

Telling Concerns Practice Guides Complaints



Further copies of this practice guide - and of those in the same series dealing with Advocacy and Whistleblowing - can be obtained from:

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Introduction

The aim of this Practice Guide is to disseminate information and insight gained during the process of the Children's Commissioner for Wales' Review of the operation of representations and complaints procedures, whistleblowing procedures and arrangements for the provision of children's advocacy services in local authority social services throughout Wales. It also identifies practice, documents and procedures from local authorities which we believe it would be helpful to share.

The report on the review - *Telling Concerns* - was published in February 2003 and contained 25 recommendations about children and young people's complaints and representations. The implementation of these recommendations will further enable and support children and young people to express their concerns, anxieties or fears in full confidence that they will be listened to, and taken seriously. This will contribute to their safety and wellbeing.

We hope that local authorities who wish to amend their existing policies in the light of the recommendations in *Telling Concerns* will find this guidance useful.

Case Study

Background

Siân is 14 years of age and has been the subject of a care order since she was 9 years of age. She has been living with her current foster carers, John and Beth for nearly 2 years. She has previously lived with two other sets of foster carers. Her younger half brother and sister, Daniel (12) and Rebecca (9) live with another foster family about 10 miles away and Siân keeps in close contact with them as well as some of her family members. Siân's parents are unable to provide care for the children either now or in the future.

Siân has moderate learning difficulties. Over the last few months she settled well with John and Beth, and is starting to do better in school. She has two good friends, Katie and Gareth, and this had made a tremendous difference to her outlook on life.

Twelve months ago, Siân's paternal aunt came forward offering to provide a permanent home for her. Social Services took this offer seriously and initiated the foster carer approval process. At the outset, Siân was feeling quite positive about this option as she gets on quite well with her aunt. However her aunt lives 30 miles away and by now Siân feels comfortable with John and Beth and values the proximity and the level of contact that she has with her brother and sister. Siân has explained her change of heart to her social worker, Karen, but feels exasperated that her wishes are not being heard. She wants to have more contact with her aunt and family but wishes to stay with John, Beth and the children.

At the LAC meeting, Siân and her foster carers are informed that Social Services have approved Siân's aunt as a foster carer and that they believe that living with her aunt is the best long term option for Siân. Siân is very angry and upset about this and tells her foster carers that she did not think that her social worker had taken account of her wishes and views at all. She is anxious about maintaining contact with her brother and sister. Her foster carers try to reassure her saying that they would continue to support her. Siân says that she wants to complain about the decisions that social services are making about her life.

Can Siân make a complaint?

Telling Concerns reports that local authorities have considerable progress to make before they meet the challenge of the Children Act and ensure that the complaints procedure 'is understood and accepted' by children and young people (The Children Act 1989, Guidance and Regulations, Volume 3, Chapter 10, paragraph 10.4). Further, children and young people tell us that they need to feel that their expressions of concern or anxieties

will be taken seriously. They need to feel confident that their wishes and views will be considered and taken into account when decisions are made about them.

Providing information in an interactive way that actually demonstrates to young people that complaints can and do lead to change is one way of encouraging children and young people to have trust in the complaints process.

Later on that evening, John sat down with Siân and got her to talk about what she wanted. Siân said that she very much wanted to stay with them. John agreed to help Siân make a formal complaint to social services about her wishes and views not being represented, and therefore not being taken into account.

Telling Concerns reflects on the ambivalence that foster carers may have about their involvement in supporting a young person through the complaints process. Mindful that the majority of accommodated children and young people live with foster carers, it is vitally important that foster carers along with all other staff are informed, supported and receive training on the complaints process. In this case example, Siân is fortunate that her foster carers feel confident about supporting her to access the complaints procedure.

Practice Examples

The Vale of Glamorgan has a comprehensive strategy for informing all staff, as well as elected members, about the complaints process. Importantly, foster carers were given specific reference with information about the re-launched complaints procedure being distributed to foster carers via:

"... regular newsletter and at a presentation to be given by the Children's Complaints Officer at their forum meeting in the autumn. The Vale has recently provided all foster carers with Personal Computers. During the next phase of development there will be e-mail access for all foster carers. This will lead to all the support systems and information available on the Council's intranet being accessible to foster carers".

Neath Port Talbot described their process of informing staff within the authority with the Complaints Officer having an input into the Induction Training for all new staff, clearly an important part of awareness raising amongst staff. The Officer also visits the Child Care Teams to raise the profile of both the complaints process and the Officer.

As part of their foster care information pack, John and Beth have a copy of the complaints leaflet and they try to go through the leaflet with Siân although they are fully aware of Siân's sensitivity about her limited reading and writing skills. The leaflet is 6 pages long and has no illustrations. It is very formal, and all three struggle to understand the process.

Children and young people must be enabled to easily access and make sense of the complaints process. It appears that most local authority social services have primarily depended on a leaflet and/or posters in order to publicise and explain the complaints procedure, and most recognised the importance of involving children and young people in the design of the materials.

Consultation on wider issues to do with the complaints process in general is rare, but there are positive examples.

Practice Examples

Gwynedd employed a worker to consult specifically with groups of young people who are 'looked after' to discuss the complaints process. Their comments were included in the Children's Services Plan and led to changes in the role of the Complaints Officer.

Caerphilly decided to conduct a survey of children and young people who had accessed the complaints process.

Rhondda Cynon Taf has redesigned their complaints leaflet following a consultation process with young people involved in their 'Looked After Children Forum'.

Presenting information about the complaints procedure in more varied, child centred and creative ways is a challenge to which only some authorities in Wales have begun to respond.

Practice Example

Swansea referred to the information being available for children and young people on videotape as well as via leaflets/posters.

As emphasised in *Telling Concerns* the Children's Commissioner is concerned that so few authorities have made any special arrangements to ensure that marginalized groups of young people or young people who are hard to reach, e.g. who have a learning difficulty like Siân, a physical disability, who come from ethnic minorities or traveller families, or who are very young children, are able to easily access the complaints procedure.

This is an issue that needs to be urgently addressed in consultation with children, young people and groups who have some expertise in these areas. Local authority social services would benefit from sharing ideas and expertise with each other.

John and Beth decide to give Siân some space to think things through. Karen, the social worker, has been in contact to arrange a time for Siân and herself to go over to meet up with her aunt and family. A week later Siân comes home after being to see Dan and Becky (her brother and sister) and she is very quiet and upset. She breaks down in tears and explains to Beth that she is worried about the situation.

That evening, after talking a bit more with Beth, Siân decides that she is going to go ahead with the complaint. Beth gives her the telephone number of the Children's Complaints Officer and encourages her to contact the number there and then. She is aware that Siân is under a great deal of pressure and that unless something is done; Siân might do something silly and take off. She has done this in the past when things were difficult.

The phone rings and rings, and eventually Siân hears a recorded message. The sound is crackly and a bit distorted, but after the second attempt, Siân understands that she can leave a message, but she is not told to whom that message will go and what will happen next. She is reluctant to proceed. Beth persuades her to carry on, and on the first attempt, Siân's message overruns the message facility. It takes Beth and Siân three attempts to leave a message that they are happy with. Siân is left feeling that she has not been heard, and that nothing will happen.

Siân's situation here gives some indication of the pressure a child or young person might be under when dealing with a situation that he or she might be unhappy about. The *Waterhouse Report* requires local authority social services to ensure that what could be a very difficult step, i.e. picking up the phone and making a complaint, is made as easy as possible for a child or young person. There needs to be more thought given to the response that a child such as Siân, in a state of great distress and worry, will receive when the call is made.



Practice Examples

In addition to the expected practice of informing children and young people of their right to complain (and how to access the complaints process) via LAC Information Packs, information leaflets regarding Advocacy Services etc, Monmouthshire, have ensured that every child or young person who is looked after is visited, and provided with an explanation :

" They have all been given a laminated card with a freephone number and booklet on the procedure. Each young person who becomes looked after is contacted personally by the CRO within 1 month where possible. The CRO also meets a group of looked after young people who meet on a monthly basis".

Telling Concerns recommends that young people like Siân should be able to contact the local authority both during and out of office hours. Rhondda Cynon Taf has recently launched a specific free phone complaints line, following consultation with their 'Looked After Children Forum'. This service is currently available to looked after children and young people in various care settings, residential and foster, including children and young people placed out of county or in secure accommodation.

When Siân came home from school the following afternoon, there was a message from a man called Martin, who explained that he was a Children's Complaints Officer and that he would be in touch later on that afternoon. Chatting to him on the phone about her complaint was much easier than Siân had expected. Martin explained things very simply although there was a lot for Siân to take in all at once, for example, how the advocacy service would be able to help her, what would happen next etc.

Martin arranged a time to meet with Siân the following week to go over it all with her. He was careful not to promise anything but the main thing he said that made Siân feel better, was that any decision about her moving would be put on hold until her complaint had been looked into.

Siân felt so much happier coming off the phone!

Telling Concerns has three recommendations pertaining to the role of the Designated Complaints Officer. Recommendation 3.11 refers to the importance of the Designated Complaints Officer's role being assigned to a senior officer within the local authority whilst recommendation 3.12 encourages the supervision of the Officer to be external to the management of children's services. The third recommendation, 3.13, stresses the need to appoint a specific Children's Complaints Officer (like Martin), in line with the third recommendation of the *Waterhouse Report*. It is important that this role is fulfilled by someone with the requisite skill and knowledge base and the ability to communicate effectively with children and young people.

Practice Example

The Vale of Glamorgan involved children and young people who are looked after, in the interview process to appoint a Children's Complaints Officer.

It is also important that the Children's Complaints Officer is able to demonstrate to young people like Siân that whilst their job is independent of the decision making processes about service provision, they are able to ensure that during the life of the complaint, all decisions about service provision will be frozen (unless of course, the child or young person may be shown to be at risk of significant harm).

That the decision to move foster placements is frozen, whilst the complaint is dealt with, is very important for Siân. If the move happened regardless, what would have been the point of making a complaint? This can be a complicated and vexed issue for local authority social services; decisions about placement moves are sometimes beyond their control. Sixteen local authority social services however, stated that they freeze decisions which have a significant impact on the life of a child or young person, until the formal complaint process has been processed.

Siân was at the 'Rock House' drop-in centre a few evenings later. She was very preoccupied about her future. She had no idea whether this complaint was going to make any difference.

She spoke to her friend Gareth about the situation. Gareth had been looked after for some time himself when things had been very difficult at home. He encouraged her to get in touch with the 'Two - Way' Advocacy Project in town, and offered to come with her.

Practice Example

Powys explained how they recognised the importance of the role that friends and peers of young people may play in scenarios such as this and the importance of recognising and encouraging friends and peers to assist with a complaint or representation. Reference was made to the Oasis Project which is developing 'peer support' structures in secondary schools in Powys so that young people can access advice and support from peers who have been trained to carry out the task. This might then include assistance to access the complaints process or an advocacy service.



Some sensitivity is needed in this area and local authority social services need to be careful not to over formalise what is often a fluid and dynamic set of relationships. The importance and influence of peer support, within a process such as complaints, is not fully explored or understood. We are aware that peer led approaches are effective in conveying information to children and young people and the Children's Commissioner is interested in how these ideas develop in the near future.

Friends or individuals from the child's family or community may not have the specialist knowledge and expertise of professional advocates, however, informal advocates chosen by young people will sometimes have a wealth of knowledge and experience as well as the benefit of an established relationship and are able to offer support. Lay advocates will need to be guided by the professional advocate appointed by the local authority social services.

Practice Example

Wrexham states that these options are kept open for young people and that they are enabled to choose individuals 'who they feel more comfortable with' as advocates, as well as being given information about the formal advocacy service.

Siân invited her friend Gareth to the meeting with Martin, the Children's Complaints Officer. Martin had agreed to meet up with her in a quiet corner of the café at the Leisure Centre. Martin was ok about Gareth being there and went on to explain what exactly would happen next. He gave Siân a video about the complaints process which the 'Two-Way' advocacy project had produced with a group of young people who were looked after.

Martin explained that usually Social Services would have a look at the problem first and try and sort it out in what they call 'an informal stage'. Siân was worried about this because she remembered how determined her social worker had been about the change of placement at her last Statutory Review. She told Martin that she could not see the point of this. Her friend Gareth said that she would be able to have her complaint considered more formally straight away, if she so chose and Martin agreed.

They finished off talking about what exactly Siân wanted to write down as her complaint. Martin said he would write it up and send it to Siân the following day, so that she could check it out, make sure she was happy with how it was written and run it past her Advocate, Will, whom she had arranged to meet the following day.

This stage is often a difficult balancing act for the Complaints Officer. Martin, has to be mindful of the benefits of resolving problems 'as near to the point at which it arose as possible' whilst at the same time respecting and protecting a young person's wishes, views and rights.

Practice Examples

Ynys Môn policy states:

'The Department offers the choice of accessing the complaints procedure at Stage 1 or Stage 2. Under Stage 1 the Department tries to resolve problems within 14 days of the initiation. However the young person has the right to register a complaint formally under Stage 2 of the Guidelines, if they wish'.

In Neath Port Talbot, the Children's Complaints Officer makes a personal visit to the child / young person making a complaint, clarifying the position directly with them. The Officer has a laptop, and he/she encourages the young person to write their own complaint with support as required. An advocate can also be present. The written account of the complaint is then printed and the young person may sign the agreed version and keep a personal copy -

'Young people are encouraged, if they wish, to be involved in writing the letters to any Managers or Officers involved in their complaint. They receive copies of correspondence. The complaint is always written in the young person's 'voice'. The Complaints Officer is open to being as creative as possible to ensure the child or young person is involved in composing their complaint (by whatever medium)'.

Siân was told by her advocate Will that a woman called Sue Phillips was coming to interview her. Will described her as an 'Investigating Officer'. She worked at the same Social Services Department but not in the Children's Services Division. Siân talked this through with Will and was worried about how 'fair' she could be if she worked at the same place. Will had reassured her and explained that he would be present so that if she wasn't happy about anything, he would be there to support her.

When Sue arrived, Siân recognised her instantly as her previous social workers manager. Siân immediately felt suspicious that Sue would not hear her concerns about the change of placement, but would automatically side with the Department.

It is understandable, in the above scenario that Siân is going to be suspicious of an Investigating Officer like Sue whom she associates with the social services decision making process, with which she is in conflict. The 14 local authority social services who

direct 'internal' staff to carry out the Investigating Officer role, will find it more difficult to inspire confidence in their complaints process for young people, like Siân. Confidence in a policy and a process, and the transparency of an investigation, and ensuing outcomes, need to be evaluated from the perspective of children and young people.

Practice Examples

Gwynedd is one of various local authorities who always appoint Investigating Officers from a specially recruited and trained pool of independent people to carry out the task.

The work produced by the All Wales Group Complaints Officers Group in promoting best practice, procedures and a standard job description for Investigating Officers is to be endorsed.

A few months later, Siân bumped into her friend Gareth as she was going home from a meeting at the 'Two way' advocacy project.

Siân told him that the 'Two way' project had just started being involved in meetings with Social Services, and young people who were looked after, were able to say things that were on their minds and talk about stuff that had come up at the 'Two way' project.

The things that the young people say are all written down as goals or targets for change, and in the next meeting, the Director of Social Services has to explain what's happened with them.

Most excitingly, there was opportunity for the young people themselves to be involved in drafting policy developments or changes.

Most local authority social services reported that at present their Annual Report about Children and Young People's Complaints and Representations is not made specifically accessible to children and young people although some stated their intention to do so. This may not be the most effective medium, and all local authority social services need to think creatively about how a continuous cycle of information and feedback from and to children and young people is to be achieved.



A number of local authority social services described positively their vision of an organisational culture that strives at many levels to promote and safeguard the rights of children and young people, from their participation in developing services to hearing messages from children and young people through the complaints process

Practice Example

The Vale of Glamorgan publicises a newsletter 'Cool Info', which is created by looked after young people, working with the Children's Complaints Officer. It is driven by the young people involved and provides information about all kinds of events and relevant issues.

The Vale of Glamorgan states their aim of:

'...reinforcing a culture of openness and honesty. . that encourages listening to children and young people . . . in processes such as review meetings, complaints systems and in the planning and delivery of services that help children and young people from feeling isolated or alone, unimportant or invisible'.

Thus, the children's complaints and representations process is viewed as a core element of a much wider strategy of involvement and feedback from children and young people, rather than an enforced legal duty. Local authority social services need to be able to present their responses and actions in a transparent way in order to demonstrate clearly that changes have come about because of the complaints process.

It is clear that Siân has been involved in a forum arranged by her Advocacy project, where she felt that she and her peers were listened to by the local authority social services. There are positive examples of local authority social services entering into dialogue with children and young people looked after via Advocacy Projects and by other means. Such examples are piecemeal and it is apparent that more thought is needed to ensure that local authority social services maintain a two way channel of communication with children and young people that is open and meaningful.

Practice Examples

Torfaen explain how their authority prepares individual action plans in response to each stage 2 complaint.. Torfaen also aim to produce a quarterly report on the outcomes of the complaints to the Divisional Management Group so that themes and general issues can be discussed and acted upon.

In Denbighshire, the Complaints Officer is located within the Business Support and Development Section of the Social Services Department and the authority report that information from the complaints process has led to direct changes to their policies.

Ceredigion presents detailed Action Plans with clear targets for action and set timescales in their Annual Report.