



Championing Children and Young People in England

**Child Friendly Complaints Processes in
Health Services:
Principles, Pledges and Progress**

September 2013

Office of the Children's Commissioner

The Office of the Children's Commissioner (OCC) is a national organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. The post of Children's Commissioner for England was established by the Children Act 2004. The United Nations Convention on the Rights of the Child (UNCRC) underpins and frames all of our work.

The Children's Commissioner has a duty to promote the views and interests of all children in England, in particular those whose voices are least likely to be heard, to the people who make decisions about their lives. She also has a duty to speak on behalf of all children in the UK on non-devolved issues which include immigration, for the whole of the UK, and youth justice, for England and Wales. One of the Children's Commissioner's key functions is encouraging organisations that provide services for children always to operate from the child's perspective.

Under the Children Act 2004 the Children's Commissioner is required both to publish what she finds from talking and listening to children and young people, and to draw national policymakers' and agencies' attention to the particular circumstances of a child or small group of children which should inform both policy and practice.

The Office of the Children's Commissioner has a statutory duty to highlight where we believe vulnerable children are not being treated appropriately in accordance with duties established under international and domestic legislation.

Our vision

A society where children and young people's rights are realised, where their views shape decisions made about their lives and they respect the rights of others.

Our mission

We will promote and protect the rights of children in England. We will do this by involving children and young people in our work and ensuring their voices are heard. We will use our statutory powers to undertake inquiries, and our position to engage, advise and influence those making decisions that affect children and young people.

1. Introduction

Children and young people have a right to make complaints when services they use do not meet their needs. This right is outlined in the United Nations Convention on the Rights of the Child (UNCRC) and a variety of national policies framing various service provisions.

As England's only national statutory champion of children and young people's rights, the Office of the Children's Commissioner for England (OCC) is charged with the legal duty to consider the operation of children's complaints processes and to understand how they work for children and young people in England.¹

To fulfil this duty, the OCC has researched complaints processes for a number of years and published a series of reports (Children's Commissioner and YJB, 2011, Children's Commissioner 2012).

As well as celebrating good practice, our research found young people faced multiple barriers if they wanted to make a complaint about a service they use. This reinforces many of the messages we have heard from children and young people about the barriers they face accessing and using complaints processes in a range of settings (OCC 2005, Children England 2010).

In November 2012 we held a roundtable with a range of professionals working in the health and youth justice sectors responsible for complaint handling. The aim was to disseminate the views and experience of children and young people using and wanting to use complaints processes. We also used the event to identify ways to improve the accessibility and quality of complaints processes for children and young people.

During the event we agreed eight principles that should underpin complaints processes available to children and young people. Within this report we are publishing these *Common Principles for a Child Friendly Complaints Process*. A number of professional bodies in the health sector have endorsed the principles and their logos appear here. We are also publishing pledges made by individual health sector organisations during the event and show how we intend to follow-up on progress each has made.

Over the coming year we will be urging organisations that work with children and young people to consider how they will be able to implement the principles laid out in the report. In doing so we would welcome feedback on how appropriate and effective the principles are in relation to different organisations, services and sectors.

¹ Children Act (2004) Part 1, Section 2: <http://www.legislation.gov.uk/ukpga/2004/31/section/2>

2. The United Nations Convention on the Rights of the Child

The UK Government ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991.² This is the most widely ratified international human rights treaty, and sets out what all children and young people need to be happy and healthy. By agreeing to the UNCRC the Government has committed itself to promoting and protecting children's rights by all means available to it.

The legislation governing the operation of the Office of the Children's Commissioner requires us to have regard to the Convention in all our activities. Following an independent review of our office in 2010 the Secretary of State accepted recommendations that included a change to the Office's remit. Pending Parliament passing new legislation we are working to realise this new remit, which is to promote and protect children's rights.

Complaints systems are an important part of children and young people being able to realise their rights because they ensure that services and those who make decisions that affect their lives are accountable for their actions. Good complaints processes not only highlight areas where children and young people have been let down, or have experienced inadequate support, they lead to reflective practice and a culture that seeks improvement and responsiveness to the needs of children and young people.

Key UNCRC articles that relate to complaints systems include:

- Article 2: non discrimination
- Article 3: best interest of the child
- Article 12: children and young people's right to have their voice heard and taken seriously.

The UNCRC general comments also provide additional information on the right of children to access an appropriate complaints system.³ Below we list some of the general comments that have guided this project.

The UNCRC general comment on juvenile justice states:

Every child should have the right to make requests or complaints - without censorship as to the substance to the central administration, the judicial authority or other proper independent authority and to be informed of the response without delay. Children need to know about and have easy access to these mechanisms.

² You can view the full text of the United Nations Convention on the Rights of the Child on the Office of the United Nations High Commissioner for Human Rights website at: <http://www2.ohchr.org/english/law/crc.htm>. A summary version, produced by UNICEF, is available at: http://www.unicef.org/crc/files/Rights_overview.pdf

³ <http://www2.ohchr.org/english/bodies/crc/comments.htm>

The UNCRC general comment – The rights of children with disabilities states:

Institutions providing care for children with disabilities are staffed with specially trained personnel, subject to appropriate standards, regularly monitored and evaluated, and have accessible and sensitive complaint mechanisms

The UNCRC general comment – The right of the child to be heard states:

Legislation is needed to provide children with complaint procedures and remedies when their right *to be heard, and for their views to be given due weight, is disregarded and violated. Children* should have the possibility of addressing an ombudsman, or a person of a comparable role, in all children's institutions, inter alia, in schools and day-care centres in order to voice their complaints. Children should know who these persons are and how to access them. In the case of family conflicts about consideration of children's views, a child should be able to turn to a person in the youth services of the community.

If the right of the child to be heard is breached with regard to judicial and administrative proceedings (art. 12, para. 2) the child must have access to appeals and complaints procedures, which provide remedies for rights violations. Complaints procedures must provide reliable mechanisms to ensure that children are confident that using them will not expose them to risk of violence or punishment.

The right of the child victim and witness is also linked to the right to be informed about issues such as availability of health; psychological and social services; the role of a child victim and/or witness; the ways in which "questioning" is conducted; existing support mechanisms in place for the child when submitting a complaint and participating in investigations and court proceedings; the specific places and times of hearings; the availability of protective measures; the possibilities of receiving reparation; and the provisions for appeal.

3. Work to date and key findings

In July 2012, the OCC published two reports on children and young people's access to, and experience of, the complaints systems in the health service⁴ and youth justice secure estate settings.⁵ As well as celebrating good practice, the research found young people faced multiple barriers if they wanted to make a complaint about a service they had used. The reports were guided by what children and young people relayed to our researchers. Below are some of the key messages that emerged with direct quotes from young people.

Children and young people are not provided with information about their right to complain, how to complain, confidentiality issues or what happens when they complain (the process)

*"I have never thought of putting in a complaint anyway. Don't have a clue how to."*⁶

*"I wouldn't think as a 14-year old that I could complain. I'd expect my parents to do it for you."*⁷

*"It takes time to know what your rights are and to have the skills and not feel guilty to say what you wanted to say."*⁸

Complaints systems are too complicated, take too long, rely too much on written skills and are overly formal, so that very often the young person does not bother

*"I saw a psychiatrist and I needed to get a referral and they said it would take a couple of weeks, but it took months, I didn't see the point in complaining cos I couldn't see what it would achieve."*⁹

Children and young people worry about making complaints because of the possible repercussions

*"I'd worry that they would give me bad service if I complain."*¹⁰

*"In general, if you make a complaint the governors don't like you."*¹¹

⁴ OCC (2012) "It takes a lot of courage."- Children and young people's experiences of complaints procedures in services for mental health and sexual health including those provided by GPs. London: Office of the Children's Commissioner

http://www.childrenscommissioner.gov.uk/content/publications/content_585

⁵ OCC (2012) "Why are they going to listen to me?"- Young people's perspectives on the complaints system in the youth justice system and secure estate. London: Office of the Children's Commissioner

http://www.childrenscommissioner.gov.uk/content/publications/content_584

⁶ Young person - "Why are they going to listen to me?"- Young people's perspectives on the complaints system in the youth justice system and secure estate

⁷ Young person - "It takes a lot of courage."- Children and young people's experiences of complaints procedures in services for mental health and sexual health including those provided by GPs

⁸ *Ibid*

⁹ *Ibid*

¹⁰ *Ibid*

Children and young people believe there is a stigma attached to complaining, or that they will not be believed

“There is a social stigma attached to complaining. They should have a box for us to put a remark into”¹²

“They look at you, they make assumptions about you, it’s the whole stereotype because of your age.”¹³

Some children and young people have little confidence that anything would be done as a result of making a complaint

“They don’t take you seriously if you have a mental health problem, they say you’re over sensitive... or they say it’s just part of your illness....”¹⁴

“People don’t really think about putting in a complaint, because they think that nothing is going to happen. Nothing does happen. That’s the thing. You just have to put up with everything.”¹⁵

“At the end of the day if you want to make a complaint it’s not gonna make any difference.”¹⁶

“I am complaining to their bosses, but they are all the same. They all wear the same uniform. Why are they going to listen to me?”¹⁷

Complaints are not always treated in confidence and sometimes children and young people are labelled as troublemakers

“I know somebody who put in a complaint about somebody, and then the person he had complained about sent him a response. So she knew he was complaining about her.”¹⁸

“It depends on what you are complaining about. I know some people complain about reception. If you complain about reception, they will not sort you out ever. I know never to complain about them. Be nice to them and they will sort you out very quickly.”¹⁹

¹¹ Young person - "Why are they going to listen to me?"- Young people's perspectives on the complaints system in the youth justice system and secure estate

¹² Young person - "It takes a lot of courage."- Children and young people's experiences of complaints procedures in services for mental health and sexual health including those provided by GPs

¹³ *Ibid*

¹⁴ *Ibid*

¹⁵ Young person - "Why are they going to listen to me?"- Young people's perspectives on the complaints system in the youth justice system and secure estate

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ *Ibid*

¹⁹ *Ibid*

While our research on complaints systems focused on youth justice settings and some specialist health services, the findings echo many of the same messages from children and young people in relation to other types of services.^{20 21}

²⁰ OCRD (2005) Getting complaints sorted quickly is important: What children and young people think about the government's proposals to change the Social Services Complaints Procedure. London Office of the Children's Right Director
<https://www.rights4me.org/en/home/library/reports/report-getting-the-best-from-complaints.aspx>

²¹ Children England (October 2010) Submission to the Independent Review of the Children's Commissioner for England.

4. Roundtable: developing child friendly complaint processes

On the 7 November 2012, the Children's Commissioner hosted a roundtable event looking at children and young people's access to, and use of, the complaints process in health and youth justice settings. The objectives of the event were to:

- disseminate and discuss the findings of the Office of the Children's Commissioner's research with key stakeholders who are responsible for complaints systems
- gain support for implementing the recommendations made in the two reports noted above
- secure a commitment from those involved in the roundtable as to how they would respond to the research findings and recommendations
- seek to develop common principles that should underpin child friendly complaints systems firstly in health and youth justice, and secondly more widely in other organisations and services.

A range of professionals from health, youth justice and the relevant ombudsmen participated in the event. See appendix A for a list of the organisations that attended.

The discussion was conducted in response to the Office of the Children's Commissioner's reports on the complaints systems in health and youth justice settings. Several young people who had been involved in the research spoke about their experiences, and UserVoice and Cernis presented summaries of the research they had conducted on behalf of our office. Delegates then discussed issues and barriers to achieving child friendly complaints processes.

The Children's Commissioner presented draft common principles for child friendly complaints processes. These were drafted on the basis of frequent themes arising from the report and discussions at the event.

There was unanimous agreement that the common principles presented, and amended by participants, were both relevant and useful in shaping future policy and practice.

As a result, the Office of the Children's Commissioner asked the organisations involved in the roundtable to make a commitment to the principles and to report on how the application of the principles would impact on their own work and practice. Each organisation pledged to improve complaints processes for children and young people. Some of these were made on the day and others were made and collected by the Office of the Children's Commissioner in the weeks following the roundtable meeting. These pledges are outlined in section 6.

5. Common Principles for a Child Friendly Complaints Process

These principles have been developed based on the views, experiences and voices of children and young people, as well as discussions with professionals who have a responsibility for complaints. :

1. All organisations working with children and young people should value and respect them, and develop positive and trusting relationships.
2. All complaints from children and young people should be seen as positive, valuable service user feedback and considered from a safeguarding perspective.
3. Children and young people should be involved in the development and implementation of the complaints process they may wish to use.
4. All children and young people should have access to information about complaints processes. This should be provided in a variety of formats, including online, and should be age appropriate and take account of any additional needs that a young person may have.
5. All children and young people should be able to make complaints in a variety of ways.
6. Written responses to complaints should be timely and where possible discussed with the young person. The young person should always be given an opportunity to provide feedback.
7. Staff should be well trained and have access to training in listening to, and dealing with, complaints from children and young people.
8. Children who need support to make a complaint should have access to an independent advocate.

Endorsed by:



6. Commitments made by individual organisations during and after the Children's Commissioner's roundtable in 2012

Outlined below are the pledges made by organisations to improve access to, and use of, the complaints processes for children and young people. Not all organisations have made a pledge. This is because some have on-going work in the field of complaints, and are already working to improve the complaints process available to children and young people. Additionally, some organisations do not have the capacity within their 2013/14 work plans to make this pledge, but will review our requests for pledges at the end of the year.

Organisation	Pledge
Department of Health	They expect to be able to amend the NHS written complaints policy from 2014 to include age and other changes. For example, it is likely that all NHS organisations will be required to publish locally complaints data, and publicise the fact which will aid transparency and handling of complaints and feedback.
General Medical Council	The GMC have committed to reviewing the child friendliness of their existing processes. The Fitness to Practise Directorate is planning to look specifically at the needs of children and young people in its 2014 work plan.
The Royal College of Psychiatrists Child and Adolescent Psychiatry Faculty	The Royal College of Psychiatrists Child and Adolescent Psychiatry Faculty have agreed that the College will sign up to the common principles for child friendly complaints processes.
National Youth Advocacy Service (NYAS)	NYAS is implementing an audit of the current practice of staff sharing the complaints procedure with children and young people.
Youth Justice Board (YJB)	The YJB have signed up to the common principles and are looking to harmonise principles with the advocacy services they commission within Young Offender Institutions and Secure Training Centres.
Brook	Brook will work with young people, both those who their services and those who do not, to review their current comments and complaints processes. The revised processes will be implemented by all Brook services nationwide and learning shared to improve client satisfaction ratings. This will be one of the organisations' priority improvement objectives in their published Quality Accounts for 2013/14.

7. Next steps

The Office of the Children's Commissioner will monitor progress made on the pledges. We will do this by following up with the individual organisations and collating progress reports.

We will also be asking organisations that have not yet done so, to sign-up to the Common Principles for a Child Friendly Complaints Process. We will do this by publishing the principles on our Online Participation Networks Forum and when meeting individual organisations.

In addition, the Office of the Children's Commissioner has reviewed and revised its own complaints process available to children and young people. This was done based on the findings of the research, and with children and young people during participation sessions. As a result we now have a new complaints procedure in place and these can be found on the OCC website.

For further information please contact:

Lisa Davis

Senior Policy Adviser: Equality and Rights

September 2013

Appendix A Organisations who attended the complaints round table

Chairs

Maggie Atkinson	Children's Commissioner for England	Office of the Children's Commissioner for England
Sue Berelowitz	Deputy Children's Commissioner/Chief Executive	Office of the Children's Commissioner for England

Attendees

Annabelle Davis	Young person involved in research	
Candice Harper	Young person involved in research	
Conner Seaton	Young person involved in research	
Stephanie Whitehead	Policy & Development Manager	Brook
Cathy Street		Cernis
Yvonne Anderson		Cernis
Kevin Woods	Assistant Director	Children in Care Division, DfE
Karen Gowler	Child Health Strategy Manager	DH
Geoff Delissen	Senior Policy Manger, NHS Complainants,	DH
Susan Robinson	Interim Regional Manager	HealthWatch England
Adam Harridence	Public Affairs and Stakeholder Engagement	HealthWatch England
Helen Cripps	Senior Researcher	HMIP
Maria Byrne	Independent Monitor	Independent Monitoring Board, Felltham
Sharron Chappell	Assistant Ombudsman for Children	Local Government Ombudsman

Kevin Roberts	Operations Manager	National Youth Advisory Service
Zoe Renton	Policy Manager	NCB
Jayne Noble	Head of Consultation	Office of the Children's Rights Director
Kathryn Hudson	Deputy Ombudsman	Parliamentary and Health Service Ombudsman
Olivia Morrison-Lyon	Assistant Ombudsman	Prisons & Probation Ombudsman
Neil Hunt	Chief Executive	Royal College of GPs
Bharti Mepani	Children and Young People's Participation Manger	Royal College of Paediatrics and Child Health
Lucy Thorpe	Head of Policy	Royal College of Psychiatrists
Lorna Hadley	Chair	The Association of YOTs Managers
Katherine Murphy	Chief Executive	The Patients Association
Anne-Marie Douglas	Head of Youth Programmes	UserVoice
Ray Hill	Deputy Chief Executive of Secure Accommodation	Youth Justice Board