



Review of the Complaints System in the Secure Estate for Children and Young People

Summary and Action Plan

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Summary

This document summarises the full report *Review of the Complaints System in the Secure Estate for Children and Young People*,¹ and also provides an action plan outlining how we will be taking forward the recommendations made in the full report.

All secure establishments for under 18-year-olds operate a system that allows young people to complain about any aspect of their care or treatment while in custody.

The purpose of the full report was to review the complaints system across the secure estate for children and young people, and to address the key concerns on the issue raised in recent reports. As part of this review, the Youth Justice Board for England and Wales (YJB) commissioned the charity User Voice to work with groups of young people across the secure estate to explore their views of the complaints system, and their suggestions for improving it.

Issues to be addressed

There have been several reports and reviews that have criticised the current complaints system. These are summarised in the table below.

Table 1: Summary of key criticisms of current complaints system

Report	Date	Recommendation
Lord Carlile's inquiry into children in custody ²	Feb 2006	"All children should have easy and confidential access to information, advice and support from appropriate outside agencies."
Coroner's Rule 43 letter, following the inquest into the death of Gareth Myatt	July 2007	"Where any complaint by a trainee is being investigated, it is essential to talk to the trainee. It is not adequate simply to proceed only on the basis of what the trainee has put in writing, and then interview only the staff. The practice should be adopted, whoever is investigating the complaint, that the trainee is spoken to, not only in the initial stages, but during the course of the investigation and after

¹ *Review of the Complaints System in the Secure Estate for Children and Young People*, Youth Justice Board for England and Wales (YJB, London, 2011).

² *An Independent Inquiry into the Use of Physical Restraint, Solitary Confinement and Forcible Strip Searching of Children in Prisons, Secure Training Centres and Local Authority Secure Children's Homes*, Lord Carlile of Berriew, QC (The Howard League for Penal Reform, London, 2006).

the investigation as well.”

“There must be a clear policy developed by the relevant Ministries, the YJB, in fact all those involved, as to the circumstances in which matters such as complaints by a trainee and/or injuries to a trainee are referred to the local safeguarding children’s board, and/or to other local children’s services and/or to the police or any other outside body.”

“There must be a clear protocol as to what action should be taken and by whom when a complaint is made by a trainee, or after a decision has been taken to refer injuries or any other matter to an outside body. In particular, there should be a clear protocol as to the circumstances, if any, in which it might be appropriate to ask the STC [secure training centre] itself to investigate any matter. The reasons for a withdrawal of a complaint need careful investigation by outside bodies.”

Review of Safeguarding (YJB and National Children’s Bureau, 2008)³

Dec 2008

Although young people were aware of their right to complain and how to make a complaint, they expressed mixed views about the value of doing so. Themes of concern about the complaints system in YOIs [young offender institutions] included that:

- investigations were not independent
- responses were poor
- allegations that should have been considered within child protection procedures were not always referred
- complaints using the confidential access system were sometimes passed back to the staff who were the subject of the complaints
- there was no consistent approach to ensuring independent scrutiny of complaints, no right of reply and little analysis of themes.

In STCs and secure children’s homes, complaints were taken more seriously overall, there was more independent scrutiny, and investigations were much more effective. Not all complaints were dealt with formally, due to a more developed approach towards early problem-solving and discussion to

³ *Review of Safeguarding*, YJB and National Children’s Bureau (YJB, London, 2008).

avoid grievances from escalating.

<i>The Independent Review of Restraint in Juvenile Secure Settings</i> (Ministry of Justice and Department for Children, Schools and Families, 2008) ⁴	Dec 2008	<p>“Young people making a complaint about restraint should be given a target by which they should expect to hear of the outcome of their complaint.”</p> <p>“All complaint resolution forms should be signed off by the young person at the end.”</p>
European Committee for the Prevention of Torture (CPT) report to the UK Government (Council of Europe, 2009) ⁵	2009	<p>“Most juveniles interviewed by the CPT’s delegation stated that they saw no purpose in making a complaint as it would not affect their situation. The feeling was that the word of a staff member would always be believed over that of an inmate.”</p> <p>“It is important that young people with potential grievances are able to make themselves heard either through the formal complaints system or through being given an opportunity to express themselves directly to staff (in the presence of their caseworker or a manager if they so desire).”</p> <p>“The CPT invites the UK authorities to examine different ways for young persons to express any grievances they might have, other than through the formal complaints system.”</p> <p>“At the same time, efforts should be made to encourage young persons to take advantage of the complaints system.”</p>
Unpublished letter from 11 Million (now known as the	Feb 2010	<p>Concerns about the complaints process at Feltham YOI.</p> <p>Young people lacked faith in the complaints system, did not feel listened to and did not complain out of a</p>

⁴ *The Independent Review of Restraint in Juvenile Secure Settings*, Smallridge, A. and Williamson, P. (Ministry of Justice and Department for Children, Schools and Families, London, 2008).

⁵ *Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)*, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe, Strasbourg, 2009).

Office of the
Children's
Commissioner)
to the Ministry
of Justice

fear of reprisals.

An effective complaints system is an essential component of safeguarding.

These recommendations can be summarised in six key principles, which are explored in detail in the full review and are summarised below.

Six key principles

1. The complaints system should be easy to use and accessible to all.
2. Written responses should be timely, of high quality and appropriate.
3. Responses to complaints should be discussed with the young person, and they should always have the right to give feedback.
4. All complaints should be considered from a safeguarding perspective.
5. Young people should be able to express their grievances in a variety of ways.
6. Young people must be able to complain easily to independent, outside agencies.

Principle one: The complaints system should be easy to use and accessible to all

The complaints system in every establishment should be easy for young people to understand and use. This means that the complaints form, posters and induction materials, as well as the complaints system itself, should be readily accessible and understandable by all young people.

Recommendations

- The YOI complaints form should be redesigned to make it appropriate for young people.
- The YOI COMP1, COMP1A and ADJ1 forms should be merged.
- Complaints forms, and information on how to complain, should be made available in different languages.
- Establishments should include easy-to-understand information about their complaints processes in their induction materials and in displays in public areas, including information on appeals procedures.
- The Prison Service booklet and posters on complaints should be updated.
- Further exploration is needed on whether to remove a stage from the YOI complaints process.

- The YJB should explore why Black and Minority Ethnic young people have lower confidence in the complaints system.

Principle two: Written responses should be timely, of high quality and appropriate

Complaints must be responded to quickly, and with a high-quality and appropriate response that directly addresses the young person's complaint in a courteous, sensitive manner. All confidential complaints must be treated appropriately by all staff.

Recommendations

- Establishments should consider the best way to improve the quality of responses to complaints – either through formal training, guidelines and checklists, or by training a small pool of expert staff who can respond to all complaints.
- Senior staff should regularly undertake quality-assurance checks on responses to complaints.
- Establishments need to satisfy themselves that staff are treating confidential complaints appropriately, and that young people have confidence in this system.

Principle three: Responses to complaints should be discussed with the young person, and they should always have the right to give feedback

Young people should be entitled to both written and verbal feedback explaining the outcome of their complaint. When young people receive this response, they should have the opportunity to give feedback on whether they are satisfied. This feedback should be systematically reviewed and used to improve practice.

Recommendations

- Responses to complaints should be delivered face-to-face by staff, as well as in written form. This verbal feedback should include advice on appeals options.
- All complaints forms should include space for the young person to provide written feedback on their satisfaction with the way their specific complaint has been handled, and their experience of the complaints system itself.

Principle four: All complaints should be considered from a safeguarding perspective

All complaints should be considered from a safeguarding perspective, scrutinised by an independent agency, regularly analysed and referred externally where appropriate.

Recommendations

- Additional training should be offered to staff responding to complaints, to ensure they understand child protection issues and the law.
- Establishments must work with partners to ensure they have clear protocols in place outlining the processes for referring child protection cases to the local safeguarding children's board (LSCB), children's services, other relevant partners and the police.
- Establishments should take reasonable steps to encourage and facilitate local authorities to undertake regular independent scrutiny of complaints, e.g. by the local authority designated officer (LADO). If the local authority is not willing to undertake this role, establishments should consult their LSCB and explore other options to enable independent scrutiny of complaints.
- Complaints data should be a standing item at every safeguarding meeting, and should include trends analysis. This should inform changes to operational practice where appropriate.

Principle five: Young people should be able to express their grievances in a variety of ways

Young people in custody should have the opportunity to take part in discussions and express their views to staff, without having to use the formal complaints system.

Recommendations

- The YJB should promote and share good practice on informal complaints systems across the secure estate to ensure that all young people in custody have access to forums and groups where they can raise concerns without having to use the formal complaints process.
- Providers should look at their own practice in this area and decide if they can improve informal forums and groups within their own establishment, based on good practice elsewhere.

Principle six: Young people must be able to complain easily to independent, outside agencies

All young people should be able to complain to independent agencies which sit outside the staffing structure of the establishment. Information on these agencies should be made readily available to all young people.

Recommendations

- All establishments should work to raise young people's awareness about independent bodies that young people can complain to in custody and offer support to help them to do so.
- The role of the Prisons and Probation Ombudsman for England and Wales should be expanded to include STC complaints.
- The role of the YJB's STC monitors in hearing appeals should be clarified.

Action plan

The majority of the recommendations arising from the full report focus on YOIs, where practice was generally found to be most in need of improvement. This reflected findings in other reports, such as the *Review of Safeguarding* (YJB and National Children’s Bureau, 2008),⁶ and the views of young people captured by User Voice in *Young People’s Views on Safeguarding in the Secure Estate* (User Voice, 2011).⁷ As a result, the YJB has worked with the National Offender Management Service (NOMS) to jointly agree the action plan below to deliver the recommendations arising from the full report.

Ref.	Recommendation	Owner	NOMS’ response	Agreed action
1	The complaints system should be easy to use and accessible to all			
1.1	The YOI complaints form should be redesigned to make it appropriate for young people.	NOMS	Accept. NOMS Young People’s Team will work with the YJB in consultation with NOMS Offender Safety Rights and Responsibilities Group (OSRRG) to devise a complaints form appropriate for young people. This will then be submitted to NOMS OSRRG for approval prior to implementation.	<u>By April 2011:</u> NOMS will redesign the complaints form and present to NOMS OSRRG.
1.2	The YOI COMP1, COMP1A and ADJ1 forms should be merged.	NOMS	Partially accept. NOMS does not consider it appropriate to merge the COMP and ADJ1 forms because there is a need to ensure that the processes are clearly defined and distinct. However COMP1 and COMP1A can be merged.	<u>By April 2011:</u> NOMS to incorporate COMP1 and COMP1A into redesigned complaints form as part of Action 1.1 above.

⁶ *Review of Safeguarding*, YJB and National Children’s Bureau (YJB, London, 2008).

⁷ *Young People’s Views on Safeguarding in the Secure Estate*, User Voice (YJB, London, 2011).

1.3	Complaints forms, and information on how to complain, should be made available in different languages.	NOMS	<p>Accept. The current Prison Service Order (PSO) on complaints, <i>PSO 2510</i>,⁸ specifies that young people should be able to make complaints regardless of whether English is their first language. This includes the provision of complaint booklets and forms in 20 foreign languages. Any amendment to the complaint forms or accompanying information should be reflected in translated versions.</p>	<p><u>By April 2011:</u> NOMS to investigate making the new complaints form available electronically in 20 languages, so that establishments can print off the form in any of these languages. This will be considered as part of the form's redesign (action 1.1 above) and options will be presented to NOMS OSRRG in April. NOMS and the YJB will then work together to ensure any arising changes are being implemented effectively, as part of a practice review. See second action point under 2.2 below.</p>
1.4	Establishments should include easy-to-understand information about their complaints processes in their induction materials and in displays in public areas, including information on appeals procedures.	NOMS	<p>Accept. <i>PSO 2510</i> contains mandatory instructions that all young people must be informed about the complaints system as part of the induction process. It also instructs that posters and information leaflets about making a complaint must be displayed prominently.</p>	<p><u>By May 2011:</u> NOMS to rewrite induction materials, information booklets and posters on complaints to ensure that they are appropriate for young people and include information on appeals. Young people and the YJB will be consulted as part of this exercise.</p>
1.5	The Prison Service booklet and posters on complaints should be updated.	NOMS	<p>Accept. NOMS Young People's Team will work with the YJB in consultation with NOMS OSRRG and young people to update the Prison Service booklet and posters on complaints. Consideration will need to be given to the</p>	<p><u>By May 2011:</u> See action for 1.4.</p>

⁸ *Prison Service Order 2510: Prisoner's Requests and Complaints Procedure*, HM Prison Service (2002).

			NOMS Young People's Specification Benchmark Costing process, but this process should not delay the delivery of the updated materials.	
1.6	Further exploration is needed on whether to remove a stage from the YOI complaints process.	NOMS	Accept This will be explored and considered as part of the NOMS Young People's Specification Benchmark Costing work.	<u>By April 2011</u> : This will be considered as part of the redesign of the complaints form and the revised complaints processes outlined in this action plan. NOMS to ensure that this involves not only looking at cost savings, but also at the impact of these changes on young people, as well as seeking the views of young people and staff.
1.7	The YJB should explore why Black and Minority Ethnic young people have lower confidence in the complaints system.	YJB	We accept that this work should be carried out. However, it should be tied in with other relevant work, planned or underway, in order to minimise disruption to establishments. It would also be useful to link this with any work being undertaken by NOMS Equality Group.	<u>By May 2011</u> : YJB to undertake review of data and evidence in this area, and work with the YJB's secure accommodation performance monitors and NOMS Equality Group to explore why Black and Minority Ethnic young people have lower confidence in the complaints system.
2	Written responses should be timely, of high quality and appropriate			
2.1	Establishments should consider the best way to improve the quality of responses to complaints – either through formal training, guidelines and checklists, or by training a small pool of expert staff who	NOMS	Accept. NOMS Young People's Team will liaise with NOMS OSRRG and relevant establishments, and draw on good practice, before disseminating guidance on how best to improve the quality of responses.	<u>By July 2011</u> : NOMS to source good practice and provide checklists/guidance to all establishments on best practice for responding to complaints. See also action for 4.1.

can respond to all complaints.

2.2 Senior staff should regularly undertake quality-assurance checks on responses to complaints.	NOMS	Accept. There is a requirement in <i>PSO 2510</i> for information about complaints to be shared with the senior management team within the establishment on a monthly basis. The need to perform checks will also form part of the NOMS Young People's Team guidance referred to at 2.1.	<u>By April 2011:</u> NOMS to analyse the quality assurance systems in place within YOIs' complaints systems and ensure all YOIs are undertaking appropriate checks. NOMS to consider placing this requirement into local service level agreements with regional custody managers. <u>From April 2011:</u> NOMS and the YJB to undertake joint work to improve YOI practice. NOMS Young People's Team and Service Delivery Team will discuss these practice issues with YOIs by April 2011; YOIs will then have a chance to imbed good practice. The YJB's secure accommodation performance monitors will then review practice to ensure standards are being met.
2.3 Establishments need to satisfy themselves that staff are treating confidential complaints appropriately and that young people have confidence in this system.	NOMS	Accept. Establishments should use existing management structures to ensure that confidential complaints are treated appropriately. Establishments also need to seek feedback from young people to assure themselves that young people have confidence in this system.	<u>By April 2011:</u> As part of the redesign of forms (see action 1.1 above), NOMS to incorporate question on confidential complaints form asking whether the young person is satisfied. <u>From April 2011:</u> NOMS and the YJB to work together to explore whether changes to improve confidentiality are being implemented effectively, as part of a practice review. See second action point under 2.2 above.

3 Responses to complaints should be discussed with the young person, and they should always have the right to give feedback

3.1	Responses to complaints should be delivered face-to-face by staff, as well as in written form. This verbal feedback should include advice on appeals options.	NOMS	Accept. NOMS agrees that the final outcome of a complaint should always be delivered face-to-face with an accompanying written response. In addition, and where appropriate, there should be regular communication between the young person and staff during investigation of a complaint, although the manner in which this would be undertaken may vary according to the nature of the complaint made.	<u>By April 2011</u> : NOMS will incorporate this change into the redesign of the complaints form and the revised information, guidelines and checklist on complaints. This will also form part of NOMS' wider stakeholder consultation process.
3.2	All complaints forms should include space for the young person to provide written feedback on their satisfaction with the way their specific complaint has been handled, and their experience of the complaints system itself.	NOMS	Accept. This will be taken forward as part of the redesign of complaint forms. See action 1.1 above.	<u>By April 2011</u> : NOMS to incorporate this as part of the redesign of complaint forms. See action 1.1.above.

4 All complaints should be considered from a safeguarding perspective

4.1	Additional training should be offered to staff responding to complaints, to ensure they understand child protection issues and the law.	NOMS	Accept. NOMS Young People's Team will liaise with relevant establishments and provide guidance to safeguarding managers so that safeguarding managers can deliver briefings and guidance to relevant staff, to ensure that child protection issues are referred appropriately to the safeguarding team.	<u>By June 2011</u> : NOMS to source good practice and provide checklists/guidance to all YOIs on best practice for responding to complaints. This may include training for key personnel. See also action for 2.1.
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<p>4.2 Establishments must work with partners to ensure they have clear protocols in place outlining the processes for referring child protection cases to the local safeguarding children's board (LSCB), children's services, other relevant partners and the police.</p>	<p>NOMS</p>	<p>Accept. This work is already undertaken through establishments' child protection policies.</p>	<p><u>By April 2011:</u> NOMS will liaise with safeguarding managers to gather and share evidence on current practice.</p> <p><u>From April 2011:</u> NOMS and the YJB will work together to explore whether clear child protection protocols are in place and are being implemented effectively, as part of a practice review. See second action point under 2.2 above.</p>
<p>4.3 Establishments should take reasonable steps to encourage and facilitate local authorities to undertake regular independent scrutiny of complaints, e.g. by the local authority designated officer (LADO). If the local authority is not willing to undertake this role, establishments should consult their LSCB and explore other options to enable</p>	<p>NOMS</p>	<p>Accept. While it would be beneficial for young people and establishments to have regular scrutiny of complaints, NOMS has concerns about how achievable this is in the current climate, and the pressure on local authorities to fulfil their statutory duties may make this problematic. NOMS agrees that, in the absence of being able to put this in place, establishments should consult with their LSCB.</p>	<p><u>By May 2011:</u> NOMS will liaise with safeguarding managers to encourage them to work with their LADO, or, where this is not possible, with the LSCB.</p>

independent scrutiny of complaints.

4.4	Complaints data should be a standing item at every safeguarding meeting, and should include trends analysis. This should inform changes to operational practice where appropriate.	NOMS	Accept. NOMS Young People's Team will provide the appropriate guidance to establishments and will consider whether the findings from safeguarding meetings could form part of the service level agreement quarterly performance meetings. This could provide a higher level of quality assurance and transparency within the complaints system.	<u>By April 2011:</u> NOMS to provide guidance, advice and examples of good practice to all YOIs on how complaints data can be used and discussed at safeguarding meetings. This will then be picked up further as part of the second action point under 2.2.
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5 Young people should be able to express their grievances in a variety of ways

5.1	The YJB should promote and share good practice on informal complaints systems across the secure estate to ensure that all young people in custody have access to forums and groups where they can raise concerns without having to use the formal complaints process.	YJB and NOMS	Accept. The YJB should liaise with NOMS Young People's Team to discuss how best to take this work forward.	<u>By April 2011:</u> YJB to work with NOMS to gather evidence of good practice around discussion forums and consultation groups across YOIs, STCs and secure children's homes. Upon completion, these findings will be shared with establishments to inform action 5.2 below.
5.2	Providers should look at their own practice in this area	NOMS	Accept. NOMS Young People's Team will provide the appropriate guidance to establishments.	<u>By July 2011:</u> NOMS to work with establishments to ensure that establishments improve and change

and decide if they can improve informal forums and groups within their own establishment, based on good practice elsewhere.

practice if necessary, depending on the findings of action 5.1 above.

September 2011: NOMS to conduct a review to assess changes to YOI practice in this area.

6 Young people must be able to complain easily to independent, outside agencies

6.1 All establishments should work to raise young people's awareness about independent bodies that young people can complain to in custody and offer support to help them to do so.

NOMS

Accept.

NOMS Young People's Team will work with the YJB in consultation with NOMS OSRRG to update the Prison Service induction materials, booklet and posters on complaints to meet this recommendation. Consideration will need to be given to the NOMS Young People's Specification Benchmark Costing process, but this process should not delay the delivery of the updated materials. NOMS also to consider how young people will be supported when complaining to outside agencies.

By May 2011: NOMS to incorporate information on independent bodies that young people can complain to into their rewrite of induction materials, information booklets and posters on complaints, as outlined at action 1.4.

By June 2011: NOMS to provide guidance to all YOIs on how they can support young people in complaining to outside agencies.

6.2 The role of the Prisons and Probation Ombudsman for England and Wales should be expanded to include STC complaints.

YJB

This is an action for the YJB.

From February 2011: The YJB is in discussion with the Prisons and Probation Ombudsman for England and Wales to expand their role to include STC complaints.

6.3 The role of the YJB's STC monitors in hearing appeals

YJB

This is an action for the YJB.

From February 2011: The YJB is reviewing and clarifying the role of the YJB's secure accommodation

should be clarified.

performance monitors in STCs in hearing appeals.

Stock code: D128