Executive summary

This report provides information and data relating to statutory children’s complaints received by the Children and Young People’s Service (CYPS) between 1 April 2012 and 31 March 2013. It details complaints that were handled under the Children’s Statutory Complaints procedures and this satisfies the department’s statutory requirements under the Children’s Act 1989 Representations Procedure (England), Regulation 2006.

In addition, the report also provides an overview of statutory complaints handling within CYPS and details the actions taken to improve the management and handling of such complaints.

Summary of financial implications

There are no financial implications arising from this report. However, complaints costs, (which include compensation payments to complainants and external investigation fees) have been met through existing divisional and service revenue budgets.

Recommendations

That the report is noted.
Consultation

<table>
<thead>
<tr>
<th>Name of consultee</th>
<th>Department or Organisation</th>
<th>Date sent</th>
<th>Date response received</th>
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<tbody>
<tr>
<td>Cllr. Rachel Heywood</td>
<td>Cabinet Member for Children and Young People</td>
<td>26/11/2013</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sue Foster</td>
<td>Strategic Director Delivery</td>
<td>20/11/2013</td>
<td>-</td>
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<tr>
<td>Ian Lewis</td>
<td>Interim Delivery Director of Children’s Social Care</td>
<td>19/11/2013</td>
<td>21/11/2013</td>
<td>Through out</td>
</tr>
<tr>
<td>Alison Mckane</td>
<td>Governance and Democracy – Legal Services</td>
<td>20/11/2013</td>
<td>26/11/2013</td>
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Report history

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</tbody>
</table>

Report author and contact for queries:
Dunevia Ogwuda, Complaints Manager – Children’s Social Care
dogwuda@lambeth.gov.uk, 0207 926 9777

Background documents

- Children Act 1989 Sections 24D, 26 & 26A
- The Children Act 1989 Representations Procedure Regulations 2006 -Get it sorted - Providing Effective Advocacy Services for Children and Young People
- Getting the Best from Complaints, Social Care Complaints and Representations for Children, Young People and Others

Appendices

Appendix 1 - Summary of Statutory Complaints Procedure for CYPS
1. Context and purpose of this report

A statutory complaint can generally be defined as any expression of dissatisfaction in relation to an individual child or young person, which requires a response.

To this end the Children’s Social Care Statutory complaints procedure stipulates that an annual report must be produced for complaints made under the Children’s Act 1989 Representation Procedure (England) Regulations 2006.

The procedure further requires that the report should provide a mechanism by which the local authority can be kept informed about the operation of its complaints and representations procedure; should be presented to staff and the relevant management committee.

This report therefore provides information about complaints made during the twelve months between 1 April 2012 and 31 March 2013. It details how the department has performed against statutory timescales and plans for further development.

2. Statutory Complaints procedure

The Children’s Act 1989 Representations Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 require the local authority to have a procedure for resolving complaints and representations received by, on behalf of, or relating to children and young people.

The statutory complaints procedure applies to all services delivered by or on behalf of what was Specialist Services Division (SSD), which is now children’s social care. It incorporates the statutory procedure requirements that relate to social care services, provided under the children’s act, and associated legislation. This procedure also provides for representations made by or on behalf of children and young people who are entitled to receive a service that warrants inclusion in this procedure.

The procedure also dictates that the local authority should provide children and young people with information about advocacy services, and to offer them help in obtaining an advocate. The local authority has an established Children’s Rights Service which provides advocacy and support for children and young people who wish to access the complaints procedure. In addition, advocacy can also be provided by advocacy groups, Barnados, or legal representatives.

The key principles that underpin Lambeth’s Children’s Social Care complaints procedure are having clear and easy to access systems in place to capture complaints that are readily accessible to users, which ensures that complaints
are managed quickly and effectively at all stages of the procedure. Where necessary lessons are learnt which are then fed back into service improvements across the division.

2.2 Managers within children’s social care are encouraged to try to resolve problems at Stage one of the process, (which is in line with good practice highlighted by the Local Government Ombudsman), and where a quick resolution is not possible (or the customer remains dissatisfied) appropriate action is encouraged to ensure swift progress through the procedure.

It is essential that all teams delivering services capture and record complaints via the division's dedicated Complaints Manager. It is only by doing so that complaints can be tracked, and where things have gone wrong, managers can ensure that matters are put right quickly and lessons learnt. Senior management therefore regularly encourages teams to recognise complaints, and report these to the division’s Complaints Manager.

The statutory complaints procedure which the division operates has three stages, with a strong emphasis on resolving most complaints at the first stage.

3. **Local Resolution**

3.1 Within children’s social care it is considered that Stage 1 is the most important stage of the complaints procedure. Service managers provide a written response to the complainant within 10 working days. This can be extended up to 20 working days if the complaint involves complex matters or to allow time for appointing an advocate where a vulnerable person is involved.

The division’s teams and external contractors providing services on the Council’s behalf are expected to resolve as many complaints as possible at this initial point. The complaints manager continues to work in partnership with managers to ensure that quality responses are made at this stage within the stipulated timescales.

4. **External Investigations**

4.1 Otherwise known as Stage 2, this stage is usually implemented where the complainant remains dissatisfied with the findings of the Stage 1 investigation, and in rare cases if they have not received a response to their Stage 1 complaint over a prolonged period, perhaps due to the complexities of the case. Within CYPS statutory Stage 2 investigations are normally conducted by external Investigating Officers. This reassures service users that the investigation into their complaint/s is fair, impartial and without prejudice. It was noted during an Ofsted inspection within the reporting year that this method of dealing with Stage 2 complaints represents good practice.

4.2 For each statutory Stage 2 investigation, two external investigators are required - this is to comply with the relevant regulations. One assumes the role of Investigating Officer (IO) and the other the role of the Independent Person (IP).

As the name indicates, the IO leads the investigation of the complaint and
prepares a written report for adjudication by the relevant Assistant Director. The
IP who works closely with the IO is involved in all aspects of consideration of the
complaint. The consideration of the complaint (investigation) usually includes
interviews with the complainants/s and their representatives, file reading, case
mapping, interviews with relevant staff within the service area (which may also
include discussions with the service areas about the action to be taken in relation
to the child involved). This whole process is monitored and facilitated closely by
the division’s complaints manager, who also acts as the investigator’s point of
contact for the department, and is responsible for organising interviews with staff
e tc.

4.3 The investigators that work on behalf of children’s social care are drawn from a
bureau of trusted investigators and mediators who have several years of
experience of investigating children service complaints. The individuals, who are
appointed by the division’s complaints manager, are chosen according to their
expertise and availability.

Following an investigation, findings, and recommendations (which may include
recommendations for financial compensation) are set out in a report, and the
relevant Assistant Director then provides a written response on behalf of the
Council. Subsequently, the response, and a copy of the report are sent to the
complainant and/or their representatives, and relevant officers within the division.

The complaints manager then monitors any recommendations that are agreed to
ensure that they are implemented. The timescales for responding to a complaint
at this stage is 25 working days, with an extension of up to 65 working days for
complex cases.

5. Stage 3 - Independent Review Panel

5.1 Where Stage 2 of the complaints procedure has been concluded and the
complainant remains dissatisfied, he/she then becomes eligible to request further
consideration of the complaint by a Review Panel. In order to do this the Stage 2
investigation process has to be completed in full, as it is not possible to review a
complaint that has not yet been fully considered at Stage 2.

5.2 Panels are made up of three independent panellists (external individuals selected
from the said pool of investigators) who are appointed by the complaints
manager.

5.3 Following the completion of the review, the panel makes recommendations to the
Director of Children’s Services who then reaches a decision on the matter, and
decides what, if any, actions should be taken.

There are various timescales and tasks relating to Stage 3 complaints which
include:

- The complaints manager organising a panel within 30 working days of the
complainant’s request.
• The panel producing its report within 5 working days detailing its recommendations.

• The sending of the local authority's response to the complainant within 15 working days of the panel's report.

6. Local Government Ombudsman (LGO)

6.1 If the complainant is still not satisfied following the outcome of the Independent Review Panel, he/she has the right to take their complaint to the Local Government Ombudsman. Complainants can however refer their complaint to the LGO at any time, although the Ombudsman would normally send the complaint back to the Council for consideration under its own procedures, if it is established that the complaint has not completed the council's own process for handling complaints of its type.

7. Children's Social Care Statutory Complaints

7.1 The statistics provided here include complaints received directly by children's social care, and those received via the Corporate Complaints teams which were referred to the division. It details decisions made on whether to uphold or not uphold complaints made about the department, and details performance by divisions within the Children’s social care department.

Complaints are only one part of the process of providing a service and obtaining customer feedback. The overwhelming majority of the contact from service users is in the manner of requests for services. A formal complaint will only ever arise if the initial contact has failed to deliver the desired service.

CYPS's statutory complaints procedure mirrors the processes used in nearly all comparable local authorities, and is compatible with the Lambeth corporate complaints procedure; however there are variances such as timescales dictated by statutory arrangements which only apply to social care functions.

8. Proposals and reasons

8.1 The primary objective of CYPS Statutory complaints handling is to provide an open, accessible and accountable process that can offer an early resolution of dissatisfaction for service users. A further objective is to protect the department from receiving reports of maladministration and injustice from the Local Government Ombudsman (LGO) - which can be costly, time consuming and could damage the reputation of the Council.

Managers and staff within children’s social care are therefore encouraged to quickly recognise service failures and learn lessons from complaints, to improve service delivery, and to carefully consider financial remedies recommended by external investigators and the LGO.
As a result, children’s social care managers actively seek to engage in flexible approaches to complaints and enquiries, and wherever possible offer alternative means of resolution for service users - such as informal meetings with departmental heads, with the aim of reducing the length of time it takes to resolve complaints.

The complaints manager actively works with service heads to facilitate this process, providing advice and guidance for divisions and service users in order to broker mutually agreeable solutions to complaints.

9. **Summary of Statutory Complaints Activities – 2012 to 2013**

9.1 During this reporting year, a total of 114 statutory social care complaints were received within children’s social care and handled under the statutory complaints procedure. The division also received 6 ombudsman complaints regarding children’s social care services.

9.2 It is noted that the total number of statutory complaints levels have actually decreased over the last reporting year, with the last reporting year recording a total of 127 complaints.

This welcome decrease is most likely due to the renewed effort by service managers to deal with problems and concerns that service users have at a very early stage, thus preventing issues escalating into formal complaints.

10. **Total number of Statutory complaints received by children’s social care - 2012- 2013**

10.1 Table 1 below details complaints received by categories:-

**Table 1 – Statutory complaints by categories**

<table>
<thead>
<tr>
<th>Status of Complaint</th>
<th>Number of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>109</td>
</tr>
<tr>
<td>Stage 2</td>
<td>4</td>
</tr>
<tr>
<td>Stage 3</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>114</strong></td>
</tr>
</tbody>
</table>

10.2 Table 2 below shows by service areas the number of Stage 1 complaints received from April 2012 to March 2013 compared to the two previous years.
Table 2: Statutory Stage 1 Complaints by Service Area 2010-2013

<table>
<thead>
<tr>
<th>Service</th>
<th>2012-13</th>
<th>2011-12</th>
<th>2010-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adoption and Foster Care</td>
<td>20</td>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>Family Support &amp; Child Protection</td>
<td>25</td>
<td>27</td>
<td>16</td>
</tr>
<tr>
<td>Emergency Duty</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Leaving Care Team</td>
<td>4</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Children Looked After</td>
<td>23</td>
<td>22</td>
<td>25</td>
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<tr>
<td>Commissioning</td>
<td>0</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Unaccompanied Minors</td>
<td>0</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Access to Resources</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Referral &amp; Assessment</td>
<td>30</td>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>Safeguarding</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>Children with Disabilities</td>
<td>7</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL</td>
<td>109</td>
<td>120</td>
<td>95</td>
</tr>
</tbody>
</table>

10.3 Children’s social care is committed to the consistent handling and management of complaints across the department, and the above table reflects this commitment. It also shows that there are increases and decreases in complaints levels in the different teams, some more noticeable than others.

10.4 In line with the previous reporting year, the two service areas that received the highest number of complaints are the Family Support & Child Protection Service, and the Referral and Assessment Service. This is most likely due to the complexity of the various services these areas provide, and because of the sometimes contentious nature of the work that they have had to undertake on behalf of children’s social care.

10.5 The number of complaints received for other teams remained consistent within the last reporting year, with slight increases of complaints received in the Adoption and Foster Care and Children Looked After services. However this is offset by a marked decrease in the number of complaints received by the Leaving Care and Children with Disabilities teams.

11. Outcome of Stage 1 Complaints 2010 - 2013

11.1 Of the number of complaints received at Stage 1, only 19% were upheld and 15% were partially upheld. This means over half of all Stage 1 complaints received where not upheld (see table 3 below). This clearly demonstrates that complaints are taken seriously within the department, and where a service is at fault, this is accepted and mistakes are put right quickly.
Table 3 - Outcome of Stage 1 Complaints 2010 - 2013

<table>
<thead>
<tr>
<th>Year</th>
<th>Not-upheld</th>
<th>Part-upheld</th>
<th>Upheld</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 to 2013</td>
<td>66%</td>
<td>15%</td>
<td>19%</td>
</tr>
<tr>
<td>2011 to 2012</td>
<td>54%</td>
<td>21%</td>
<td>25%</td>
</tr>
<tr>
<td>2010 to 2011</td>
<td>52%</td>
<td>27%</td>
<td>21%</td>
</tr>
</tbody>
</table>

12. Statutory Stage 2 and 3 Complaints

12.1 In line with the last reporting year the vast majority of statistical complaints received in the department where resolved at an early stage in the process, and this reporting year 95% (109) of all complaints received where resolved at Stage 1 in the complaints process. Furthermore only 4% (4) of complaints where escalated to Stage 2 and 1% (1) of complaints were escalated to Stage 3 (as detailed in table 4 below). This is compared to 5 Stage 2 complaints, and 2 Stage 3 complaints investigated in the previous reporting year.

Table 4: Statutory Stage 2 and 3 Complaints by Service Area

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Stage 2</th>
<th>Stage 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral and Assessment</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Fostering and Adoption</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Family Support and Child</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Protection</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

13. Escalation to Stage 2 and Stage 3

13.1 As mentioned previously, consideration of statutory complaints at Stage 2 is normally achieved through an investigation conducted by an investigating officer and an independent person. Stage 2 commences if the customer is dissatisfied with the Stage 1 response and requests that the complaint is escalated or in cases where the complainant and the local authority have agreed that Stage 1 is not appropriate.
In cases where the complainant is still dissatisfied after Stage 2 of the complaints procedure has been concluded, the complainant is then eligible to request further consideration of the complaint by a Review Panel. Further consideration of the complaint can also include (in rare circumstances), early referral to the Local Government Ombudsman.

13.2 Therefore the level of statutory Stage 2 and 3 complaints is often a useful barometer of the effectiveness of the department in resolving complaints at an early stage.

Children’s Social Care has been very successful in ensuring that Stage 1 complaints are addressed effectively (with close consultation with complainants), particularly through the provision of clear explanations for why a complaint was not upheld.

13.3 This extremely low rate of escalation demonstrates that statutory complaints are being effectively resolved at Stage 1 of the complaints process, and that the majority of service users who put in a complaint were satisfied at how their complaints where resolved at an early stage.

That said, in those instances were complaints are fully or partially upheld, customers are given a full apology for the mistakes. The outcomes of all complaints highlight areas where a particular service may require a review of their policies and procedures as part of the council’s overall commitment to learning from complaints.

14. Timeliness of responding to Statutory Complaints

14.1 Detailed in Table 5 below are performance percentages in terms of timeliness of responses for the reporting year across children's social care as a whole.

14.2 It shows that there has been a decrease (by 18%) in overall timeliness performance for Statutory Stage 1 complaints, which is reporting 73% average performance across the department for the current reporting year (compared to 91% reported in the previous year).

14.3 There could be a number of reasons that may have led to this drop in performance for Stage 1 complaints, and this has been noted as an area for urgent improvement across the department. Development and improvement measures will include updating the Stage 1 complaints handling skills of some officers, with the emphasis being on high quality investigations and speedy resolutions achieved within stipulated deadlines. Furthermore, management being aware of this decrease has also approved an improvement plan (as detailed in paragraph 22) to ensure that complaints are dealt with in a timely manner.

14.4 It is noted that regrettably, performance regarding the four Stage 2 and one Stage 3 complaints received have also not met the targets stipulated. This could be due to the complexities of these types of complaints which often (by their very nature), involve long and protracted external investigations - which also include interviews with complainants, their solicitors and/or representatives, and relevant officers within the council. This process is also followed by a period of
adjudication which in itself takes time; however complainants and their representatives are always kept informed if there are delays concerning their cases.

**Table 5: Timeliness of Statutory Complaints 2012-13**

<table>
<thead>
<tr>
<th>Status of Complaint</th>
<th>Number of complaints received</th>
<th>Percentage of complaints responded on time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>109</td>
<td>73%</td>
</tr>
<tr>
<td>Stage 2</td>
<td>4</td>
<td>0%</td>
</tr>
<tr>
<td>Stage 3</td>
<td>1</td>
<td>0%</td>
</tr>
</tbody>
</table>

15. **Local Government Ombudsman (LGO)**

15.1 Children’s social care only received 6 ombudsman complaints that required a response during the reporting year.

15.2 There were also no LGO maladministration reports for the department between 1st April 2012 and 30th March 2013.

15.3 Table 6 below gives details of the outcome of LGO complaints received for the department.

**Table 6 – Children’s Social care outcome of LGO complaints – 2012-2013**

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Upheld</td>
<td>4</td>
</tr>
<tr>
<td>Part Upheld</td>
<td>0</td>
</tr>
<tr>
<td>Outside jurisdiction</td>
<td>1</td>
</tr>
<tr>
<td>Upheld</td>
<td>0</td>
</tr>
<tr>
<td>Referred back to Council</td>
<td>1</td>
</tr>
</tbody>
</table>

The current Local Government Ombudsman’s Annual Review Report on Lambeth is published on their website at:

http://www.lgo.org.uk/CouncilsPerformance/?letter=L
16. **Statutory Complaint themes - 2011-12**

16.1 Under the statutory complaints procedures, the majority of issues complained about fell into the categories detailed below:-

- disputed decisions concerning the safeguarding and protection of children
- delay and inaccuracy of core and initial assessments
- delays in delivering on promised actions
- contents of or changes to care packages
- conduct/behaviour of social workers
- requests for changes of social workers.
- delays in completing assessments
- complaints regarding supervised contact and access

16.2 Across the division, there were also pockets of concern in some service areas, regarding the general quality of service and issues to do with difficulties communicating with the department; however this was not noted as an issue for the department as a whole.

17. **How were Complaints received?**

17.1 The majority of complaints to the department where received by either email or letter (estimated at 90%), however some complaints were also received via the online complaints form, by phone, and hand delivered.

18. **Who Complained?**

18.1 The majority of complaints received by the division were from parents who are service users, or who have children receiving services from the department. There were also complaints from Foster Carers and representations from external partners such as other local authorities.

However some complaints where also received directly from young people or via their advocates.

19. **Representations**

19.1 In addition to formal complaints, there is a statutory requirement to collect data on Social Care Representations. Representations may include positive remarks or ideas that require a response from the local authority, and could also include enquiries or comments about the availability, delivery, or nature of a service, which are not criticisms, and must not be recorded as complaints.

19.2 Only 5 social care representations were recorded as received within the division this reporting year. This is more than likely due to staff dealing with
representations as 'business as usual' correspondence and requests. As a result more work will be done to highlight the importance of recording representations made directly to staff in the various services.

20. **Complaints Expenditure for Stage 2 and 3 investigations**

20.1 In order to demonstrate our commitment to transparency, and to increase trust in our procedures and our handling of complaints, children’s social care has consistently commissioned out the investigation of Stage 2 and 3 complaints to external investigators through a mediation bureau.

20.2 This is to ensure that complainants are assured that their complaints are looked at impartially, and that the investigation into their complaints and the recommendations that follow are made by external investigators that are independent of the council.

20.3 As a result, the department is able to gain valuable unbiased insight into the issues complainants and service users are most concerned about, and are also given the opportunity to act on recommendations made by the external investigators.

20.4 Complaints expenditure for the services of the mediation bureau used for Stages 2&3 complaints totalled £21343.75 this reporting year.

21. **Problem solving, resolutions, and learning from complaints**

21.1 Complaints received within CYPS social care division are regarded as opportunities to learn from the issues service users are complaining about. This encourages an atmosphere of transparency which often leads to service improvements and change of practise if necessary.

21.2 Solving the type of problems that leads to complaints is at the forefront of the division’s approach to responding to children and young people and their carers. Thus, involving people and agencies who provide independent advice (as with external investigators) assists with problem solving, and may prevent future dissatisfaction for service users, which may have then developed into complaints.

Staff in the children’s social care Division are made aware that they should always consider unresolved issues as potential complaints, and are encouraged to always ensure that all reasonable attempts are made to resolve service users concerns in order to avoid such issues escalating into complaints. That said it is clear to all staff that problem solving is not to be used to divert an eligible person from making a complaint under the statutory procedure.

21.3 Within the division, an attempt at resolution and learning from complaints does not end once a complaint has been made and subsequently ‘resolved’. Rather, the division strives to ensure that continued efforts are made to further resolve matters and improve services in the area that was complained about.

21.4 Apart from apologising when we get things wrong, the division also has alternative ways of resolving complaints which ensure that agreements reached
are in the very best interest of the child/children concerned. This includes:-

- Very senior managers meeting with complainants personally and listening to their concerns and taking specific action (as necessary) in relation to the service area that is being complaint about.
- Reassessment of the needs of the child/children.
- Reviewing of practice and full explanation of decisions made.

21.5 In order to achieve the maximum benefit from this, senior management within the division continue to support officers in providing a consistently high-level of service. To assist with this, the Complaints Manager continues to work with Service Heads to support staff involved in all stages of the complaints procedure, ensuring that promises made in responses are implemented within stated deadlines, and by continually reviewing the training needs of officers involved in producing responses within the respective service areas - and offering one to one and service training in the area of complaints, responding and learning from complaints.

21.6 CYPS also has a well developed internal advocacy procedures and services for Lambeth’s children and young people through the internal Children’s Right’s service. This service provides a sensitive, child-focused service, which is a valuable resource in terms of learning lessons from the complaints and concerns of young people.

21.7 Children’s social care also commissions an external Advocacy provider - Barnardo’s, who offer Advocacy along side Lambeth’s internal Children Right’s service. Children and young people are able to self refer and to be referred to these services.

The department continues to benefit from the important feedback received from the internal Children’s Rights service and the external advocacy service commissioned by CYPS.

21.8 Examples of areas where complaints have informed service improvements include:-

- As a direct result of a complaint received the department has changed the procedures on investigating allegations against foster carers.

- There is also a renewed focus in the various services regarding good case recording on Framework (the social care database). This improvement in record keeping assists greatly in the event of a complaint investigation, or in the event of a customer making a Subject Access request.

- There has been renewed effort also in ensuring that young people and their representatives are routinely informed if there is going to be a delay in responding to their complaints or service requests. This assures the complainant/service user that the department is taking their complaints and concerns seriously, and that a delay in responding does mean that there will not be a resolution that will satisfy all parties.
Following feedback from young people, hard copies of pathway plans are provided to young people in person by their social worker rather than sent by post. In addition and (if this is the preference of the young person) it is the social worker/personal advisor’s responsibility to go through each plan with the young person involved. This is to ensure that all areas in the plan are clear, agreed, and understood by the young person involved.

22. Improvement Plan

22.1 The following improvement measures will be in place going forward:

- Regular monitoring of statutory complaints via a weekly list to the Departmental Leadership Group (DLG) using a RAG system that flags up items due for response well in advance of the actual due date. This list alerts senior managers to potentially serious or complex complaints for early intervention, and also gives information regarding which officers are dealing with them - as well as a summary and weekly update of each individual complaint.

- The roll out of complaints training and workshops for individual service areas, which will include team and one to one training.

- Encouraging managers to have reconciliation meetings with complainants to seek alternative dispute resolutions.

- Proactively advising managers to seek early extensions to resolve complaints - where it is clear that longer time is needed to complete an investigation.

- Meetings with Heads of Service to identify lessons learnt following Stage II investigations and to track recommendations to ensure timely implementation.

- Continued contributions to corporate initiatives and projects regarding customer care, and regularly providing DLG with updates on action taken to address customer concerns across the council.

- Continuation of partnership working with the Children’s Rights Service to ensure that children and young people know how to access the statutory complaints procedure.

- Intensive support provided to service areas with a high volume of complaints and enquiries to assist in managing high workloads.

23. Finance Comments

23.1 This report provides information and an update on CYPS Statutory Complaints performance for financial year 2012-13.
23.2 The report aims to give an overview of statutory complaints handling within CYPS’s social care division, and seeks to improve the management of statutory complaints and provide details of performance by service areas.

23.3 There are no financial implications arising from this report and all complaint costs including any compensation payments are met from existing departmental revenue budgets; no additional funding sought.

24. Comments from Director of Governance and Democracy

24.1 The Children Act 1989 (as amended by the Adoption and Children Act 2002) particularly section 26 of the Act, imposes a duty on local authorities to establish a procedure to consider representations, (including complaints) made by children, young people, foster carers, parents and other adults about the discharge of local authority functions in relation to a child or young person.

24.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 sets out the detailed requirements, and regulation 13 sets out the Council’s duty to “monitor the arrangements that they have made with a view to ensuring that they comply with these Regulations in so far as they regulate the procedure for the consideration of representations under section 26 of the Act”. Pursuant to this duty, the Council must monitor these arrangements by keeping a record of:

(a) each representation under section 26 received;

(b) the outcome of each such representation; and

(c) whether there was compliance with the time limits specified in the Regulations.

In addition, and for the purposes of such monitoring, regulation 13(3) requires the Council, as soon as possible after the end of each financial year, to compile a report on the operation in that year of the procedure set out in the Regulations.

25. Results of consultation

Not applicable.

26. Organisational implications

Not applicable

27. Risk management:

27.1 Failure to respond to statutory complaints on time can lead to potentially time consuming and expensive measures for the Council. This risk is kept to a minimum by stringent monitoring of the statutory complaints service, and by continuous learning from complaints and listening to and using feedback from
service users to inform service improvements.

27.2 A corporate compensation policy exists which is linked to the complaints. By defining and analysing complaints accurately, service areas and external investigation working on behalf of children social care explore means of redress where complaints are upheld, which has helped to reduce compensation claims and the potential for Ombudsman’s findings of maladministration.

28. **Equalities impact assessment:**

28.1 The Statutory complaints procedure provides a medium ensuring children and young people and service users are able to voice concerns about the service offered by the department. Children and young people are offered the opportunity of advocacy, and an interpreting service to assist them in making complaints. Complaints information is available in formats that ensure fair access, and meet the needs of a cross section of the local community.

29. **Community safety implications:**

29.1 Complaints relating to safeguarding of children/young people are outside the jurisdiction of the complaints procedures and are dealt with under Statutory Child Protection procedures. The exemption being where the complaint relates to procedures not being followed.

30. **Environmental implications:**

None

31. **Staffing and accommodation implications:**

None

32. **Any other implications:**

None

33. **Timetable for implementation**

Not applicable