



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

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Contents

Introduction	2
Principle one: The complaints system should be easy to use and accessible to all	12
Principle two: Written responses should be timely, of high quality and appropriate	18
Principle three: Responses to complaints should be discussed with the young person, and they should always have the right to give feedback	22
Principle four: All complaints should be considered from a safeguarding perspective	25
Principle five: Young people should be able to express their grievances in a variety of ways	29
Principle six: Young people must be able to complain easily to independent, outside agencies	31
Summary of recommendations	35
Works cited	37

Introduction

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 this report is 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. More specifically the review set out to:

- provide an overview of how the current complaints system works
- consult stakeholders to gain an understanding of their key concerns and proposed solutions, including capturing the views of young people in custody
- propose recommendations to improve the complaints system across the secure estate.

As part of this review, the Youth Justice Board for England and Wales (YJB) consulted the following organisations, and is grateful for their invaluable contributions:

- Her Majesty's Inspectorate of Prisons (HMI Prisons)
- Ofsted
- Office of the Children's Commissioner
- Children's Commissioner for Wales
- Prisons and Probation Ombudsman for England and Wales (PPO)
- Northern Ireland Prisons and Probation Ombudsman
- Independent Monitoring Boards National Council
- Voice advocacy team
- Barnardo's advocacy team
- Howard League for Penal Reform
- practitioners across the secure estate, including complaint clerks.

In order to capture the views of young people in custody, the YJB commissioned HMI Prisons to explore the views of 15 to 18-year-olds in custody in a young offender institution (YOI). The findings of its *Children and Young People in Custody 2009–10: An Analysis of the Experiences of 15–18-year-olds in Prison* (HMI Prisons/YJB, 2010) survey have heavily informed this report. Throughout this report, this survey is referred to as the HMI Prisons 2009–10 survey.

In addition, the 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.

The views of the young people who took part in the User Voice study are quoted throughout this review in the boxes marked “What young people say.” The YJB would like to thank User Voice and the young people who took part in this research for their input.

The boxes marked “In context” contain material from recent research and reports on youth justice issues, and are intended to supply a general background to the current document.

Terminology

Throughout this document, the term “complaints” refers to the formal complaints systems that operate within establishments. This review does not include scrutiny of the applications process or specific processes around appealing against adjudication decisions.

Any references to the “secure estate” are to the secure estate for children and young people only. This includes YOIs, secure training centres (STCs) and secure children’s homes.

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	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	<p>“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 the investigation as well.”</p> <p>“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.”</p>

“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 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)

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 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 avoid grievances from escalating.

The Independent Review of Restraint in Juvenile Secure Settings (Ministry of Justice and Department for Children,

Dec 2008

“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.”

“All complaint resolution forms should be signed off by the young person at the end.”

Schools and Families, 2008)

European Committee for the Prevention of Torture (CPT) report to the UK Government (Council of Europe, 2009)	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>
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Unpublished letter from 11 Million (now known as the Office of the Children’s Commissioner) to the Ministry of Justice	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 fear of reprisals.</p> <p>An effective complaints system is an essential component of safeguarding.</p>
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These recommendations can be summarised in six key principles, which will be explored in this review.

- 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.

Current complaint procedures

Establishments in the secure estate are expected to have complaints procedures in place which are clear, published, free of discrimination, and which all young people can use to make complaints about the establishment.

The three sectors of the secure estate operate different complaint systems, as outlined in the diagrams on the following pages.

The YJB sets out expectations of complaints systems in its guidance document *Code of Practice: Managing the Behaviour of Children and Young People in the Secure Estate* (YJB, 2006). These expectations are reinforced through operation specifications and legislation, as outlined below.

Legislative context

Complaints processes in young offender institutions

Complaints procedures in YOIs are governed by YOI Rules 2000. Operational practices in YOIs are governed by Prison Service Orders (PSOs) – *Prison Service Order 2510: Prisoner's Requests and Complaints Procedure* (Prison Service, 2002) provides guidance on the use of complaints in both the adult and young person estate. The two private YOIs (Ashfield and Parc) both follow a very similar system to the public YOIs.

Complaints processes in secure training centres

Complaints procedures in STCs are governed by the STC Rules 1998. More detailed operational information is contained within the STC contracts. Currently, all four STCs have the same stipulations in their contracts in relation to complaints.

Complaints processes in secure children's homes

Both non-secure and secure children's homes are governed by the Care Standards Act (2000). This act is underpinned by the National Minimum Care Standards (Department of Health, 2001), which provides the framework on which operational practice is based.

It should be noted that the majority of recommendations in this report relate only to YOIs, as complaints processes and practice were found to be significantly better and more child-focused in STCs and secure children's homes.

In addition, international standards exist, which also guide the development of complaints systems, including the United Nations Convention on the Rights of the Child (ratified by the UK Government in 1991) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990).

Young person makes a complaint

- Young person wants to make a complaint
- Staff should help young person to make complaint. Advocates/IMB can also provide assistance
- Option to use 'application system' before formal complaints system. Application either written/oral and the same day staff will listen to problem and resolve/offer advice quickly
- Instead/after using applications system, young person can submit formal complaint using COMP1 form (see page 18)
- Form placed in locked box on each wing, which is emptied daily

Stage 1

- COMP1 form given to YOI wing officer for response
- NB: In private sector YOIs, Ashfield and Parc, COMP1 forms are sent to relevant staff member, same timings apply
- Wing officer has three working days to respond (10 working days if complaint is against staff member/about another establishment)
- Completed response is either returned to young person directly or through complaints clerk
- Copy of response given to complaints clerk and placed on young person's F2050

Stage 2

- If young person dissatisfied with response they can complete COMP1A (appeal form) and place in complaints box
- Young person should make their appeal within seven days of receiving their initial response
- This COMP1A complaint will be responded to by management (must be more senior than Stage 1)
- Staff have seven working days to reply (if against staff member/about another establishment they have 10 working days)

Final appeal

- If young person still dissatisfied with response, they can complete another COMP1A form
- Young person should make their appeal within seven days of receiving Stage 2 response
- The governing governor should investigate and respond to complaint
- Governor should consider whether complaint could be best resolved by speaking to the young person
- Staff have seven working days to reply (if against staff member/about another establishment they have 10 working days)

YOI complaints procedure (based on PSI 28/2009 and PSO 2510)

Prisons and Probation Ombudsman

- If young person still dissatisfied with response, they can appeal to the Prisons and Probation Ombudsman (PPO)
- The PPO will investigate and may respond however they see fit e.g. letter, formal report, local resolution

Record-keeping and analysis

- Three copies made of each complaint form – one returned to young person, one copy kept with young person's F2050/F1150 and one copy kept by complaint clerk for three years
- Complaint clerk registers complaints, allocates serial numbers, logs each stage, allocates forms to staff to reply, chases up outstanding cases and compiles monthly statistics
- Complaints must be forwarded for reply on the day they are registered
- Complaints co-ordinator should examine sample of forms monthly to check quality of response
- Monthly statistics sheet compiled by clerk and sent to governing governor and regional custodial manager. Stats must include no. of complaints answered at each stage, within and outside target dates

Other options

Confidential access

- Young person can make confidential access complaint to governing governor, area manager or assistant directors
- Response sent and returned in sealed envelope
- No appeal mechanism – young person can pursue with PPO

IMB

- Young person can complain to IMB at any time
- Young person may submit confidential complaint to chairman of IMB
- Each IMB should monitor complaints system as part of their watchdog role

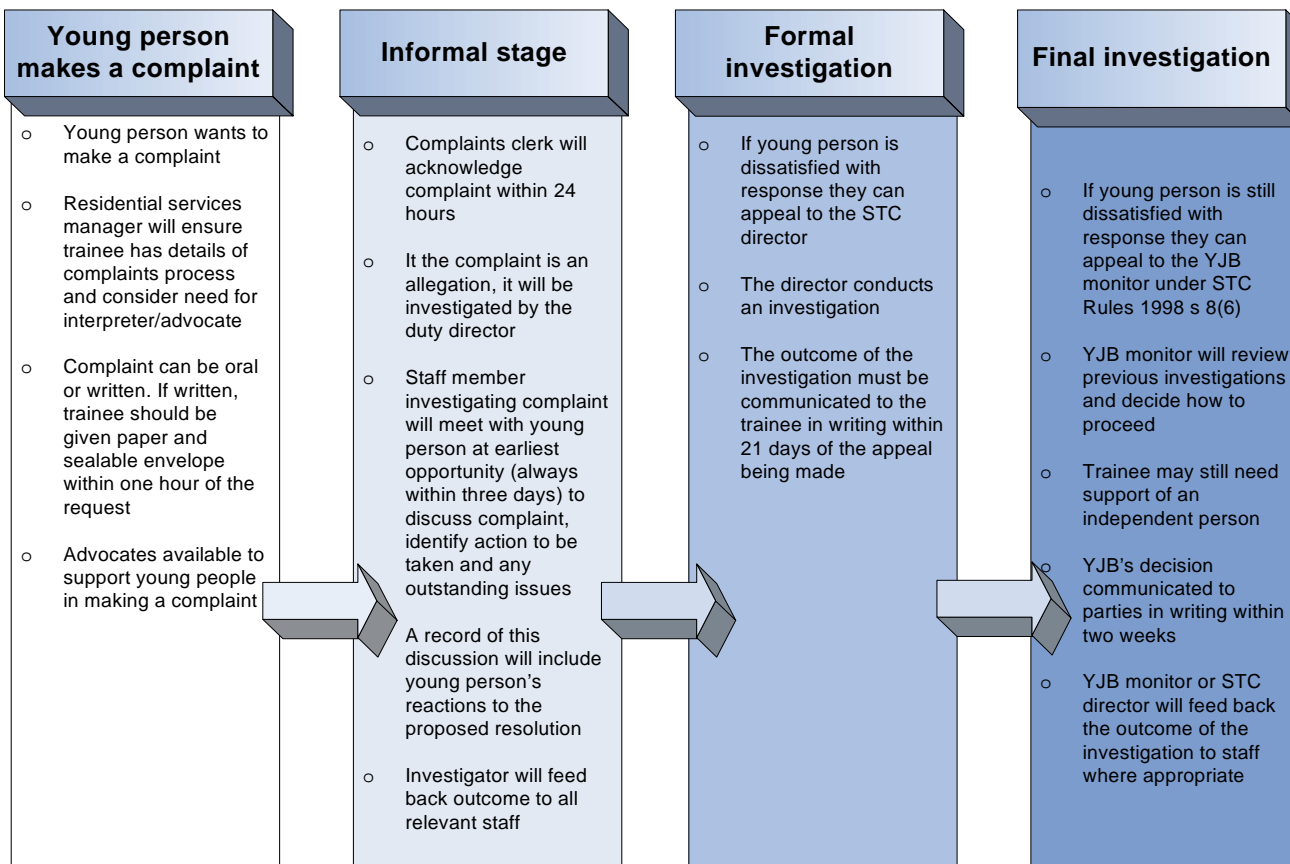
Parl. commissioner for administration

- Young person can complain to Parliamentary Commissioner for Administration (PCA) by writing to an MP within 12 months of the problem arising
- PCA will work with YOI to resolve complaint, or else begin a statutory investigation

Other routes

- Young person can also complain to:
- HM the Queen
 - House of Lords
 - House of Commons
 - European Court of Human Rights
 - Equality and Human Rights Commission
 - And others

Oakhill STC complaints procedure



Other options

Parl. commissioner for administration

- Young people can complain to parliamentary commissioner for administration (PCA) by writing to an MP within 12 months of the problem arising
- PCA will work with STC to resolve complaint, or else begin a statutory investigation

Other routes

Young people can also complain to:

- HM the Queen
- House of Lords
- House of Commons
- European Court of Human Rights
- Equality and Human Rights Commission
- And others

Young person makes a complaint

- o Young person wants to make a complaint
- o Complaint can be written or oral
- o For oral complaints, staff complete complaints form on trainee's behalf and ask young person to sign it
- o Staff member then logs the oral complaint in houseblock complaints book and notes the number on the complaints form
- o Staff member then ensures the form is given to the director's office
- o Trainees completing written forms should be given support where needed e.g. counselling/ independent person

Formal complaint

- o STC director receives complaint and orders investigation
- o Director acknowledges complaint within 48 hours
- o Trainee receives written reply within two weeks

Appeal

- o If young person dissatisfied with response they can appeal
- o Young person can choose to make appeal to the STC director, YJB monitor, Serco or independent person
- o The trainee will receive a response within four weeks if the appeal is referred to an independent panel

Other options

Parl. commissioner for administration

- o Young person can complain to parliamentary commissioner for administration (PCA) by writing to an MP within 12 months of the problem arising
- o PCA will work with STC to resolve complaint, or else begin a statutory investigation

Other routes

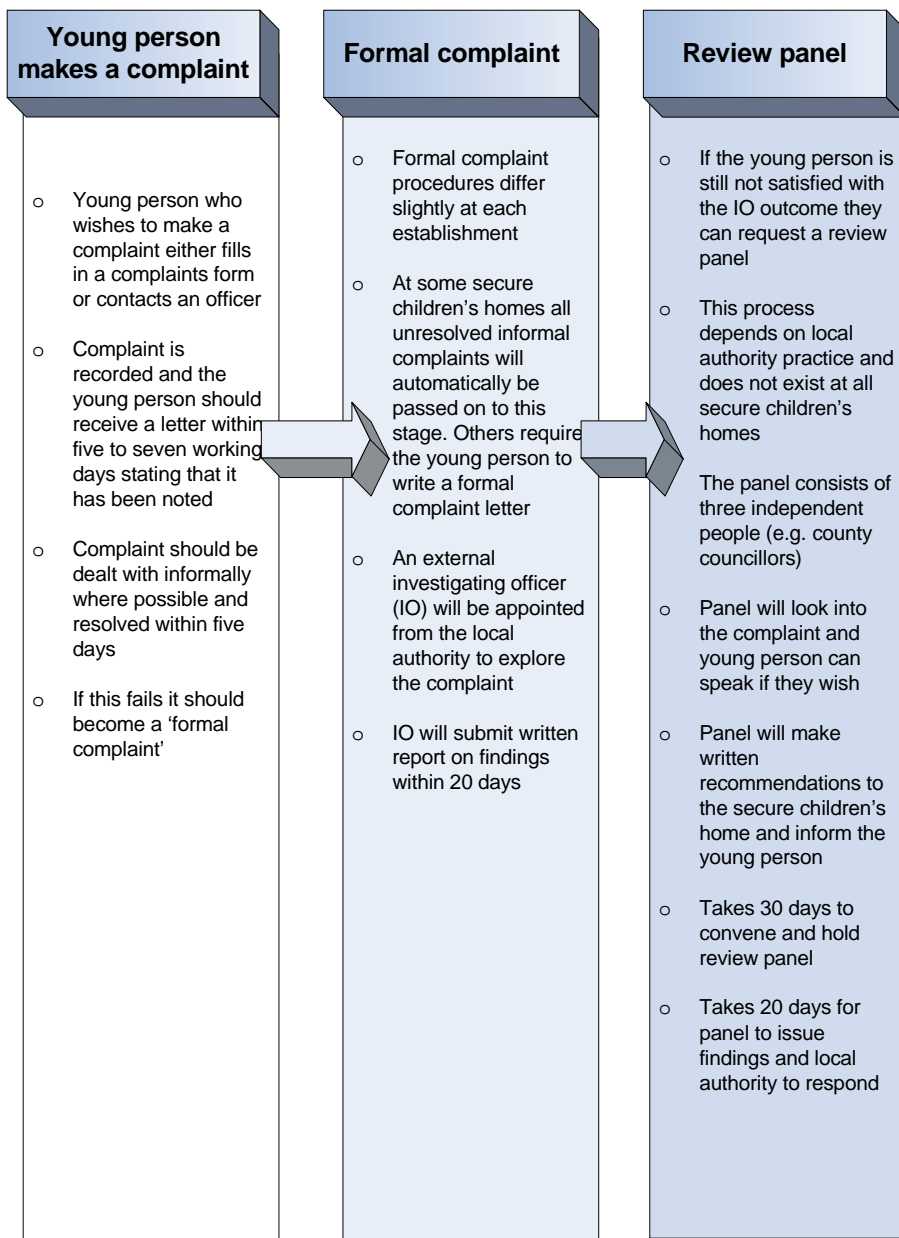
Young person can also complain to:

- o HM the Queen
- o House of Lords
- o House of Commons
- o European Court of Human Rights
- o Equality and Human Rights Commission
- o And others

Hassockfield STC complaints procedure

Record-keeping and analysis

- STC director keeps a record of all complaints, representations and appeals. This includes a date log showing when the complaint was made, acknowledged and responded to
- Senior member of staff monitors the complaints procedure
- Each houseblock has a complaints book kept up to date by staff



Further complaint options

- Young person can complain to other organisations including:
- Ofsted
- Local Government Ombudsman

Other routes

Young person can also complain to:

- HM the Queen
- House of Lords
- House of Commons
- European Court of Human Rights
- Equality and Human Rights Commission
- And others

Secure children's homes complaints procedure
 This information is based on the complaints procedures from four secure children's homes

Record-keeping and analysis

- Complaint is recorded in the complaints register
- Young person making the complaint should receive a formal copy
- All complaints should be copied to the complaints officer at their local authority

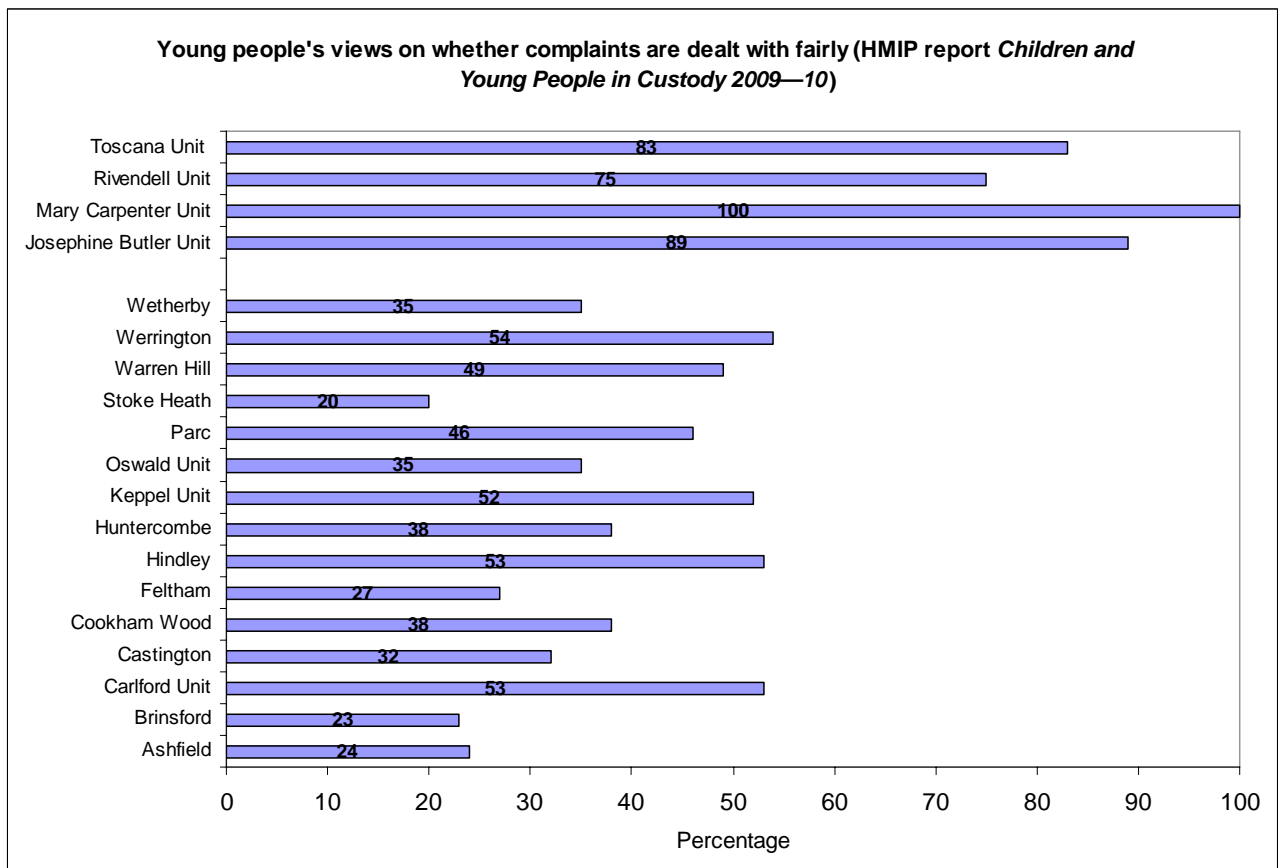
Data on complaints

Each establishment collects data on the complaints they receive, which should be used to inform and improve practice. Looking at a snapshot of data from across the secure estate, it seems that some of the more common complaints are about:

- missing property
- allegations against staff
- regime issues (including family visits)
- adjudication appeals.

The YJB gathers a limited amount of data centrally on complaints to inform its monitoring role. It also commissions HMI Prisons to conduct regular surveys into the views of young people in custody, including their views on the complaints system.

One of the questions asked within the HMI Prisons 2009–10 survey is whether young people believe that complaints are sorted out fairly within YOIs. The overall low levels of confidence in the complaints system gives rise to serious concern (see diagram below).



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

The principle

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.

Findings

For a complaints system to operate effectively in custody, it is essential that young people understand how to use the system and feel confident doing so.

In context

“A number of children, in both care and educational settings, warned that they had had to take matters into their own hands when the complaints system had not worked for them. This often involved disruptive or destructive behaviour to make the situation so bad that action had to be taken. The danger is that children feel their only option is to put themselves at greater risk to resolve the situation.”

*Making Children's
Voices Heard
(National Care
Standards
Commission, 2007)*

Evidence from HMI Prisons 2009–10 survey and the User Voice study suggests that most young people do understand in principle how the complaint system works – with over 90% of young people in the User Voice study saying that they would know how to submit a complaint.

However, young people are still often reluctant to use the system. This is particularly apparent in YOIs, where young people's understanding and confidence in using the complaints system seems to be lowest. At Stoke Heath YOI for instance, the HMI Prisons 2009–10 survey found that only 20% of boys there believed that complaints were dealt with fairly.

In STCs and secure children's homes, the complaint systems are specifically developed for young people, and the forms and documents are generally age-appropriate. In both the public and

private YOIs, however, staff follow *PSO 2510*. This is the adult prison service complaints system, and there are no differences in the way that young people and adults access it.

What young people say

“Half the people don’t complain because they know nothing will get done. It’s like me and if I had something to complain about I just won’t bother about it. I just get my head down and get on with it, and I think that’s the same with quite a lot of people as well.”

It is this difference between YOIs and the other sectors that may account for the lower levels of confidence in the YOI complaints system. There are several ways that the YOI complaints system could be made more age appropriate and accessible:

- change the complex complaints forms
 - explore ways to simplify the complaints process
 - remove different complaint forms
- produce a simpler, explanatory booklet.

Complex complaints forms

The complaints forms used in STCs and secure children’s homes generally feature age-appropriate language, and are suitable for young people in custody. In YOIs, however, the complaints form is identical to the one in use in the adult estate, and requires young people to understand complex phrases and vocabulary. This is inappropriate, particularly considering the low literacy levels of many young people in custody and, in some cases, illiteracy.

In context

“Complaints systems are always likely to be more accessible to the persistent and articulate. This makes it all the more important that complaint systems are clear and easy to navigate, so that they do not act as a barrier to the less articulate or less persistent (particularly disadvantaged groups).”

House of Commons
Public Administration
Select Committee:
When Citizens
Complain, 2008

The *Audit of Education Provision within the Juvenile Secure Estate* (Ecotec, 2001) found that about half of young people in custody have literacy skills expected of an 11-year-old, while a third have literacy levels at or below that of a 7-year-old. It is essential that the complaints system in the youth justice system is distinct from that designed for use in the adult prisons.

The complaints form used in YOIs needs to be redesigned so that all young people with basic literacy skills can understand and complete the form. As suggested by the Children’s Commissioner for Wales and in line with the United Nations Convention on the Rights of the Child, children and young people in custody should be involved and consulted as part of this redesign.

In addition, for many young people in custody, English is not their first language. The complaints form should therefore be readily available in different languages. Maria Eagle, former minister of state for justice, made a commitment in the House of Commons to this effect in March 2010, stating:

In order to meet foreign language needs in YOIs, translations, or explanations through an interpreter, of important information must be available for all young people whose first language is not English. Interpreters can also be provided to supplement translated material.

Hansard, Col. 663W (15 March 2010)

Some establishments, such as Hindley YOI, have already begun to address this. For instance, their complaints form contains a short message in Welsh, Polish and Urdu; and forms are also available in other languages and braille. This good practice should be replicated across the secure estate.

Finally, any revision to the complaints form should also take into account the fact that many young people do not feel comfortable writing down a complaint, and would be likely to voice a concern orally. Voice advocates have suggested that, at the top of complaint forms, there should be a suggestion that the young person could speak to their personal officer, advocate or any other member of staff, if they would prefer not to write.

An overly complex complaints system

The complaints system itself within the YOI estate has been criticised for being too complex. HMI Prisons 2009–10 survey found that 69% of young men feel that the complaints system is easy to use, which is higher than in previous years but still requires further work.

Black and Minority Ethnic (BME) young people seem to have particularly low levels of confidence in the complaints system, which is of great concern. The HMI Prisons 2009–10 survey found that only 29% of BME young men felt that complaints were dealt with fairly, compared with 45% of white respondents. HMI Prisons has suggested that this may be related to a significantly higher proportion of BME young men who said that they were encouraged to withdraw a complaint. This worrying finding requires further exploration.

What young people say

“Some people have never even made a complaint, because they can’t see the point.”

Looking at the complaints process maps on pp. 7–10, it is clear that the YOI system is more complicated than those operated in STCs and secure children’s homes, as it includes an additional appeal stage. If young people submit a complaint through the non-confidential system and are unhappy with the response,

they must go through a second-stage appeal process. If they still remain unsatisfied with the response, only then can they submit their complaint to the governor.

This is likely to act as a deterrent to many young people, and may help to explain why the *Review of Safeguarding* (YJB and National Children’s Bureau, 2008) found that young people in YOIs are generally less satisfied with the way complaints are dealt with than those in other sectors.

In context

“One young person felt that complaints procedures ended up making you feel that “at the end of the day, it’s a load of bureaucracy” – even though what the procedure did might be a good thing.”

Getting the Best from Complaints
(Commission for Social Care Inspection, 2005)

The National Offender Management Service’s (NOMS’) Offender Safety Rights and Responsibilities Group are currently exploring the possibility of reducing from three to two the number of internal complaint stages in both the adult and young people’s estate. The YJB is keen for the complaints process to be as easy to use as possible and the removal of one of these stages may be an effective way of achieving this.

However, there is a need for greater consultation on this matter before removing one of the stages of the YOI complaints process, including

looking at how many young people now currently use the two appeals stages, and also seeking the views of young people, complaints clerks, governors and safeguarding managers on the impact of removing one of these stages. The NOMS Offender Safety Rights and Responsibilities Group are currently gathering data on this issue across the adult and youth justice sector. It is the YJB’s view that no decision should be reached on this issue until the potential risks and benefits of removing one of these stages are properly understood.

Number of complaints forms

Alongside this complex complaints appeals process in YOIs, there are a range of complaints forms, depending on the type of complaint:

Table 2: YOI complaint forms

Title	Colour	Prison Service description
COMP1	White	Formal complaint
COMP1a	Yellow	Appeal against the response to a formal complaint
ADJ1	Blue	Appeal against an adjudication decision
COMP2	Pink	Confidential access complaints

In addition to these main complaint forms, other forms, such as a brown racist incident reporting form and separate forms for submitting complaints to outside agencies also exist, which can add to the confusion.

The COMP2 confidential complaints form serves a useful purpose and is discussed further in the next section. It enables young people to complain directly to the governor or director in confidence. While there is evidence that this route is sometimes misused by young people who want a speedy answer to low-level problems, this is a valuable part of the system and should not be removed.

The other internal forms, however, could legitimately be merged into one simple complaints form. The reason that they are kept separate is to help ensure that the relevant member of staff responds to the right form. However, feedback from complaints clerks suggests that these different forms are not necessary, as all the relevant information is stored on a central electronic database.

Young people have indicated that these different forms complicate the complaints system, and potentially deter them from using it at all. If complaints relating to adjudications need to be tracked separately, the revised complaints form could include a tick-box for young people to complete if the complaint does relate to adjudications.

Explaining the complaints system

All young people in custody should have a clear understanding of how the complaints system works. As the PPO has noted, if young people understand how to use the system, feel confident submitting complaints and can see its positive outcomes, it can provide young people in custody with a valuable sense of individual ownership and legitimacy, leading to more effective social rehabilitation.

In context

“The formal complaints system was explained to people during induction. The written information we saw was not particularly user-friendly for this age group, and the information booklet alongside one of the complaint boxes was out of date... young people needed help with reading and writing as well as grasping the process.”

HMI Prison inspection,
Stoke Heath YOI
(2008)

The complaints system should be explained at induction, and should also be displayed for all young people to see. The standard Prison Service complaints poster (issued in 2002) is out of date, referring to “new complaints procedures”. It also features a cartoon picture of an adult complaining. This poster needs revising and updating. Some establishments, such as Hindley YOI, have created their own age-appropriate posters describing the complaints system, how to get assistance with completing forms, and how to appeal, if the young person is not satisfied with the outcome.

Other establishments, including Barton Moss Secure Children’s Home, have worked with young people in their establishment to redesign their information leaflet and posters. This should be promoted as good practice, and the Prison Service should create a poster specific to young people, for use in all YOIs.

The Prison Service document available in YOIs to explain the complaints system is entitled *How to Make a Request or a Complaint: Information for Prisoners*. It was produced in 2002, and is complex and out of date. It refers to the board of visitors, which has since been replaced by the independent monitoring board (IMB), does not mention how young people can access legal advice, and does not make any reference to the advocacy services available in YOIs.

This document should be replaced by a shorter, simpler booklet specifically designed for young people in YOIs, which young people can readily understand.

As with the complaints form and other literature for young people in custody, the guidance document on *Better Communication* (Department for Children, Schools and Families, 2008) should be used to inform this work.

Explaining the appeals process

While most young people in custody have an understanding of how to make a complaint, they tend not to be aware of the appeals process, or assume it is complex. This issue was picked up in the *Review of Safeguarding* (YJB and National Children's Bureau, 2008), with a recommendation that young people should have easier access to an appeals process, if they are unhappy with the initial response they receive to a complaint.

Posters and information for young people about the complaints process should explain the appeals process, both on induction and beyond and, whenever relevant, they should be informed about the opportunity to appeal against the response if they are not satisfied with it.

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

The principle

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.

Findings

Timescales for responses

At present all establishments have target timescales for responding to complaints. A summary of these different timescales for responding to initial complaints are shown below.

Table 3: Timescales for responses to initial complaints

Sector/establishment	Timescale for initial response
YOIs	3 working days (10 if the issue relates to staff member/another establishment)
Secure children's homes	5 days
STCs	3 days

These deadlines help to ensure timely responses, which improves young people's confidence in the complaints system. The YJB fully support these timescales. However, there is a risk that having to respond within a certain timescale leads to an emphasis on speedy, rather than high-quality, responses.

What young people say

"Staff don't take it serious. They think it's a joke."

Variable quality of responses

An emphasis needs to be placed on responses being both timely and of a high quality, as currently the quality of responses is variable.

While many responses are very good, others are written in poor handwriting, do not take the young

person's complaint seriously, are rude, or do not directly address the issue which the young person has raised.

In context

“Complaints were dealt with, where possible, by unit staff, but no training was given on how to deal with them or how to respond, and the quality varied.”

HMI Prisons
inspection, Wetherby
YOI (2008)

The *Review of Safeguarding* (YJB and National Children’s Bureau, 2008) found that the way complaints are dealt with in YOIs is often particularly poor, “either failing to address the complaint or blaming the young person”.

Staff are often not given any training in how to respond to a complaint, and this needs to be addressed. At Feltham YOI, when staff are asked to respond to a complaint, they are given a brief checklist of criteria to consider, which has led to a

significant improvement in the quality of responses. This includes simple advice for staff such as:

The response to the formal complaint must properly address all the points made by the young person, irrespective of whether the complaint is upheld or rejected. The response must be based on accurate and up-to-date information and must stick to the point.

This staff checklist should be further developed and shared with other establishments as good practice.

It is of paramount importance that young people receive a high-quality response to their complaint. If not, this undermines the entire point of having a complaints system in place, and perpetuates ideas that the complaints system is unfair, and that young people’s complaints are not taken seriously. This fundamental point is summed up in the Feltham checklist:

Responding to a written complaint is ... an opportunity ... to demonstrate a positive commitment to fairness and to the welfare of young people in our care. The trouble taken in going beyond the minimum required to answer a complaint – and the tone in which it is done – can help to prevent young people from feeling that the prison system is unjust or repressive. A reasoned reply at the initial stage can also help to save work in the long run.

Establishments need to consider the best way to improve the quality of responses to complaints. This could be through guidelines and checklists for staff to follow when responding to complaints. Alternatively, there may be a need for formal training, either for all staff or for a small group of staff, who could work with colleagues to collate responses to all complaints.

Response from appropriate staff member

One of the key issues noted in the *Review of Safeguarding* (YJB and National Children’s Bureau, 2008), which has also been picked up in a range of HMI Prison reports, is that it is essential that every complaint be responded to by the most appropriate member of staff.

This is particularly important if the complaint relates to an allegation against a staff member. In these cases, the response must be from a member of staff senior enough, and with enough distance from the staff member in question, to

allow a proper investigation to take place. Allegations against staff members should always be investigated by staff members more senior than wing officers.

In context

“We were struck by the lack of independence within the complaints system. Complaints were often investigated by wing staff, who clearly had a close working relationship with the officer who was the subject of the complaint. Even where young people had used the confidential access system to ensure the complaint went to someone more senior, the complaint was often passed back down the line for a response.”

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

Need for quality assurance checks

One way of improving the quality of responses to complaints is for senior managers to regularly quality-assure a random sample of responses. The knowledge that staff’s responses may be scrutinised helps to keep standards high, and the quality-assurance process also enables senior staff to be aware of particular issues that may require training or further exploration.

The need for quality-assurance checks is already included within *PSO 2510* as essential practice for all YOIs. It states the following:

- “It is the responsibility of managers at all levels to ensure responses to complaints are of a high quality.”
- “Quality assurance of replies will be provided automatically by middle management or the Governing Governor when a complaint reaches stage 2 or 3, but it should not be assumed that stage 1 replies are adequate just

because the complaint stopped at this stage.”

- “The complaints co-ordinator should examine monthly samples of complaint and appeals forms to check that complaints are being addressed properly.”
- “All complaints procedures will be audited through the Prison Service’s normal audit systems.”

There is evidence within HMI Prisons reports that these quality-assurance checks do not always happen in practice, and this needs to be addressed.

What young people say

“You can’t tell the staff. Lack of confidentiality. They tell other inmates and I ended up getting threatened.”

Treating confidential complaints with care

All young people have the right to make a confidential complaint, and this is stipulated in the *European Prison Rules* (Council of Europe, 2006) (although these rules are not

binding on England and Wales). In STCs and secure children’s homes, young people can complain to a range of bodies confidentially, including the STC director or centre manager. YOIs operate a confidential access system, using a sealed envelope, with the complaint going directly to the governor. In all

establishments, this system is designed to be used when a complaint is about a particularly serious or sensitive matter, such as ill-treatment, the conduct of a staff member or a sensitive medical issue.

There is evidence that young people sometimes use the confidential access system for more low-level complaints in the hope of getting a swifter response. This may be the case, but the confidential complaints system needs to be managed effectively by staff, as it can affect young people's perceptions of the complaints system as a whole.

In context

“Children saw privacy and confidentiality as vital...A frequent worry was that a complaint may be told to other people who didn't need to know about it.”

*Making Children's
Voices Heard
(National Care
Standards
Commission, 2007)*

The *Review of Safeguarding* (YJB and National Children's Bureau, 2008) found evidence that, within YOIs, confidential complaints were sometimes passed back to the staff concerned, which is wholly inappropriate and must be stopped.

Establishments need to satisfy themselves that:

- they are treating confidential complaints appropriately
- confidential complaints about staff members are responded to by a senior member of staff

- young people in their care have faith in the confidential complaints system.

Establishments should consider seeking regular feedback from young people on their satisfaction levels with the confidential complaints system, and should take action to improve it if confidence levels are low.

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

The principle

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.

Findings

In context

“Many young people are not used to making complaints and fear reprisals if they do. Even where the young person made a complaint, we found that resolution of the incident often took so long that the young person no longer cared about the outcome. It was not uncommon for young people never to learn the outcome of their complaint. This is unacceptable.”

The Independent Review of Restraint in Juvenile Secure Settings (Ministry of Justice and Department for Children, Schools and Families, 2008)

Responding to complaints face-to-face

The YJB's view is that:

- the complaints process should be a dialogue between staff and the young person
- young people should have the chance to hear the response to their complaint first-hand from staff
- young people should be able to feed back on whether or not they are satisfied.

Many establishments do not do this and, instead, young people receive the response to their complaint in the form of a piece of paper under their door.

Good practice exists in many establishments, including several STCs, where staff always try to discuss the response to any

complaint face-to-face with the young person. HMI Prisons reports have repeatedly picked up on good practice in this area in girls' units. At the Rivendell Unit in New Hall YOI, for instance, staff are proactive in talking to girls about their complaint, which is followed up with a written response.

What young people say

“Maybe if the governor was to come back to you with the complaint you put in and explain what is actually happening instead of just putting a piece of paper through the door.”

This serves several purposes. Firstly, it helps foster positive relations between staff and young people. Secondly, if young people struggle with literacy, they might find it easier to have the response explained to them verbally rather than in writing. Thirdly, if the complaint relates to a safeguarding issue a conversation with staff may encourage the young person to disclose more information and uncover underlying issues not

included in their original complaint.

Finally, it involves the young person in the process – if they do not feel that the response directly addressed their complaint, this can be discussed and remedied immediately, rather than the young person either losing confidence in the system, or having to submit a further complaint.

In context

“The complaints system has been improved to ensure that young people are kept informed of the progress of the concerns they raise and that a conclusion is reached in a timely manner. All complaints made are acknowledged, and a young person receives verbal feedback as well as written confirmation in a child-friendly letter.”

Ofsted inspection,
Hassockfield STC
(2010)

Practitioners seem to fully support complaint feedback being given by a member of staff, rather than just via a written response. However, this would have resourcing implications, as it could be time-consuming for staff to have to visit and discuss every complaint received. In addition, in a high-performing establishment, young people will not be in their rooms for most of the day, making it difficult for staff to find a convenient time to visit them in their room and meet the tight deadlines for responding to complaints.

The YJB recognise that these difficulties exist, but nevertheless believe that this should take place where possible.

Feedback on complaints

The complaints form should also be amended to ensure that there is space on the form for young people to complete their feedback, based on their discussion with a staff member. If the young person struggles with literacy, this feedback could be written by a staff member and signed by the young person. This feedback should address both the young person’s satisfaction with the process itself, as well as the outcome of their particular complaint.

The original complaints form, together with the young person’s feedback, should be routinely considered by staff and shared with advocates where appropriate. If the young person was not happy with the response to the complaint, staff should be clear about the appeals process and how it works, and help the

young person through the process. When relevant, staff also need to inform young people about their right to seek legal support and assistance.

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

The principle

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

Findings

Failing to spot safeguarding issues

One of the findings within the *Review of Safeguarding* (YJB and National Children's Bureau, 2008) was that safeguarding issues raised in complaints forms were not necessarily spotted or dealt with appropriately. This was particularly the case where the complaint was not explicitly about safeguarding, but hinted at a safeguarding issue.

In addition, complaints against staff members were often not considered from a safeguarding perspective, and staff often had an inadequate understanding of child protection and the law.

In context

“In some establishments it was clear that there were ‘missed’ child protection cases within these records, whilst others had systems for screening and cross-referencing into safeguarding processes...We found some examples of child protection matters that had been overlooked, particularly where young people had used the complaints system to make allegations against staff.”

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

It is essential that staff are attuned to child-protection and safeguarding issues. There may be a need for those staff who are responding to complaints to have additional training on this issue, and on understanding child protection and the law.

The role of children's services and the local safeguarding children's board

Any complaint that reaches the agreed local safeguarding children's board (LSCB) threshold for a child protection referral should be referred to the relevant children's service. As outlined in the guidance, *Working Together to Safeguard Children* (Department for Children, Schools and Families, 2010) in England and *Safeguarding Children – Working Together Under the Children Act 2004* (Welsh Assembly Government,

2006) in Wales, the LSCB has an overarching role in this process in regularly

overseeing safeguarding trends, patterns and concerns as part of an agreed protocol between the establishment and the LSCB.

These arrangements should be clearly stipulated in the establishments' child protection policy and procedures, and staff should all be clear on how they operate in practice.

The role of the local authority designated officer

The advocacy providers, and Voice in particular, are keen that all complaints of a safeguarding nature are scrutinised by an independent party. Many young people lack faith in the complaints system, as they do not think that allegations against staff will be taken seriously or investigated thoroughly.

What young people say

“They’re all done by screws, they open the box, look at them, complaint about me, complaint about me, complaint about me, all in the bin. Even if they get to the place they’re supposed to go to, they get dealt with by the same people anyway, they’re all mates.”

Several STCs have worked with their LSCBs to devise an innovative solution to this problem by involving the local authority designated officer (LADO) in the complaints process.

LADOs were created following the publication of the *Safeguarding Children – Working Together under the Children Act 2004* (Welsh Assembly Government, 2006). Each local authority is required to nominate a designated officer (the LADO) to deal with allegations of abuse against people who work with

children. If the LADO suspects a possible criminal offence has been committed, they will co-ordinate the necessary response (including police investigations and the involvement of social services), ensure that there is a fair and thorough investigation and that children’s welfare is safeguarded in the process. Their work is supported by the LSCB.

It should be noted that LADOs do not exist in Wales and, instead, this role should be undertaken by the relevant child protection officer or designated officer. Specific consideration needs to be given to how safeguarding concerns raised with LADOs in England about Welsh children and young people are fed back to their LSCB in Wales.

At Medway, Oakhill and Rainsbrook STCs, the LADO is invited into the establishment on a monthly basis to scrutinise complaint forms and double-check that no safeguarding issues have been missed. This provides the establishment with a sense of assurance that all issues have been spotted, and that there is real transparency and independence within the system. It can also help foster close working relations between the establishment and the LADO.

This system should be replicated across the secure estate, with all establishments working with local partners to put in place arrangements for the independent scrutiny of complaints.

In context

“The complaints process continues to be robust...the local authority designated officer looks at all completed complaints enabling external and transparent monitoring to be undertaken.”

Ofsted inspection,
Oakhill STC (2010)

It is of particular concern that complaints against staff members are not always handled appropriately. Under the revised *Working Together to Safeguard Children* (Department for Children, Schools and Families, 2010), the LADO must have a role in complaints against staff. This not only covers allegations, which reach the threshold of significant harm, but also lower level allegations as well, such as unfair treatment.

All establishments need to have a system in place, devised in partnership with the LADO (or relevant designated officer in Wales), whereby complaints and allegations against staff are screened out of the formal complaints system, and dealt with in a system devised in partnership with the LADO.

Analysing complaints data in safeguarding meetings

All establishments gather and collate data on complaints. However, this information is often not scrutinised. This data contains a wealth of useful information, and should be regularly examined by staff. This is stipulated within the PSO for YOIs, although it does not always happen in practice:

Data on complaints can provide much useful management information. Senior management should use the data on complaints to indicate where there are particular problem areas and take appropriate remedial action. Feedback to management and the governor on complaints should not be confined to statistics and targets. Prisoners' complaints and the responses to them can provide valuable information on the types of issue which concern prisoners, and the way in which these are being dealt with by staff. Staff responsible for compiling data on complaints should consider how best to present information in a useful and accessible form.

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

As members of the IMB noted, the number and type of complaints can be used by staff as a barometer for how young people are feeling within the establishments, and trends and recurring issues should prompt staff to explore further. For instance, it may be that many of the complaints relate to the same member of staff, or there is particular over- or under-representation of complaints from a specific group of young people.

At many establishments, complaints are discussed at monthly senior management team meetings, but often this is half an hour to superficially look at the management and resolution of complaints, rather than exploring underlying trends and themes. Analysis must focus on exploring and addressing the issues that young people are raising within their complaints, and not just on meeting timescales, or categorising data into general headings such as “regimes” or

“kit”. The YJB recommends that these discussions take place regularly within safeguarding meetings, and that information is properly scrutinised.

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

The principle

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.

Findings

Young people should be able to develop a positive relationship with key staff so that low-level complaints, such as feeling cold and requesting a blanket, can be dealt with quickly and informally. In addition, every establishment should offer groups or forums to enable young people to air complaints informally with staff.

What young people say

“They need to listen, not say they’ll come and talk about something and then not bother.”

Developing positive relationships between staff and young people is about the culture of the institution as a whole. In all YOIs, an application system exists, which sits below the formal complaints system. Wing applications are held every day in most establishments, but will only be

effective if young people feel able to trust staff. In addition, advocates (discussed further in the next section) can play a key role in helping to informally resolve complaints through brief interventions, where they aim to resolve straightforward concerns in 15 minutes.

In context

“Some young people told us that they had never needed to use the complaints system because they talked to staff if they had a problem and it was sorted. This is clearly preferable and... a sign of a safe and healthy environment.”

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

If young people do have strong relationships with staff and can raise concerns informally, it provides a far healthier and more effective environment for getting problems resolved, rather than having to resort to the formal complaints process. The *Review of Safeguarding* (YJB and National Children’s Bureau, 2008) found that, in YOIs in particular, many young people said that they just wanted a member of staff on the wing to sit down and listen to them.

One option would be to change the complaints process in YOIs so that the first stage would involve young people raising issues verbally with a

member of staff. This issue would then be logged as an informal complaint and the outcome noted so that it could be monitored.

If this failed to resolve the issue, the young person could turn to the formal complaints procedure. This system could reduce the number of issues that progress to formal complaints, and provide a speedy resolution to low-level complaints.

However, there are risks around this approach that need to be considered. For instance, if a young person raises a serious complaint verbally (such as a safeguarding issue) there are no checks or controls in place to ensure that the staff response is appropriate. The risks and benefits of this approach are being explored by NOMS.

In context

“There were efforts to resolve complaints informally, helped by the good relationships between staff and young women. Young women could raise concerns with staff through a regular unit consultative committee, which was open to all. Minutes of these meetings showed that a wide range of topics was discussed and progress on agreed action points was reported back.”

HMI Prisons
inspection, Downview
YOI (2006)

Beyond one-on-one relationships between staff and young people, some establishments have created regular forums or groups where young people can air their views and resolve complaints without having to use the formal complaints processes.

The format and style of these groups vary significantly across the secure estate from “house block meetings” at Hassockfield STC, to fortnightly “council meetings” at the Rivendell Unit at New Hall YOI, chaired by the unit manager.

Other examples of good practice include work at the Keppel Unit in Wetherby YOI where monthly trainee consultation meetings are held with eight young people representing their units, the head of the unit, the head of education and a member of the

advocacy team. There is a standing agenda that covers issues around catering, health care and residential issues, and all young people within the unit are able to suggest items for the agenda.

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

The principle

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.

Findings

It is every young person's right to be able to complain to an individual or an organisation outside the establishment, and for that complaint to be taken seriously and dealt with appropriately.

In context

"Young people felt that there is a need for an independent person to advise them on their complaint. Most did agree that most complaints should be dealt with internally; they still believed that an independent body has an important role in the complaint process."

*Making Children's
Voices Heard
(National Care
Standards
Commission, 2007)*

There are several organisations and independent bodies that young people in custody can complain to, outside the formal complaints process that exists within the establishment.

These include advocates, the IMB, the PPO, and the YJB's STC monitors. These agencies are all outlined in more detail below. In addition, all young people have the right to complain to the Queen, both Houses of Parliament, the European Commission for Human Rights and the parliamentary commissioner for administration through an MP, as defined in the Parliamentary Commissioner Act 1967. Young people can also access telephone helplines. The arrangements for

these helplines are currently under review by the YJB.

The User Voice's study *Young People's Views on Safeguarding in the Secure Estate* (YJB, 2011) found that, while most young people were aware of how to use the establishments' complaints system, there was far less awareness or understanding of the other organisations that young people can access. The secure estate need to take note of this and work harder to ensure that young people are aware of these organisations.

What young people say

“Pointless having complaints in jail I think because nothing ever gets done, the way they look at it, yeah, is they’re normal people and we’re just criminals, they don’t give a f*** do they, really?”

Advocates

The YJB commission Voice and Barnardo’s to provide an advocacy service in every YOI and STC. Secure children’s homes also have advocacy services, under contracts held by the relevant local authority. The role of the advocate is to give a voice to the views of young people in custody, and to ensure that they are aware of their rights and options. Advocates will seek to resolve issues

at the lowest level of involvement, but will guide the young person through existing complaints procedures where this is necessary.

The role of advocates is critical within the complaints process. Firstly, young people can complain face-to-face to an advocate, who can try and resolve the problem informally – particularly low-level complaints.

Secondly, if a young person wishes to submit a formal complaint, an advocate can assist the young person in completing the form and can provide support and advice to the young person.

Thirdly, if a formal complaint is made with the support of the advocate, some establishments have a system in place whereby the advocate will be informed of the progress in resolving the complaint, and can play a continuing role in supporting the young person in getting the problem resolved.

At Brinsford YOI, for example, if the advocate was involved in helping the young person make a complaint, the response to the complaint was sent to the Barnardo’s advocate too, and they could then support the young person in any follow-up action.

Independent monitoring board

Young people in YOIs are able to complain to the IMB, which is an organisation of independent and unpaid members of the public who have a remit to monitor daily life in their local prison, and ensure that proper standards of care and decency are maintained.

All young people in YOIs can put in a confidential request to see a member of the IMB at their establishment, or can submit a written complaint directly to them. Common complaints submitted to the IMB include concerns over lost property, visits from family or friends, special religious or cultural requirements, and, sometimes, more serious allegations such as bullying issues.

As noted earlier, young people’s awareness of agencies such as the IMB is often quite low, and establishments have a responsibility to ensure that young people are aware of the services and help that the IMB can offer.

Prisons and Probation Ombudsman

The PPO deals with complaints from young people and adults in prison, adults on probation, and people detained in immigration removal centres. The PPO considers complaints on most issues, except for parole decisions and a few other specific circumstances, and only after the young person has first exhausted the YOI’s internal complaints system.

Young people can complain to the PPO using a form, telephone call or by writing directly – there is also a confidential access system whereby the prison pays for postage. The PPO sends a written response within 10 days of receiving a complaint, either confirming that they are able to investigate the complaint or rejecting the complaint with an accompanying explanation.

If the PPO undertakes to investigate the complaint, they will then attempt to find a quick local resolution or otherwise undertake an investigation report, with the assistant or deputy ombudsman making the final decision about whether or not to uphold the complaint.

The PPO offers an important service to young people in custody, and their role needs to be promoted and extended. This can be achieved in two ways. Firstly, their services are only available to young people in YOIs, and not those in STCs. Their remit should be extended so that all young people in STCs have the opportunity to contact the PPO.

Secondly, the number of young people from YOIs who contact the PPO is very low – approximately one or two young people each year. This may be partly due to the fact that young people do not feel comfortable complaining about issues in writing, or following formal complaints systems. However, it may also be because many young people in YOIs are not even aware that the PPO exists. YOIs should ensure that the PPO's role is clearly explained to young people, and that information and support for complaining to the PPO is readily available.

The YJB's STC monitor

Each secure establishment's performance is monitored by a YJB secure accommodation performance monitor, who works with the establishment to ensure that the YJB's requirements are being met, and that it is complying with its contract. The YJB monitors within STCs have an additional function, in accordance with the STC Rules 1998 (Rule 8 [6]), which states that they can "hear appeals from young people against the outcome of any request or complaint made by the STC provider under their grievance procedure".

Evidence suggests that young people very rarely choose to make an appeal against a complaint to the YJB monitor – there is only one recorded case of this happening over the past year. In order to create consistency across the secure estate, consideration needs to be given as to whether the PPO would be best placed to respond to young people's appeals against complaints rather than the STC monitors.

If it is agreed that the STC monitors still have a useful role to play in hearing appeals, their role should be clearly articulated within the secure estate to avoid duplication with the PPO, and consideration should be given around training STC monitors in listening and responding to appeals.

Local authority independent person

Young people in secure children's homes also have the opportunity to complain to an independent person appointed by the relevant local authority. Regulation 33 of the Children's Homes Regulations 2001 states that each agency providing a children's home shall be visited at least once a month by an independent visitor appointed by the provider.

As part of their visits, which can be unannounced, the independent person will scrutinise all complaints and ensure that they are content with the way they have been handled by the home. Several of the STCs are now arranging similar

Regulation 33 visits. The YJB is keen to introduce a similar level of scrutiny into YOIs using the LADO (or relevant designated officer in Wales) as outlined earlier in this report, within the chapter on principle four.

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.

Summary of recommendations

The YJB will work with partners, including NOMS, to take forward the recommendations made in this review as a priority during 2011–12.

1. The complaints system should be easy to use and accessible to all.

- 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.

2. Written responses should be timely, of high quality and appropriate.

- 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.

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

- 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.

4. All complaints should be considered from a safeguarding perspective.

- 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.

5. Young people should be able to express their grievances in a variety of ways.

- 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.

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

- 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.

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