

Supporting Children's Complaints



We Learn We Change
Working together for social change

with
BAKER & JOY
COMMUNITY INTEREST COMPANY

Module Handbook (Blended learning)

Name _____ Date _____

Welcome to Supporting Children's Transitions

This is one module from our Care Matters Programme, which comprises a range of modules for families and workers involved in supporting people's well-being. Like all our modules, it is person-centred and based on research, policy, practice and the expertise of experience. Successful completion of the course and the on-line final assessment leads to the award of a module certificate. Successful completion of five or more modules leads to the Care Matters Course certificate.

Our Learning Agreement

As a learning group, to get the best from today, we commit to:

- Listen well
- Engage in the learning and share from our experience
- Respect each others views
- Maintain confidentiality
- Keep to programme times

Learning Outcomes:

By the end of the day, you should be able to:

1. Identify common reasons why children complain and what outcomes they want
2. Explain the Children Act Complaints process
3. Identify professionals who may be involved in the Complaints process
4. Summarise other legal options for achieving change
5. Support children and young people to make a complaint.

My Learning goals for today:

-
-
-

Programme

Your trainer today is:

(see course information)

We commit to cover the learning outcomes of the module within the advertised start and end times. The times of each session and the breaks may be adjusted by agreement during the day. We may spend longer on one topic and less time on another according to the needs of the learning group.

9.30	Welcome and introductions
9.45	The Complaints Experience
10.00	Definitions, Reasons and Outcomes
10.30	Complaints Process Quiz
11.00	BREAK
11.15	Roles in Complaints
11.30	Complaints Case Study
12.20	Learning review
12.30	END

Initial Quiz

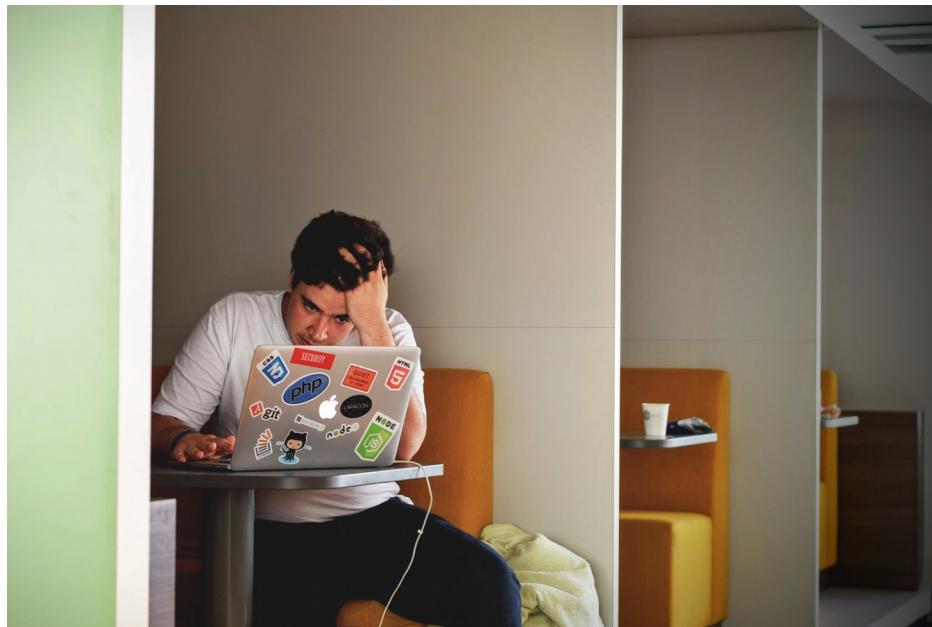
Take the **initial assessment quiz** on our e-learning site to test your existing knowledge of Complaints before the training day.

You will get feedback when you submit your answers.

Note any questions below to raise on the training day. Note any amendments to your personal learning goals on page two.

During the day...still got questions? Note them here to write on the board and we'll answer them during the training; or post on the course forum after the training day.

The Complaints Experience



Think of a time when you made a complaint.

Why did you complain?

How did it feel?

Were you satisfied with the outcome?

Has anyone ever complained about you?

How did that feel?

What does your experience teach you about supporting children and young people to complain?

Complaints definitions, reasons and outcomes

What is a complaint? Write your definition here:

What is an outcome? Write your definition here:

Make a list below of common complaints from young people and the outcomes they might want.

Common Complaints	Desired outcome
<i>e.g. Don't like my social worker</i>	<i>e.g. new social worker</i>

Types of Complaints

How would you resolve these typical complaints? Tick your choice.

	Local resolution e.g. talk with SW	Talk with IRO	Formal complaint	Other complaint process	Talk with solicitor	Other (please specify)
YP hasn't had a named SW for weeks, held on duty						
SW wouldn't agree to disabled YP going on school trip to France (support too expensive)						
YP going to be moved and doesn't want to go						
Muslim YP in children's home thinks he doesn't get enough choice of food						
YP hasn't had a reply to Stage 1 complaint after 3 weeks						
Homeless YP age 15 still waiting for SW to find accommodation, sleeping rough						
YP with autism permanently excluded from school, waiting 2 months still no new school						
Young adult (29) wants to complain about abuse when she was in care						
YP feels not listened to at last LAC Review						
Careleaver doesn't have a Pathway Plan						
YP doesn't agree with change SW made to Care Plan						

Complaints Quiz

How much do you know about complaints legislation and processes? Take our quiz to find out.

1. How many stages are there in the Children Act 1989 complaints procedure?

- 1 3
2 4

2. A complaint is formally recognised as a complaint only when it is put into writing?

- True
False

3. The timescale for completing the complaint procedure at Stage 1 starts when the local authority receives the complaint.

- True
False

4. The Independent Person is there to support the Investigating Officer.

- True
False

5. In the local authority the person with care budgetary control is usually the:

- Residential Worker
Social Worker
Team Manager

6. The role of the advocate is to represent the 'best interests' of the young person?

- True
False

7. Stage 1 (Local Resolution) of the complaints procedure must be completed within:

- 5 working days
10 working days
15 working days

8. Stage 1 (Local Resolution) can be extended by:

- 5 working days
- 10 working days
- 15 working days

9. Stage 2 (Investigation) of the complaints procedure must be completed within:

- 20 working days
- 25 working days
- 30 working days

8. Stage 2 complaints can be extended by:

- 25 working days
- 45 working days
- 65 working days

10. If the complainant requests a Stage 3 Review Panel they must do so within:

- 10 working days
- 20 working days
- 30 working days

Of receiving the adjudication.

11. A Judicial Review examines the decisions made by the local authority.

- True
- False

13. The Local Government Ombudsman looks into complaints and can correct the decision of the local authority if they do not agree with it.

- True
- False

14. Children have a right to an advocate when they make a representation about a services, not just a complaint

- True
- False

Complaints Roles

Key people in the complaints process have clearly defined roles. Match them to the definitions below:

	Consult child about views, wishes and feelings. Prepare child for statutory meetings. Negotiates/decides informal complaints. Provide evidence for formal complaints.
	Support child to make complaint. Advise about rights and options. Accompany YP to meetings and ensure views, wishes & feelings are heard.
	Support child to make complaint. Provide evidence for formal complaint.
	Can make complaint in own right. Support child to make complaint. Provide evidence for formal complaint.
	Ensures implementation of Care plan. Addresses poor practice / problems with implementation. Refer to CAFCASS if unhappy with LA actions/response.
	Makes budget decisions. Investigates and responds in writing to Stage 1 complaints.
	Makes arrangements for stage 2 & 3 complaints investigation. Ensures procedures followed.
	Responds to recommendations from Stage 3 complaints.
	Must be independent of LA. Part of Stage 2 investigation. Ensures due process and submits report, commenting on IO report.
	Must be independent of department responsible for YP care. Leads investigation of stage 2 complaints. Makes report with recommendations to LA.
	Takes instructions from YP. Co-ordinates a legal case, giving advice, acting on YP instructions and representing YP in court.
	Chairs Stage 3 panels. Makes report with recommendations to LA.

Independent Person, Foster Carer, Complaints Manager, Social Worker, Parent, Advocate, IRO, Panel Chair, Investigating Officer, Team Manager, Solicitor, Head of Service.

Case Study: Stage 1 complaint

You receive this email from Kane, a young person you advocate with. Assuming you have Kane's instructions, and using the template provided, draft the points you would make in a Stage 1 Complaint letter.

Dear Advocate,

you won't believe what that stupid social worker has done now! I hate her, she has always had it in for me! I'm 17 and she treats me like I'm a kid. I want you to get me a new social worker, I won't talk to her again. She never listens to me anyway.

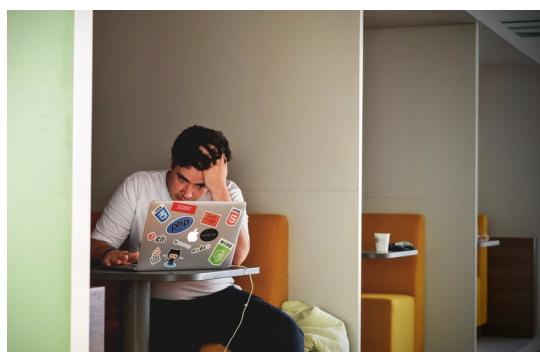
So you know, you were there at that last meeting when she said that I can stay with my foster carers until I finished my catering course. So I still got the rest of the year to do, but then she phoned me and said that she's found me a hostel place to move into, and because they need my bedroom for some other child, she is going to move me there next week. Sam and Kate say they don't want me to go, because I've been here since primary school and they are like my family, but the SW is pushing them to have this other kid and they said maybe I should look at it. But I heard about this place, it has lots of sad greebos there and I aint going. And another thing, this term we got our prepping assessment and I need a set of knives and she promised to get me some but now she says she won't cos I got cross with her about the hostel. So I did swear a bit but I never threatened her so its not fair she wont get me the knives. Anyway I'll show her I'm going to go on Young Masterchef and when I win she'll be really sorry.

Also as well as the knives please can you make her get me some new whites cos mine got a bit messed up and my tutor says I can't do service in the canteen until I get some new ones. You should come to the canteen the foods well cheap we could meet there on Friday? I wanted to ask you about getting to see my files, I want to find out where my little brother is, Sam & Kate say they don't know but it must be in my records somewhere. I want to find him so he can watch me on Masterchef. But stupid SW said she wouldn't let me see my files because it would be too upsetting. Which is why I hate her and you got to get me another one.

When I do get a place of my own, can you make the social promise to pay my rent? Kate says something about it being in a plan but I don't know what she was talking about but someone's got to pay it until I get a job.

Text me, I aint got any credit.

Kane



Case Study: Stage 2 Complaint

Here is the response from the Team Manager to Kane's stage 1 complaint. Assuming you have Kane's instructions, draft a Stage 2 complaint letter in response.

Trex Council

Children's Services

Looked After Team

Dear Kane,

I have investigated the complaint you sent last month and I am writing to let you know what I have decided.

I spoke to your social worker about the plan to move you into The Pits Hostel and she explained why this was the best place for your transition from your foster placement and that if you don't take this place, there may not be another one available when you finish your course. As you only have two terms left, it's important to get you settled in a new place soon so I have agreed with the social worker that you should move there next week.

Your social worker was very surprised that you asked for a new social worker as she really likes you and feels she understands you and you normally get on well. She appreciates that you might be a little nervous about the move, so she will take that into account when she meets with you. As she clearly knows you very well, I have decided she should continue until you are discharged from care, which is only a few months anyway, she has already made the application.

Regarding the knives, she advised me she has done a risk assessment, and that while you are feeling unsettled about the move and leaving care, she doesn't think it is wise for you to have your own set at this time. She has spoken to your tutor at college, and he has agreed to lend you a set when you are under his supervision.

Regarding the uniform, that is something we would expect you and your foster carers to sort out, especially as you damaged the original one. I know you earn tips in the college canteen and your carers also receive a Staying Put allowance, this should more than cover it.

Regarding your files, I'm afraid that's something I cannot agree to. Your brother has a right to remain anonymous and we don't know if he wants to see you, do we? Your social worker also thinks in your current emotional state it would not be advisable. She has a great positive attitude for you, you need to look forward to moving into the Pits, finishing your course and getting your first job.

I hope this makes everything clear for you and I do wish you all the best with your future.

Mr Bull

Team Manager

Learning Review

1. Have you met all your learning goals (*see page 2*)?
 2. What are your main learning points from today?
 3. What will you do differently now in your practice?
 4. Any further areas to research or further training needs?

Next Steps

Don't forget to log on to www.welearnwechange.org.uk to:

- download the rest of the course resources including today's presentations
 - take the on-line final assessment quiz and evaluation
 - download your course certificate
 - contact the learning group and your course tutor with any follow-up questions.

Thank you for learning with We Learn We Change; we hope you found it informative and inspiring. Please join our mailing list (via the website) for updates and information about further free resources, publications, course discounts and open events.

Bibliography

All resources that are available electronically can be downloaded from the course library on our website www.welearnwechange.org.uk

Legislation and Guidance

Children's Act 1989

Equality Act 2010

United Nations Convention on the Rights of the Child (UNCRC)

Working Together to Safeguard Children 2018

Getting the Best from Complaints 2006

Principles of Good Administrative Practice, LGO 2016

See also local authority and institutions' local complaints procedures.

Reports and Research

UCLAN/NCB Independent Advocacy: Impact and Outcomes for Children and Young People; Office of the Children's Commissioner (OCC) 2013
Common Principles for a Child-friendly Complaints Procedure, OCC

Useful Resources

Adams, M; Brady, L; Johnson, M. *An Advocate's Guide to Complaints in England*; Pavilion 2018

Johnson, M. *Child Abuse Compensation Claims*; Jordans 2011

Children's Commissioner: <https://www.childrenscommissioner.gov.uk/>

Local Government Ombudsman: <https://www.lgo.org.uk/>

Judicial Review - Judiciary website: <https://www.judiciary.uk/you-and-the-judiciary/judicial-review/>