child in their care had been let down by Children's Services Department, predominantly by the Social Work Practice and the Family Support Worker. There were 8 elements to this complaint and the external IO upheld 2 elements of this.

The Adjudicating Officer (DCS or deputy) accepted the IO's findings and responded to the complainant accordingly. An action plan was produced to reflect the findings. The complainants did not pursue their complaint beyond this stage.

**Complaint 2** – Complaint by Foster Carer's who alleged that the Authority had failed to support them adequately and to provide them with adequate information. The LA also failed to deal appropriately with allegations against them, and criticised them unfairly. There were 11 parts to this complaint; the IO upheld 3 parts and partially upheld another 3.

The Adjudicating Officer accepted all of the findings without reservation and wrote to the complainants to advise them of this. The AO apologised for the errors on the Local Authorities part with regards to the points upheld and an action plan was produced to ensure that we learnt from these errors.

## **Complaints Referred to Local Government Ombudsman**

Complaints can be referred to the Local Government Ombudsman LGO at any stage. However, if the Authority has not had the opportunity to address the complaint through the Complaints Procedure, the LGO will not investigate and will advise the complainant to contact the service.

The LGO investigated 2 complaints against Children's Services in the reported year. Both complaints were not upheld after consideration.

**Complaint 1** - Mr B complained that the Council did not properly consider his evidence when investigating his complaint following an incident involving his son. Mr B considers the Council accepted the child's mother's account over his own and the mother encouraged their son to fabricate the incident. Mr B was worried about the impact to his ongoing contact with his son because of the incident and the Council's action. Mr B was also concerned his son was not receiving play therapy as recommended and offered to his son's mother to take up.

**LGO Decision** - There was no fault when the Council conducted a child protection investigation involving Mr B's son or its handling of the complaint Mr B made about this. The reasons for the investigation and the outcome were appropriate and focussed on the needs of the child. The Council took all the information Mr B provided into account when dealing with his complaints in line with statutory procedure.

**Complaint 2** - Ms X complained that the Council removed her two children and placed them with their father following allegations of neglect. Ms X also complained that the Social Worker made things worse and the Council refused to change the social worker.

**LGO Decision** - A court is considering the arrangements for the children. Ms X can raise her concerns about the living arrangements and contact in court. It is a matter for the Council to decide who should be the social worker. Ms X can raise that in court if it is relevant to the court report or the welfare of the children.

## **Sharepoint and Respond database**

The monitoring information is collected by the Complaints Team using Sharepoint and Respond data for all Children's complaints. We have ceased our licensing arrangements with Respond W/E 1<sup>st</sup> April 2019, and now using the one system to log and manage all feedback and MP Enquiries.

## **The Independent Element Complaints**

### **Investigating Officer**

The Department has generally preferred to use the services of External Independent Investigators on a fee-paid basis in order to promote the independent element of its complaints process. This role can also be undertaken by a manager from a client group area other than that from where the complaint originated.

However, a review panel recommendation asked for the Department to consider having all complaints of a serious nature investigated by an External Independent Investigator rather than a manager from the Department. This recommendation was accepted by the Department Management Team in September 2005.

During the period 1 April 2018 – 31 March 2019 there has been 2 complaints progressed beyond the initial Stage 1 investigation and the services of an Independent Investigator and Independent Person was commissioned.

### **Financial Implications**

The total cost of Independent Investigators and Independent for 18/19 has been £3456.65 as opposed to £9676.80 for 2017/18.

There has been no cost of producing leaflets for this monitoring period. The Complaints team have printed off stickers with the new contact details and used the existing leaflets to save on costs.

## **4. The Complaints Team**

The Customer Care team used to support Adult Services and Children's Services (social care) and had previously consisted of a full time support officer, one 0.6 officer and one 0.6 manager. Following a review in 2017, it was decided that Corporate Complaints would merge with the Social Care Complaints Team.

The Complaints Team now consists of a full time Manager, a full time Complaints Officer and 2 apprentices.

### **Key Issues for Work Programme for 2019/20**

- The complaints team has been working very closely with Team Leaders and Managers with regards to resolving complaints informally.
- Plans to put together further training on how to resolve complaints at first contact, and when it is appropriate to escalate. The training will also assist with putting together complaint responses for Managers.

- Complaints Manager has been piloting ADR since November 2018 and this seems to be working well. We will continue with this approach as we have seen a huge reduction in formal complaints and zero requests for independent investigations.
- The Customer Care Team in the past, have written out on a 6-monthly basis reminding all LAC of their right to make a complaint. Unfortunately, due to changes within the structure of the team, this piece of work hasn't been completed this year. We endeavour to resume this contact with the assistance of Children's Services Managers.