



Youth Justice
Agency

Complaints Charter

Policy and Procedures

making communities safer
by helping children to stop offending

COMPLAINTS CHARTER (POLICY AND PROCEDURES)

Introduction

1. The Youth Justice Agency has an easy to understand and responsive complaints procedure which encourages anyone who feels they have been treated unfairly or inappropriately by the Agency to speak out so that their concerns can be addressed.
2. The best interests of the child will be the most important consideration in the handling of complaints and the procedure will accord with the Agency's published Statement of Purpose and Values.
3. Information on how to raise concerns or make complaints will be published and made widely available in a variety of formats.
4. This charter should be read in conjunction with the Agency's Safeguarding (Child Protection) procedures as an issue raised as a complaint may need to be dealt with under safeguarding children procedures **which will take precedence**.
5. While this procedure is written primarily for children and young people, it also applies to parents, carers and victims and anyone who comes into contact with the Agency. However separate procedures exist for staff who wish to make complaints or raise grievances.
6. Lessons learned from complaints will be used to improve and influence the development of Agency services.

Problem Solving and Prevention

7. The Agency is committed to treating children and young people fairly and with respect for them as individuals. By involving them as far as possible in the decision making process, the Agency seeks to create an environment in which potential problems are quickly identified and addressed.
8. In this way it will usually be possible to resolve any worries or anxieties before a complaint is deemed necessary. Efforts to resolve matters will be consistent with restorative practice. Where agreement cannot be reached through discussion, decisions made and actions taken by staff will be clearly explained.

Rights

9. The Agency regards the UN Convention on the Rights of the Child and Human Rights legislation as fundamental to its work with children and young people with whom it comes into contact and who can be especially vulnerable.
10. This complaints procedure is based on the belief that all children have a right to:-
 - complain without censorship;
 - be heard and taken seriously;
 - have their complaint properly investigated;
 - have a response without delay.
11. Those who wish to complain will be given whatever help and guidance they require to make a complaint, taking account of any difficulties they may have because of their age or background, educational needs, communication difficulties, race or ethnicity, religion, political opinion, sexual orientation, marital status, responsibility for dependents, gender, and disability. Special provision will be made for those with special needs or disabilities and those whose first language is not English.
12. Children and young people have the right to contact the police if they believe that a criminal offence has been committed.

Safeguarding

13. Safeguarding procedures may be invoked at any stage of a complaint if any form of abuse is suspected and will take precedence over the complaints procedure. While some form of response may be necessary to protect the parties involved, no other action should be taken in relation to the progress of an associated complaint until the outcome of the joint Police Service of Northern Ireland (PSNI) and Health & Social Services (HSS) investigation is known.
14. In the event of there being protracted investigations, the Agency will liaise with the PSNI and the HSS Trust to ensure that the best interests of the child are upheld and that the resolution of the complaint is not unduly delayed.
15. Staff will contact the police if they believe that a criminal offence has been committed.

16. In the event of there being criminal investigations or proceedings, the complaint review will be suspended until the completion of such investigations or proceedings, and will be concluded once their outcome is known.

Disability and Special Needs

17. The Agency will ensure that detailed procedures are in place that enable young people with special needs to fully participate in the complaints procedure. Care will be taken to provide information and other support in a way that they fully understand and which helps them to do so. This may include provision of an interpreter, communication aids or other forms of specialist support.
18. These procedures will be made available, upon request, in different formats for individuals with particular needs.

Key Principles

19. The key principles of the Complaints Procedure are:-
 - To resolve the problem by agreement and as near the point of origin as possible;
 - To avoid delay, wherever possible;
 - To keep children and young people informed;
 - To have procedures which are open and easy to use and understand;
 - To ensure that the complainant, whether the child or adult on their behalf, will not suffer harassment or reprisals as a result of making and progressing with a complaint;
 - To use conciliation and restorative principles, where appropriate, as part of the process;
 - To ensure that the needs of victims will be respected throughout the complaints process;
 - To provide fairness and to build confidence in the process through independent review.

Confidentiality and Information Sharing

20. Complainants personal details will be treated in a confidential manner with information passed between staff (within or outside the Agency) on a strictly need to know basis only.

Definition of a Complaint

21. A complaint is **an expression of dissatisfaction, which has been consciously and explicitly raised in relation to services provided by the Youth Justice Agency, for which some redress is sought.**
22. It can be made verbally or in writing and can also be raised on the child's behalf by a parent, carer or other representative. Complaints will vary in seriousness and while it is hoped that minor concerns can be resolved by early agreement, no complaint should be considered too small or insignificant to be dealt with using this procedure.
23. There may be occasions where the child does not themselves wish to complain. In such cases, a third party may still make a complaint in respect of the child, taking into account their needs and best interests and with their knowledge, but not necessarily with their consent.
24. In the case of anyone else (other than a child) who wishes to make a complaint but is unable to do so due to illness or other capacity, a nominated representative may do so on their behalf but only with their consent.

Issues of Concern

25. An issue of concern is defined as **an informal complaint which requires a response but for which no form of redress is sought** and will be treated separately from the formal complaints process.
26. Young people, in particular, will often voice concerns or frustrations which may require an informal and timely response but for which no specific redress is sought. It is important that staff can identify, acknowledge and be responsive to such concerns otherwise there is a risk of them escalating into full complaints.
27. These 'issues of concern' do not require formal recording under the complaints procedure but should be discussed at a local level to ensure any underlying issues are identified and properly addressed. Any significant underlying issues identified will be drawn to the attention of the Agency's Complaints Officer by Directors for inclusion in the quarterly updates to the Agency's Management Board.

COMPLAINTS PROCEDURE

28. The key features of the formal complaints process are as follows:-

General Features

- The complaints procedure will be made available to any individual wishing to raise a formal complaint about the Agency;
- Complaints can be made verbally or in writing;
- The member of staff receiving the complaint will be responsible for establishing whether any redress is sought by the complainant. If no redress is sought, it will be recorded as a 'Issue of Concern';
- The initial response to any complaint is the responsibility of the member of staff receiving the complaint;
- The complaints process has steps. However, it should be applied flexibly enough to allow entry or exit at any stage in the process. Similarly a referral to another step or procedure (eg, safeguarding) can occur depending on the nature and seriousness of the complaint or the circumstances surrounding it;
- At each stage of the process all information collated in relation to the complaint will be made available to the person dealing with the complaint and overseeing the investigation;
- If there has been an insufficient attempt to resolve an issue at an earlier stage of the process and where it is appropriate to do so, the complaint may be redirected back to the appropriate level.

Child Specific Features

- The complaints procedure will be explained to each young person for whom the Agency is providing a service in a manner appropriate to the young persons' needs and which ensures their full understanding. This will be done as part of the induction process and repeated periodically throughout their period of involvement with the Agency;
- Contact cards, which assist a child to make a complaint, will be made widely available and included as part of the induction material given to all young people engaging with the Agency;

- Any young person making a complaint may consult with and seek the support of someone with whom they feel comfortable. This assistance will be welcomed and encouraged at all times to give a young person confidence or help them explain the problem. This may include:
 - a friend;
 - a parent, carer or guardian;
 - a family member;
 - an adult such as a social worker;
 - a solicitor or any other professional; or
 - any other organization that protects the rights of children or provides them with legal advice.

In the case of children in custody, this may include the Independent Representative whose role is to assist young people to articulate their views and ensure that they are heard and responded to by staff and management. Details of such individuals and organizations are set out at **Appendix A**.

- The child and their parents or carers will be notified when a complaint has been registered;
- At the end of each stage it will be the responsibility of the person who has carried out the investigation to take action to inform the child and the person assisting them with their complaint of the options available if he/she remains dissatisfied;
- The outcome of each complaint will be fully explained to the child and their parents or carers in a manner they can understand. This may be done verbally or in writing, but confirmation in writing will be provided.
- The young person will be given one week to consider the response.
- Following this period of consideration, the young person will be asked whether the complaint has been resolved to their satisfaction and/or that no further action is required; If this is the case, they will be asked to confirm this (where possible by signing an agreement to this effect) in the presence of a trusted adult who is not the subject of the complaint.
- If the child, or other person on their behalf, is not satisfied that the complaint has been resolved, they will be given information about how they can take matters forward and help to do so.
- In the event of a child wishing to withdraw a complaint before a response is provided, a parent or representative who knows and is acceptable to the child will be asked to discuss this decision. The child and/or their representative will be asked to sign a record of this decision.

29. There are 4 steps to the formal complaints process as follows :-

Step 1

“Talk to a member of staff”

30. It is important that anyone who is dissatisfied with the service they receive from the Agency is encouraged to make a complaint. This requires front line staff being alert to the concerns of young people and adults alike and engaging with them as part of normal service delivery.
31. The aim is to address issues in a practical and pragmatic way. Ideally this should be with the involvement of the person most directly involved with the young person or the person with whom he/she has a grievance, but the preference of the child should be the overriding consideration. Although the complaint may be verbal staff must record the complaint in the local (formal) Complaints Log.
32. Complaints should be addressed quickly and thoroughly by the staff member receiving the complaint with the aim of resolving matters to the complainant's satisfaction **within 5 working days**.
33. Every effort should be made to resolve the majority of concerns and problems of a minor, domestic or service delivery nature in this way.

Step 2

“Complain to the senior manager”

34. This will normally be the Case Manager or Locality Manager of an area office or a Unit Manager in the Juvenile Justice Centre. A complaint about those managers should be dealt with at the next supervisory level.
35. If a young person is dissatisfied with the outcome of the investigation into their complaint following the completion of Step 1, then they should be offered the opportunity to speak to the senior manager who will explain what course of action is available to pursue the complaint. The senior manager will describe Step 2 of the process.
36. The complaint should then be formally recorded in writing. If the young person or their representative does not feel able to write their complaint, a member of staff or any person who may be assisting them can help. Wherever possible, the complaint should be signed by the child. The senior manager will **acknowledge receipt of the complaint within 3 working days of receipt**.

37. The senior manager's investigation will consider all the relevant factors associated with the complaint, examine the efforts made to resolve the complaint at Step 1 and speak with everyone concerned.
38. The senior manager will then decide the actions to be taken and inform, in writing (and where necessary verbally), all concerned of their decision and the reasons for it **within a maximum of 5 working days from the date of receipt of written referral.**

Step 3

"Seek a review at Director level"

39. Should all avenues at local level be exhausted and the complainant is still dissatisfied, the complaint will then be referred to the Agency's Complaints Officer based within Corporate Headquarters. Once such a referral is made, the Complaints Officer will contact the complainant, provide a template upon which to allow them to detail their complaint, how they feel it has not been adequately been addressed and what they are seeking by way of redress.
40. The complaint will then be referred to a Director for investigation. This can be the Director in charge of the business area where the complaint has been made or should that not be appropriate then a Director from another business area will be appointed.
41. The Complaints Officer will **acknowledge receipt of the complaint in writing within 3 working days** and undertake to respond to the complaint substantively, following investigation by the relevant Director, within 15 working days.

Step 4

"Refer to the Independent Complaints Reviewer (ICR)"

42. If dissatisfied with the investigation or decision reached by the Director, the young person or their representative may forward his/her complaint to the ICR. Information about the ICR's role will be given to the young person or their representative to enable them to understand what help the ICR can provide and how the independent review process works.
43. The ICR will have full authority to investigate the complaint on behalf of the Chief Executive. This will include having access to all relevant documentation and being able to speak with the person making the complaint or any member of staff in order to reach a view on whether the complaint is justified and was handled as it should have been.

44. In carrying out this review, the ICR may seek the assistance of Agency officers who have not been previously involved in the matter complained about or directly involved with the young person concerned. Such investigations will be carried out in accordance with the agreed procedures.
45. The ICR will examine whether or not the investigation of the complaint has been properly conducted and if the decision reached was fair and proportionate.
46. If the ICR determines that the decision was unfair he/she will make recommendations to the Chief Executive as to how the situation should be resolved.
47. The Chief Executive will consider the report and any recommendations made by the ICR and make a final decision on behalf of the Agency on whether or not to uphold the complaint and implement any recommendations made by the ICR.
48. Should the Chief Executive not uphold the complaint, he/she will give full reasons in writing to the complainant and advise them how to refer their complaint to the Assembly Ombudsman for Northern Ireland should they wish to do so. In such circumstances, the Chief Executive will also inform the ICR as to why their recommendation(s) could not be implemented.

Oversight

49. Nothing in these procedures detracts from the right of the child or young person and their representatives taking their complaint to the NI Commissioner for Children and Young People or to the Assembly Ombudsman for Northern Ireland.
50. In referring a complaint to the Assembly Ombudsman for Northern Ireland, the complainant will be expected to have first exhausted the various stages of the Agency's complaints procedure. Such referrals must also be made via a MLA (Member of the Legislative Assembly).

Recording and Training

51. Local managers are responsible for ensuring that complaints and their outcomes are recorded and dealt with in accordance with these procedures.
52. Staff will be trained to have a full understanding of the procedures both at the point of induction and periodically throughout their service with the Agency.

Monitoring and Reporting

53. It is the responsibility of the Chief Executive to ensure that monitoring and reporting arrangements are in place throughout the Agency, and to guarantee a consistency of approach which ensures that problems are identified and dealt with at the earliest opportunity.
54. The Chief Executive will designate the Agency Complaints Officer to undertake this role on their behalf.
55. The incidence of both formal complaints and any underlying themes arising from 'issues of concern', together with the process of their investigation and resolution and lessons learned, will be reported to the Agency's Management Board on a quarterly basis.
56. The Chief Executive will report annually, by way of the Agency's Annual Report, on the number, nature and outcome of all complaints received and how these have influenced the learning and subsequent actions of the Agency.
57. An independent assessment of the operation of the Agency's complaints procedures will be commissioned from the ICR each year and published as part of the Agency's Annual Report.
58. The process and resolution of complaints will also be subject to inspection by the Criminal Justice Inspection (NI).

Appendix A

Details of Contact Organisations

- **Youth Justice Agency**
Complaints Officer
41 Waring Street
Belfast
BT1 2DY

Tele No: (028) 9031 6434
E-mail: info@yjani.gov.uk
- **The Independent Complaints Reviewer**
1 Victoria Street
London
SW1H 0ET

Tele No: (020) 7930 0749
E-mail: enquiries@icrev.org.uk
- **The Northern Ireland (Assembly) Ombudsman**
Freepost BEL1478
Belfast
BT1 6BR

Tele No 0800 343 424 (Freephone)
E-mail: ombudsman@ni-ombudsman.org.uk

Others who can help and give advice

- **Children's Law Centre**
Tele no: 0808 808 5678
- **NSPCC – Childline**
Tele No: 0800 1111
- **Northern Ireland Commissioner for Children and Young People (NICCY)**
Tele No: (028) 9031 1616
- **NIACRO**
Tele No: (028) 9032 0157

- **Include Youth**
Tele No: (028) 9031 1007
- **Voice of Young People in Care (VOYPIC)**
Tele No: (028) 9024 4888
- **Lifeline**
Tele No: 0808 808 8000 (Freephone)
- **Domestic Violence Helpline**
Tele No: 0800 917 1414 (Freephone)
- **Barnardo's**
Tele No: (028) 9067 2366