



Championing Children and Young People in England

“Why are they going to listen to **me**?”

Young people’s perspectives on the complaints system in the youth justice system and secure estate

July 2012



A User Voice report commissioned by the Office of the Children’s Commissioner.



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FOREWORD

I am pleased to introduce this powerful report, ringing with the voices of young citizens some of whom are also patients prepared to reflect with us on their experiences of complaints systems in the youth justice services with which they are in contact. They have not held back from describing their experiences. We should listen to them, especially if things have gone wrong and they need to complain.

As Children's Commissioner I have a statutory duty to consider the operation of complaints procedures for children and young people. I am here to promote and protect children's rights, with very particular regard to the most vulnerable – among whom, as we have known for many years, are most of those who come into contact with the youth justice system. I am also here to pay due regard to the United Nations Convention on the Rights of the Child (UNCRC) and to encourage others to do the same. We ratified this international treaty in 1991, and are bound to honour its Articles. All of them apply to all children at all times. There are several that apply particularly to children in criminal justice settings, and to the ability of a child to make a complaint and have it taken seriously.

Article 12 of the UNCRC states that every child has the right to say what they think in all matters affecting them, and to have their views taken seriously. Specifically on the treatment of young people who get into trouble with the law, article 40 states that a child accused or guilty of breaking the law must be treated with dignity and respect. The UNCRC general comment on juvenile justice says, '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'.

At the Office of the Children's Commissioner we have been listening to and challenging all in the system to respond to the views and interests of children and young people who find themselves caught up in the youth justice for some time and this work builds up previous work of the office over several years.

In light of this long period of work with all in the system, it is important here to acknowledge that considerable progress has been made in recent years to improve the complaint process for children either held within the secure estate or accessing wider youth justice services.

However, there is more to do. This report makes it clear that for all the hard work and positive change that has come about, there are also clearly still too many cultural and bureaucratic barriers which prevent young people who wish to make a complaint from making one.

Children and young people's views, including complaints where they need to make them and have them heard, can offer valuable feedback and insight into how services can be improved to meet their needs. Such evaluation and feedback are not threats, they are about service improvement. This report therefore also reflects on what young people would like the process to look like if it were truly excellent.

Over the coming months we will continue to discuss our findings and recommendations with the key partners identified throughout this work, in the spirit of making the improvements identified in this important piece of research.



Dr Maggie Atkinson
Children's Commissioner for England

ACKNOWLEDGEMENTS

We would like to acknowledge the participation and contribution of all the young people who took part in this study.

We would also like to thank the Office of the Children's Commissioner for recognising the importance of listening to the voice of young people and the relevant staff for enabling us to conduct the questionnaires and focus groups.

ABOUT THE OFFICE OF THE CHILDREN'S COMMISSIONER

The Office of the Children's Commissioner 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.

As the Office of the Children's Commissioner, it is our statutory duty to highlight where we believe vulnerable children are not being treated appropriately and in line with duties established under international and domestic legislation.

ABOUT USER VOICE

User Voice's work is led and delivered by ex-offenders who foster dialogue between users and providers of the criminal justice and related services. Our primary aim is to enable practitioners and policy makers to listen directly to service users, allowing unheard voices to make a difference.

The entrenched exclusion and complex needs of some of the people we work with can be a huge obstacle to service providers. While User Voice aims to be a powerful advocate on behalf of offenders, ex-offenders and others on the margins, it does this through robust but constructive engagement with those who have the power to design services and make decisions. Our aim is to act as a 'referee': ensuring that no one group's agenda dominates and that engagement benefits all.

We are well placed to gain the trust of people involved in crime. The involvement of ex-offenders has many benefits, not least of which is the narrative of success. Working with ex-offenders can be a powerful way of motivating people who have little self-belief that they can overcome the barriers they face. We recruit qualified and talented ex-offenders. This has a profound impact on employees' self-confidence and transforms their long-term employment prospects. User Voice demonstrates the hugely positive role ex-offenders can play given the right chance.

HISTORY

User Voice was founded by Mark Johnson, an ex-offender and former drug abuser, best-selling author of *Wasted* and social commentator. Mark's experiences of prison, and later as an employer of ex-offenders and consultant within the criminal justice system and voluntary sector, convinced him of the need to create a model of engagement that is fair and incentive led. His aim was to foster dialogue between service providers and users, which results in better and more cost-effective services.

WHAT WE DO

User Voice empowers service users by focusing on their role in making change happen and providing them with a chance to develop their own proposals for change and innovation. The past experiences of User Voice's staff gives them a special understanding and rapport with people involved with the criminal justice system, which encourages participants to talk openly, often for the first time, about their feelings and experiences. Every project is different but falls into one of three main categories.

- **Raising awareness** through speeches and opinion, we present the models, practices and business case behind User Voice in order to inspire and influence. We create opportunities for the people we work with to meet and speak to those in power.
- **Bespoke consultations** like this one, where we work with clients to design projects aimed at accessing, hearing and acting upon the insights of service users. These projects can include staff and user consultations, qualitative and quantitative work, and primary and secondary research.
- **User Voice Councils** developed for use within prisons or in the community for probation, youth offending teams and related services. In whatever context it occurs, the User Voice Council approach is underpinned by democratic models, which seek to engage participants in collective decision making within the confines of the particular service at hand.

Councils are designed to build people's skills in listening and communication, negotiation and problem solving and to provide a space where service users and staff can address problems and design solutions on a more equal footing. Their aim is to achieve wider goals such as increasing responsibility and active citizenship with consequent benefits in reducing reoffending, and improving chances of resettlement and employment.

EXECUTIVE SUMMARY

This report outlines views on the complaints process in the youth justice system, from the perspectives and capturing the experiences of children in that system. . It builds on the previous work of the Office of the Children's Commissioner and User Voice in this field.

The previous work highlighted the fact young people had a lack of confidence in the complaints system. They suggested ways to make vital improvements. As a result of this report the Youth Justice Board (YJB) committed to improve these and future similar young people's confidence in the complaints system. The YJB also published a Review of the Complaints System in the Secure Estate for Children and Young People¹ with recommendations including one which explicitly urged the system to take forward all the recommendations made in our previous report.

This report therefore feeds into the ongoing monitoring and improvement of the complaints system for children and young people within the secure estate.

In this report, which looks at the views of young people from across the youth justice system as well as the secure estate, we illustrate that though these developments have been signalled, too many young people still lack confidence in the complaints system. Young participants in this research talk about the system being biased in favour of staff and consider it lacks an independent oversight. They highlight once again their concerns over confidentiality, and over a process that is too long and too slow.

This report makes six recommendations that we hope the YJB and other stakeholders will build into their ongoing reform of the complaints process for children and young people within all the layers of the youth justice system, including in the secure estate.

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

Recommendations

1. All youth justice services should have a clear system that allows young people to make their complaints known to the appropriate staff

- Young Offender Institutions (YOIs) should adopt the models currently used in Secure Training Centre (STCs) and Secure Children's Home (SCHs) of regularly involving children and young people in decisions made about them, and consulting with them about the services being provided. This is commensurate with statutory bodies' responsibilities under Article 12 of the United Nations Convention on the Rights of the Child (UNCRC.)
- The Prison and Probation Service Ombudsman (PPSO) should raise awareness of children's rights to complaint.

2. Formal complaints systems need to offer young people a variety of methods for making their concerns known

- All youth justice settings should offer young people a variety of methods for making complaints.
- These systems should include making verbal complaints/representations to an identified member of staff, completing complaints forms and/or writing a letter and use of the internet should be promoted.

3. Young people need to be given information about the existence of complaints procedures and provided with comprehensive support for those who want to complain

- This should be done through posters and information leaflets that are commensurate with both young people's chronological ages, and levels of understanding
- Youth Offending Teams (YOTs) in particular should ensure that young people are made aware of the complaints procedure as a routine part of their introduction to this service
- Professional and appropriate Advocacy services should be made more accessible to young people. Young people also need to know who can help them to make their concerns known. In particular they should have clear information about the role and remit of advocacy services.

4. Formal complaints systems need to be time-limited with clear guidance given to staff, and young people who use them

- Children and young should receive clear guidance on how complaints will be dealt with including when they can expect to receive responses to complaints made.

5. Embed the involvement of children in services at all level

- Service providers should consider how to involve service users and former service users in the monitoring of complaint processes and wider service user engagement.

6. Complaints systems should be regularly reviewed

- The YJB should produce a progress report on the conditions and actions outlined in the Review of the Complaints System in the Secure Estate for Children and Young People
- The YJB should regularly review complaints processes so that young people are given confidence that their complaints will be responded to fairly by someone who has the authority to effectively resolve the problem.

INTRODUCTION

This report provides an overview of a consultation undertaken by User Voice on young people's perspectives on the complaints system in the youth justice system and secure estate. This consultation builds on a similar project undertaken by User Voice in 2010 for the Youth Justice Board (YJB) and the Office of the Children's Commissioner (OCC) which sought the views of children and young people within the secure estate on a range of issues relating to youth justice, including their views on the complaints system.²

This consultation has formed a significant strand of a further consultation with children and young people, commissioned by the YJB in 2011, enabling User Voice to include a larger sample group, involving young people from across the full spectrum of youth justice services.

Legislation and policy context

Most public services are required to develop a complaints procedure to enable those who use their service to formally register dissatisfaction with the service they provide should they need to do so. This requirement is enshrined in legislation, and translated for practitioners into formal government guidance and regular updates and circulars on the statutory powers and duties of the public body concerned. Much of this legislation has been underpinned by the European Convention on Human Rights (ECHR) incorporated into UK law in the Human Rights Act 1998; and for any child aged under 18, the UN Convention on the Rights of the Child (UNCRC).³ The extent to which the relevant procedures have been made available and accessible to children and young people, either directly and in person or indirectly through a parent/guardian or advocate, has to some extent been influenced by the perceived significance of children and young people as service users by the agency concerned.

Unsurprisingly, legislation relating to the provision of services for children and families has often been at the forefront of the statutory requirement to develop complaints procedures that are accessible for children and young people. The Children Act 1989 required local authorities to establish a procedure for considering representations, including complaints, made by 'looked after' children or their parents/guardians. The accompanying regulations to this Act required that managers of children's homes (including secure children's homes) developed a written and easily accessible procedure that enabled children and young people to make representations and complaints about the care provided by the home or their treatment by individual staff. Managers were also required to ensure that children and young people were given the opportunity to participate in and shape the overall ethos and routine of the home and that their views and wishes were taken into account in the day to day decision making within the home.

These duties were later extended to all children who received services from the Local Authority, including children in need living with their families in the community⁴ and in 2004 the Children's Commissioner was given the power to 'consider or research complaints procedures so far as relating to children.'⁵ These legislative changes were made in the context of broader political and policy concerns relating to allegations of abuse of children within children's homes and represented an underlying principle within the 1989 Act that the needs and wishes of the child and young people should be paramount in any decision made about their care or welfare.

In more recent years there has been increasing recognition that children and young people, by mere

² Young People's Views on Safeguarding in the Secure Estate: A User Voice Report for the Youth Justice Board and the Office of the Children's Commissioner. Youth Justice Board for England and Wales, 2010.

³ Providing effective complaints procedures for children is a means of protecting their rights including those under Article 12 (respect for the views of the child and right to be heard) and Article 13 (freedom of expression) UNCRC and Article 10 ECHR.

⁴ The Adoption and Children Act 2002.

⁵ The Children Act 2004.

fact of their age and relative lack of power in relation to the adults who have responsibility for them, require additional support, or advocacy, to enable them to use the complaints procedures that have been put in place for them.^{6 7} This has led to the development of a range of independent advocacy services for young people across the UK.

Children and Young People who are not satisfied with the response made by the Local Authority can make an application to the Local Government Ombudsman to independently investigate their complaint. This would require, however, a level of knowledge, level and skill beyond most young people's capacity and they would therefore be less likely to use this service without the support and assistance of an adult representative or advocate.

Unsurprisingly it would seem that other public services, such as health, where children and young people are not seen as the primary users of these services, have been slower to recognise and respond to their rights and needs in relation to utilising complaints procedures. The Health and Social Care Act 2001 required the Secretary of State for Health to provide independent advocacy services to assist those who wished to make a complaint about a service provided by the NHS. This led to the development of the Independent Complaints Advocacy Service (ICAS) currently provided by three charitable organisations throughout England (ICAS Annual Report 2009). There was no requirement in this legislation to provide advocacy services designed specifically to meet the needs of children and young people.

In March 2011 the Minister for Health and Social Services in Wales issued a direction to Local Health Boards to commission independent professional advocacy services for children and young people (up to the age of 18) who wish to raise complaints or concerns about services which have been provided as part of the health service in Wales.

The criminal justice context

The rights and needs of children to be able to express complaints or concerns about their experience within the criminal justice system have until very recently been overlooked by the agencies responsible for providing youth justice services. The core aims of the criminal justice system are the prevention of crime and public protection. Children and young people who are convicted of criminal offences are primarily seen as offenders. In this context their specific needs relating to their age, development and degree of vulnerability have often been secondary considerations. Hence children and young people have been expected to use complaints procedures primarily developed for adults by local police authorities and the prison service.

The Independent Police Complaints Commission (IPCC) was established in 2004 by the Police Reform Act 2002 in response to concerns about the perceived lack of independence of the Police Complaints Authority and was a key recommendation made by Lord Macpherson in the Stephen Lawrence Enquiry Report.⁸ Under the Police Reform Act 2002 there is no minimum age limit at which a person may make a complaint about the conduct of a police officer. However there is no reference within this legislation or the related Regulations or Guidance on the specific needs of children and young people who may wish to make a complaint.

The IPCC have a responsibility to improve access to the complaints system, including making it more accessible to young people. There are some examples of IPCC involvement with local initiatives to

⁶ Section 119 of the Adoption and Children Act 2002 established that looked after children and young people who wish to complain about services they have received from the local authority have the legal right to the support of an independent advocate.

⁷ The requirement of Local Authorities to provide advocacy support for looked after children who wish to make a complaint, was further established by the publication of 'Get it Sorted, the National Advocacy Guidance and Standards for making complaints under s.29A Children Act 1989.

⁸ The Stephen Lawrence Enquiry: Report of an Inquiry by Sir William Macpherson of Cluny, CM 4262. – 1, February 1999.

improve young people's awareness of, and hence their capacity to use, police complaints procedures, and of training provided to IPCC investigators on interviewing vulnerable and intimidated witnesses, including children and young people⁹.

The absence of a specific legislative requirement to incorporate the needs of young people in the provision of complaints procedures has also been evident in the provision of custodial services for young people who have been sentenced to or remanded into custody. Young Offender Institutions (YOIs) were introduced under the Criminal Justice Act 1988. They provide secure accommodation for young people aged 15 – 18 years olds who have received custodial sentences or who have been remanded into custody (separate YOIs accommodate young people up to the age of 21). They are run by the Prison Service and the private sector as part of the prison estate. YOIs are today regulated by the Young Offender Institution Rules 2000, which are effectively the equivalent of the Prison Rules 1999 that apply to adult prisons in England and Wales. Under the Prison and Young Offender Institution (Amendment) Rules 2011 a prisoner may make a complaint about their imprisonment to the governor or independent monitoring board. A requirement is made of the prison governor to 'consider requests and complaints as soon as possible'.

Prison Service Order (PSO) 2510 contains detailed guidance on the complaints procedure. It states that complaints forms will be freely available for prisoners on the wing and when completed posted into a locked box to which a designated officer has access. The response to a complaint is a three staged process and requires the completion of three separate forms by the prisoner: 'Comp 1' for the first stage (to be answered at prison officer level); 'Comp 1a' for stages 2 and 3 (to a senior officer and governor respectively); and 'Comp 2' for 'confidential access complaints', where because of the nature of the complaint the prisoner wishes to raise the issue directly with the governor or area manager). If a prisoner wishes a complaint to be dealt with in confidence, reasons need to be given and it may be that the person complained about will be told of the complaint. The Prisons and Probation Ombudsman can investigate complaints only when the internal complaints system has been exhausted. A complaint must be sent to the Ombudsman within one month of the final decision made by the prison or the relevant prison service department.

Secure Training Centres (STCs) are provided by private contractors commissioned by the Ministry of Justice. They accommodate young people up to the age of 17 that have been sentenced to custody or remanded to secure accommodation. They have a higher staff to young offender ratio (three staff to eight children) than YOIs and are smaller in size (ranging from 50 to 80 young people in comparison to YOIs that accommodate between 200 – 800 young people). Complaints procedures in STCs are governed by the STC Rules 1998. More detailed operational information is contained within the STC contracts.

Secure Children's Homes (SCHs) are run by Local Authority Social Services Departments, overseen by the Department of Health and the Department of Education. They generally accommodate girls aged 12-16, boys aged 12-14 and boys assessed as 'vulnerable' aged 15-16, who have been sentenced to custody or remanded to secure accommodation. They are also used as secure accommodation for children outside the criminal justice system whose behaviour is considered to place them at risk of harm. SCHs have a high ratio of staff to children and are relatively small facilities accommodate between 6- 40 children¹⁰. These facilities are governed by the Care Standards Act 2000 and the Children Act 1989. They are therefore required to develop complaints procedures that are accessible to children and young people, including the provision of an advocacy service assisting children to make representations and complaints as detailed above.

A review of the Complaints System in the Secure Estate for Children and Young People undertaken by the YJB in 2010¹¹ found that complaints processes and practices were significantly better and

⁹ Hamilton, C. and Sherwood, S. (date?) Complaints from children: The new police complaints procedure. The Children's Legal Centre.

¹⁰ Jacobson, J. et.al. (2010) Punishing Disadvantage: a profile of young people in custody. Prison Reform Trust.

¹¹ Review of the Complaints System in the Secure Estate for Children and Young People. Youth Justice Board,

more child-focused in SCHs and STCs. A number of recommendations were made to improve the accessibility and usability of the complaints system for children and young people placed in YOIs. These included; the redesign of YOI complaint forms, information leaflets and posters to make them more appropriate for young people; the merging of Comp 1 and Comp 1A; the amended forms to be made available electronically in 20 foreign languages; responses to complaints to be delivered face to face by staff as well as in written form; and written feedback sought on the young person's satisfaction with how their complaint had been dealt with. A timetable to implement these recommendations was set to run throughout 2011 during the time of the User Voice consultation with young people detailed below.

Youth Offending Teams (YOTs) are multi-agency teams in England and Wales that are coordinated by Local Authorities and overseen by the Youth Justice Board. YOTs were established under the Crime and Disorder Act 1998 with the aim of reducing the risk of young people offending and re-offending. They provide a range of support services to young people (between the ages of 10 and 17) ranging from preventative services for young people considered at risk of entering the criminal justice system to rehabilitation and reparative services for young people who have returned to the community following custodial sentences. YOTs mostly comprise of representatives from the police, social services, probation, health, housing and education services. As Local Authority Social Services Departments are the lead agency in these teams the services provided are governed by the same legal statutes and guidance relating to all children's social care services. YOTs are therefore similarly required to provide a formal complaints system that is accessible to all the young people who use their services.

The research context

Given the widespread development of complaints procedures across the public services in recent years there would appear to have been surprisingly little research undertaken on the views and experiences of those who have used these systems. Research that has been undertaken has focused primarily on the views of adult service users and the professionals who have worked in the services concerned.^{12 13} There would appear to have been relatively little research undertaken which has directly sought the views of young people about complaints systems that have been made available to them. Of the small number of studies that have included young people's views on the complaints procedure – in local government,¹⁴ the National Health Service,¹⁵ and the police service¹⁶ – some common themes appear to have emerged, with young people reporting that information about how to complain has not been made available or accessible to them, that procedures have been perceived to be overly lengthy and complex and that they have lacked confidence that their complaints will be adequately addressed.

There have been two studies in recent years that have specifically sought the views of children and young people within the secure estate on aspects of their care, including their understanding, views and experience of the complaints process.

A review of the experiences of 15 – 18 year olds in custody was undertaken on behalf of HM Inspectorate of Prisons and the YJB in 2009 – 2010.¹⁷ Of those interviewed (1162 across 19

2011.

¹² Charity Commission (2006) Cause for Complaint?: How charities manage complaints about their services.

¹³ Parry, O., Pithouse, A., Anglim, C. And Batchelor, C. (2008), "The Tip of the Iceberg": Children's Complaints and Advocacy in Wales – An Insider View from Complaints Officers' in **British Journal of Social Work** 38 (1) pp 5 – 19.

¹⁴ Brennan, C., Galloway, A., Thompson, S. (2002) 'Young people's perceptions of complaints procedures in local government'. **International Journal of Consumer Studies**, 26, 4, December. Pp256 - 263

¹⁵ The Scottish Public Service Ombudsman and the Scottish Health Service (2007) Research on experience and attitudes in relation to NHS Complaints.

¹⁶ Hamilton C. And Sherwood, S. (Date?) Complaints from children: The new police complaints procedure. The Children's Legal Centre.

¹⁷ Cripps, H. Children and Young People in Custody 2009 – 10: An analysis of the experiences of 15 – 18 year

establishments) 85% of males said they knew how to make a complaint. Of those who had made a complaint 39% said they had thought the complaint had been resolved fairly and 44% reported their complaint had been responded to promptly (within seven days). Of the females interviewed, 89% reported they knew how to make a complaint. Of those who had made a complaint, 79% said they had felt it had been dealt with fairly and 69% felt it had been handled promptly.

In 2010 User Voice consulted with 89 young people located in six services within the criminal justice system including YOIs, STCs, a SCH and a Youth Offending Team (YOT). The young people engaged in questionnaires and workshops designed to enable them to express their views about their experience of custodial care including the complaints process. Most of the young people said they knew how to make a complaint. Of those who had made a complaint there were mixed responses in relation to their degree of satisfaction with the outcome with some young people reporting satisfaction and some dissatisfaction. Males within the YOIs reported least satisfaction with the outcome and males and females within the SCH reported most satisfaction. The young people who had experienced STCs and YOIs demonstrated much lower levels of confidence in the complaints system which was often seen as unfairly administered, overly complex and unresponsive to their needs. Suggestions made by young people to improve the complaints system included the development of forms and information leaflets that were more appropriate to their needs, more timely and personal 'face to face' responses and improved access to independent advocacy services. As a result the YJB made three commitments relating to reform of complaints processes:

1. We have obtained agreement from the National Offender Management Service (NOMS) that they will redesign complaints forms, information booklets and posters next year. We will ensure that young people in custody play an important part in this process.
2. We will be working with NOMS to deliver training and guidance to:
 - Improve the quality of staff responses to complaints
 - Improve young people's access to independent, outside agencies to which they can complain
 - Build on existing good practice to ensure that complaints are regularly scrutinised from a safeguarding perspective by an external agent, such as the Local Authority designated officer.
3. To improve young people's confidence in the complaints system, we are working with providers to ensure that all responses to complaints are delivered face-to-face and that young people always have the chance to give feedback.¹⁸

In 2011 the YJB also undertook a Review of the Complaints System in the Secure Estate for Children and Young People.¹⁹ They also produced a summary of the findings and an action plan. These reports contains recommendations for improving the complaints system and a detailed action plan outlining how they will take forward the recommendations made. These recommendations were summarised in six key principles which included:

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..

Under each principle a set of recommendations were made. These can be found in Appendix 1.

olds in prison. HM Inspectorate of Prisons. Youth Justice Board.

¹⁸ User Voice (2011) *Young People's Views on Safeguarding in the Secure Estate*. A User Voice Report for the Youth Justice Board and the Office of the Children's Commissioner.

¹⁹ *Review of the Complaints System in the Secure Estate for Children and Young People*, Youth Justice Board for England and Wales (YJB, London, 2011).

This second consultation with a much larger group of young people within the secure estate (721) provides an important and timely insight into how these young people currently perceive the complaints process and whether any recent changes made to this process have increased their confidence in using it. It also provides an exciting opportunity to further incorporate the views and wishes of these young people into the implementation of the recommendations of the YJB review.

METHODOLOGY

Survey distribution

The project identified children and young people who could take part through youth offending teams, secure training centres, secure children's homes and young offender institutes across the YJB's nine regions:

- North East
- North West
- Yorkshire and the Humber
- East Midlands and East Anglia
- West Midlands
- South East
- South West
- London
- Wales

Key groups of children and young people approached were identified as follows:

- 10-14 years old in Secure Children's Homes
- 15-17 years old in Secure Training Centres and Young Offender Institutes
- 15-17 years old under Youth Offending Team supervision
- 18-21 years old who were:
 - in transition to adult services
 - resettled successfully.

Those services that agreed to participate were sent an information pack containing details of the consultation and an advert and posters to be placed in visible areas for young people to see. A semi-structured questionnaire was designed to elicit the young people's experience and views on youth justice services. This questionnaire included a question on complaints. The young people elected to take part in the survey. They were given the opportunity to complete the questionnaire themselves or with the assistance of User Voice facilitators or staff from the service or secure establishment where they were located at the time of the survey.

Those young people who agreed to complete the questionnaire were also offered the opportunity to take part in a focus group facilitated by User Voice. The facilitators were themselves former offenders who had received induction training from User Voice including group work and research. They had also been provided with additional training on research and interview skills at Durham University. They were aged 19 and over and broadly reflected the gender and ethnicity of the young people who took part in the survey.

The young people were introduced to the facilitators through the staff at the YOT or secure establishment involved. The survey was explained to them at the beginning of the session and they were given the opportunity to decline to take part, or to complete the questionnaire only or to additionally take part in a focus group. Some focus groups included a member of staff from the YOT service or secure establishment who sat in as an observer, but only if the young people consented to this arrangement.

Demographic details

This includes data from 740 young people ranging in age between 10 and 21 years. The average age of the sample was 16.8 years. The sample consisted of 610 males and 120 females. Eight people preferred not to provide gender data and data was missing for two cases.

There were 520 self-completed questionnaires and 120 questionnaires completed with the help of User Voice/YOT/secure establishment staff. Ninety-two cases did not supply this information.

Distribution of ethnic backgrounds

Ethnicity	Frequency	%
White	466	64.6
Black	122	16.9
Dual heritage	50	6.9
Asian	41	5.7
Other	33	4.6
Prefer not to say	8	1.1
Chinese	1	0.1
Total	721	100

Area

Area/Establishment*	Frequency	%
London	141	19.1
Mid	95	12.9
NW	152	20.6
SCH	9	1.2
SE	21	2.8
STC	89	12.1
SW	5	0.7
Wales	12	1.6
Yorkshire & Humberside	83	11.2
YOI	131	17.8
Total	738	100.0

* These represent the areas/establishments that were consulted. Any omitted were not included in the project scope.

Contact with youth offending services

Number of YOS services used

Number of services	Number of users	%
1	220	29.7
2	143	19.3
3	121	16.4
4	85	11.5
5	63	8.5
6	35	4.7
7	23	3.1
8	10	1.4
9	11	1.5
10	2	0.3

Number of people who reported using each of the services

Organisation	Used by	% of sample
YOT	647	87.4
Social Services	279	37.7
Drugs help	232	31.4
STC	152	20.5
Alcohol help	150	20.3
Probation	146	19.7
YOI	142	19.2
Care	124	16.8
Counselling	119	16.1
SCH	71	9.6
Other	32	4.3
None reported	27	3.6

Focus groups

Thirty-four focus groups were held across 28 services (22 YOTs, three STCs, and three YOIs) during September and October 2011. The sample size (number of young people who took part in the group) ranged from one to nine with an average of around four. In total, 150 young people took part in the focus groups, 118 males and 32 females. Of those who take part 100 stated their ethnic origin to be white and 46 BME (four preferred not to say).

Questionnaire findings

The young people were asked whether they had ever wanted to make a complaint, and if yes whether they had actually made one. If they had made a complaint they were asked whether or not they had been satisfied with the outcome.

Of the 568 who reported having wanted to make a complaint only 53 (around 10%) did so.

Wanted to make complaint			Made complaint	
	Freq	%	Freq	%
Yes	568	79	53	37
No	153	21	92	63
Total	721		145	

Satisfied?		
	Freq	%
Yes	14	26
No	38	70
Don't know	2	4
Total	54	

Of the 721 people who answered the question, 568 (79%) indicated they had wanted to make a complaint, while 153 people (21%) indicated that they had not ever wanted to make a complaint. Of those who had wanted to make a complaint 145 answered the question of whether they had or hadn't actually made one. Of those who indicated that they had wanted to make a complaint 53 actually made one and 92 did not. Only 54 people further indicated whether or not they'd been happy with the outcome. Of this modestly sized sub-sample, 14 were content with the outcome, 38 were not, one didn't know and for another the outcome was pending.

Focus group findings

The informal discussions with young people during the focus groups provided a rich source of data that offers a useful insight into their knowledge, experience and views on the complaints system within youth justice services. Importantly, it provided the young people with an opportunity to further explore the responses they had given to the survey questions. This also achieved the benefit of giving voice to a group of young people who would not ordinarily have such an opportunity. Indeed even when trained researchers work with young people they often capture the views shared as 'perceptions', rather than 'views'. This, of course, reflects the uneven power relationship of those involved. From a User Voice perspective it is disrespectful and disingenuous for researchers to diminish the views of disadvantaged young people as merely 'perceptions'.

Although 21% of young people had responded that they had not wanted to make a complaint, the focus group discussions indicated that many of these young people had chosen not to do so as they lacked confidence in the complaints system as a means to resolving their problems or concerns. The focus groups also provided an opportunity to explore the young people's knowledge and understanding of the formal complaints systems available to them and what they had found helpful and unhelpful about these systems. They were also provided with the opportunity to consider improvements and changes that could be made to these systems to make it easier for them to make a complaint if they should need to do so.

Concerns and grievances reported by The young people

Young people gave differing accounts of grievances and concerns about the Youth Justice Services they had received. The most common complaints varied depending on the context of the young person within the criminal justice system.

Young people in the community reported the following complaints most:

- Inconvenient or unrealistic appointment times
- Time taken/ travel to reach appointments
- Unfair breaches
- Overload of professional involvement/ contact
- Inaccessible YOT workers
- Poor relationship with YOT worker and request to change declined,

In custody the most cited complaints included:

- The regime
- Staff conduct
- Poor quality services.

Positive experiences of raising concerns or problems: The importance of relationships

Young people often referred to the value of having staff/ workers they could talk to who they were confident would listen to their concerns and take appropriate action. They were also able to differentiate between those members of staff who were more likely to help than others. These young people tended to express a preference for verbal representations over formal written complaints.

"Most people are fine, but obviously you have some people who will help you more."
(Female, STC)

"Everyone listens. But not everyone does the things you ask them to. They don't have to. But K does. She always puts a smile on her face."
(Male, STC)

"Most of us probably go to the same governor. She does a lot. She seems to fight our corner for us."
(Male, YOI)

Knowledge of the formal complaints system

The extent to which young people appeared to have been informed about formal complaints procedures and their experience of using these procedures varied between STCs, YOTs and YOIs.

Secure Training Centres (STCs)

Broadly most young people demonstrated a good knowledge of the formal complaints system but had a low expressed need or wish to use it. There appeared to be a preference for making verbal representations to staff rather than using a formal written complaints procedure. Of those who had made a formal complaint most reported satisfaction with the outcome. These young people appeared to have a general expectation that any problems or concerns they raised would be fairly and effectively addressed by staff. Comments included:

“I work in dorms so I can speak to the dorms staff about it. But what you are meant to do is write it out on a form. You say who’ve you informed about it. Then somebody should get back to you in the next couple of days and they should sort out your problem.”

“They’ve got complaints forms in the unit. You can write complaints about the centre and stuff to do with that. They have request forms as well, if you want to request something. If you want to make a complaint about the manager’s that you’ve got, you can ask the TA staff if they will set up a meeting with them. Or you can speak to your YOT and complain to them and they will forward it on to your YOT worker. Barnardo’s come in, and they do complaints and send them to places they need to go for you.”

“You write on a piece of paper and post it in a box. In 24 hours you get a letter saying someone will come and talk to you.”

“The complaints in here, you get a letter back within a week... sometimes they get delayed getting to the unit. They are from either of the head of cares that we have. They read them and reply.”

“Some [complaints] haven’t been [resolved], but I think it is because it’s been too late for them, because of how long the process takes. Some of them have been. It takes them a little while but eventually they do get done.”

Many young people expressed a clear preference for expressing concerns and complaints verbally to staff than using a more formal written complaints system. This appeared to be based on their positive experiences of making representations to staff that were satisfactorily addressed or resolved within a short timeframe. They said:

“From the time when we said it, things were getting done. I think that it is easier than having to write it, put it in the box, then wait for it to be checked.”

“You get listened to more when you say it.”

“We were doing it verbal about food yesterday. We went and spoke to the caterer who is in charge about what happens about food. He said that we could go into his office to speak to him about it. He said it would take a while, because he has to chase it up with our residential manager, and then they need to take it up to the management. It will probably take a couple of weeks.”

“But we know something is getting done about it. Rather than waiting for letters to come through. Nine times out of ten you don’t understand what they are saying in a letter.”

“Talking to other [independent] people doesn’t help. Some people have put complaints in. That does not work. Only talking to staff will help you. Or talking to family. Putting in complaints won’t help.”

Young Offender Institutions (YOIs)

Broadly speaking most young people interviewed in YOIs had a good knowledge of the formal complaints system but expressed less confidence that it would satisfactorily resolve their complaints or concerns. Comments included:

“You get a cover and you put it in the yellow box.”

“You put in a complaint form. Straight away they give you a response.”

“They write a letter back to you saying they will get back to you.”

Those who had made a formal complaint expressed more dissatisfaction with the outcome which can be related to the importance that children and young people place on forming trusting, positive relationships. The system was often described as slow and overly bureaucratic. They said:

“Slow. I’m still waiting for a response from three weeks ago.”

“I have a letter from two years ago and two months ago, when the PO said they were going to come and see me, and sit down and talk to me and the officer I complained about. They still haven’t come. I’ve kept the letter.”

“I put in three to the same guy. The first two, he basically asked me to repeat the question. The third one he said: ‘There’s nothing I can do. I hope this will put an end to the discussion’. He didn’t say why. I spoke to him personally a couple of times, and he still said he wasn’t going to talk about it. He said he wasn’t discussing it with me. It was like he wanted to dictate his own authority, but not give a good reason for it. He didn’t care about my problem.”

Some young people did describe positive outcomes to their complaint. Two said:

“Before I had a savings account, and I was able to take my money out. Then they said I couldn’t have it until I was released. I said: ‘I’m doing life. I don’t know when I’m going to be released’. They wouldn’t give it to me at first. I spoke to one of their managers. They are not the governors, they are just below the governors. He said: ‘It’s your money, you can have it’.”

“I don’t complain about officers. I complain about little stuff, like me getting a transfer, or my post is not coming through, or things not going into my account, or whatever. Every time they reply I often get a good enough reason.”

Youth Offending Teams (YOTs)

Most young people indicated they had not had formal complaints procedures explained to them when first inducted or introduced into the YOT service. They expressed varying degrees of confidence in the complaints system and varying degrees of satisfaction with attempts they had made to raise concerns or problems they had encountered with these services. Some young people reported positive experiences of having their complaints or concerns resolved. Others reported negative experiences. There were also differing views expressed about whether more informal, direct, or ‘face to face’ contact with staff was preferable or more effective in resolving problems or complaints that using more formal written complaints procedures.

Some young people were quite clear they had had no need or wish to make a complaint about the YOT service they had received. They said:

“I don’t really have complaints though. At the end of the day this place may try to help me, but whether they do or not, it is obviously my choice.”

“I don’t want to complain as they have done quite a lot for me.”

“Yeah, I do think it [complaint] would be taken seriously. Anything in here you ask. It always gets sorted out.”

Some young people clearly indicated that they had very little knowledge of how to make a complaint if they needed to do so. Comments included:

“I have never thought of putting in a complaint anyway. Don’t have a clue how to.”

“My father just ring up the office and ask to speak to someone. Me, I don’t know to be honest.”

“No I have never been explained that ever [complaints system] Never ever. In prison you do. Not here.”

“I haven’t got the foggiest. It’s not as though you can go to the front office and complain about the guy in the front office.”

Other young people appeared to have an understanding of how they could make a formal complaint, but it was not always possible to establish how this information and knowledge had been acquired. For example whether this information had been explained to them or they had acquired it through previous contact with services. They said:

“I would go to my case manager if I’ve got any formal complaints or queries about anything.”

“I would go to reception and ask for a complaint form.”

“If it’s in the YOT worker [the complaint] you go to the person that’s higher in them. If it’s to do with someone like one of us, you can go to your YOT worker. And if it’s to do with the manager you go even higher than the manager and you go higher above who you are making a complaint about basically.”

“Basically you have to write a letter, or you go to them in person, or call them or something, in a formal way that you can make a complaint, and you say the reasons why you are making a complaint, what they have done so yeah.”

Some young people were satisfied with the outcome of their complaint but had found the process frustrating. One said:

“Yeah it worked in the end but I had to keep going on about it, cause at the end of the day when I first said it they wouldn’t listen what I was trying to say and say and say but I had a...I just...flipped out.”

Barriers to making a formal complaint

Perhaps the most useful information gleaned from the focus groups related to the range of views expressed by young people about the reasons why they had not or would not use the formal

complaints system that had been made available to them. This was particularly the case for many of the young people who took part in the focus groups within YOTs and YOIs. The explanations and views they offered could be broadly categorised into the following themes.

Lack of confidence in formal complaints system

Many young people indicated that they had a low expectation that a satisfactory outcome would be achieved if they made a formal complaint.

“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.”
(Male, YOI)

“There is no point because it is not going to get sorted out. No point in putting it in.” (Male, YOI)

“I can’t be bothered. It’s not worth it.” **(Male, YOT)**

“It won’t get sorted.” **(Male, YOT)**

“At the end of the day if you want to make a complaint it’s not gonna make any difference.”
(Female, YOT)

“They probably wouldn’t do anything about it anyway.” **(Male, YOT)**

Complaints system seen as unjust and unfair

Some young people indicated that they believed the complaints system was biased in favour of staff and that it lacked any independent oversight. This was particularly the case in YOIs where young people often described how they felt their complaints had not been taken seriously by staff and where complaints were largely responded to internally. They said:

“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? Are they f***.” **(Male, YOI)**

“I will speak to them as politely as possible, because that is the only way you’ll get a response. But even when you do that you will get some sort of cheeky or sarcastic response.” **(Male, YOI)**

“They’ve got supervisors. If they were on their backs more, they might do more. I don’t think they get people on their backs at all. Nobody is telling them to make sure they deal with complaints etc. I think it is just a matter of make sure you lock them up and get them in the shower once a day.” **(Male, YOI)**

“To be honest they make it up (rules and regulations) as they go along to suit them. They tell you one thing and then contradict themselves with another thing. To be honest I don’t really know the rules and regulations. I’ve been in the system for years. You can’t really state your own case against someone who is more superior to you. If you are in the right and they are blatantly wrong, there is no way you can get it across.” **(Male, YOI)**

“There are forms that you can write out and put a complaint in. But you don’t because you know that people are just going to... and that’s another thing. Whatever you say, do you think they are going to believe you over me? And they laugh in your face.” **(Male, YOI)**

“The officers will tell...if you say I will make a complaint over that, they will say: ‘stick it in, it’s not going to make a difference’. So they will even tell you how to spell my name and

everything. 'Go on stick it in, it is not going to get sorted out. Don't worry. Whoever looks at this isn't going to believe you over me so it doesn't matter.' Officers have said that to me: 'Who do you think they are going to believe, you or me?' **(Male, YOI)**

"They are not going to listen. They are going to say: 'I'm a worker and I've been working with this worker for so many years. This guy has come from the courts. I'm not going to take his word over my worker's word'." **(Male, YOT)**

"Yes I don't see the point ...if you even do put in a complaint what is really going to come out of it? It is their word against yours innit." **(Male, YOT)**

Concerns about reprisals and lack of confidentiality

Some young people within YOIs indicated that they would be reluctant to use the formal complaints procedure as they were concerned that their complaint would not be treated confidentially and may result in reprisals or less favourable treatment by members of staff. These concerns appeared to reflect the more dependent relationship between these young people and prison staff in terms of meeting their daily care needs.

"In general, if you make a complaint the governors don't like you." **(Male, YOI)**

"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." **(Male, YOI)**

"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." **(Male, YOI)**

Concerns about breaching the cultural code of 'snitching'

A small number of young people indicated they would not consider making a formal complaint as they considered this to have negative associations with being seen as a 'snitch' by other young people or staff. It may well be that the prisoner and staff culture of not 'snitching' may have the impact to reduce the number of complaints (even when the complaints are entirely legitimate) because such behaviour is captured as breaching the informal but powerful rules of the institution.

"It is not in my nature. I'm not that type of guy. If I wanted to complain about a gov they would all start talking about me, and the word would get around that I'm a snitch." **(Male, YOI)**

"No [hadn't made a complaint]. I just see that as snitching." **(Male, YOI)**

"I don't like snitching." **(Male, YOT)**

"...That is like I could be out there, go speak to that woman [independent advocate], walk out, you lot and see me talking to her... you're a fed... a snitcher" **(Male, YOT)**

Complaints process seen as too long and slow

By far the most common reason young people gave for being reluctant to use the complaint system related to their experience or perception that the process was unduly long and that response rates were too slow.

"It takes so long you forget about it." **(Male, YOI)**

"Cos when I asked for a complaint form here they said: 'we will get you one'. You are still waiting for a complaint form and that." **(Male, YOT)**

“It is long. I can’t be bothered.” (*Male, YOT*)

“It goes to the managers and it never comes back to you.” (*Male, YOT*)

“...even if they do sort it out months and months later, it has been so long you have basically forgotten about making the complaint.” (*Male, YOT*)

“There is no point six months later.” (*Male, YOT*)

Some young people described how they had failed to receive a response about the complaint they had made, or that there had been a long delay before a response was received.

“I have made a complaint. I have complained so many times about it and I still haven’t heard her voice since June.” (*Male, YOT*)

“A year and nothing back from them.” (*Male, YOI*)

It should also be noted that this has been recognised by a recent judgement on the use of restraint in a number of STCs, with the judge commenting:

“...at least during the period with which this case is concerned, it is likely that if a complaint had been made, the substantive answer to it would have been that the officers who used the restraint techniques were justified in using the force considered necessary at the time.”²⁰

²⁰ CRAE v. Secretary of State for Justice [2012] EWHC8 (Admin)

CASE STUDIES

Mandy²¹

After her mum went into hospital, Mandy was made homeless. She went to stay with a friend who was a bad influence on her. She was convicted for being present whilst her friend assaulted a girl and stole her handbag. Mandy was put on remand for four and a half weeks.

Whilst in custody Mandy got into an argument with a fellow prisoner who was bullying a new girl. During this argument the girl turned around and said “go shit on your dead man’s ashes”. This resulted in a physical fight instigated by Mandy, for which she was reprimanded by staff and had certain privileges removed.

Mandy wanted to explain the situation as to why the argument took place and how she was antagonised. She spoke to three separate members of staff on three different occasions, but none of them listened. Mandy recalls this making her feel like a “caged animal” and a person not worth listening to.

When she first arrived in custody it was explained to her that if she had any complaints then she just needed to talk to a member of staff. However, Mandy’s view is that if the complaint is about a member of staff then there is simply no point: “you can’t complain to a guard about a guard”. She also said that there is little point in complaining about one member of staff to another, because they all “stick up for each other”. Furthermore, Mandy would not have complained to a member of staff about a fellow prisoner because you cannot appear a “snitch” inside, because you would get bullied as a result.

Mandy was never told about any formal complaints system or chain of command, paper forms of complaint or any advocacy service, just that she should speak to a member of staff. She does recall one member of staff who she felt that she could trust and who listened to her. This was a prison mentor. It seemed to Mandy however, that you could not complain to a mentor, because the first and only port of call for complaints was the prison officer and the mentor would only have the officer to go to, to pass on the complaint. She did not feel that the officer would listen or take further action from a mentor any more than her, because it was still regarding her.

It seemed to Mandy that in general it was understood by most of her fellow prisoners that there is no point making a complaint because little action will be taken. When asked if this experience has had any lasting effect on her attitude towards prison staff, Mandy says she just doesn’t want to go back there as “no one is on your side”. Ultimately she sees all figures of authority as synonymous to that of the prison officers. She is “just another bad young offender”, this is what all people think and will treat her like.

Mandy feels that there is a lasting distrust between her and any authority figure as a result of not being listened to in custody.

²¹ Name has been changed

Dean²²

Dean was released from a YOI in 2004 and is now a trained football coach which he uses on a voluntary basis to coach and mentor young offenders currently on an order with the local YOT. His ambition is to work with young people involved in crime using his experience.

Dean describes himself as being a 'naughty lad' from a young age, always fighting and getting kicked out of school. Dean was in and out of custody on eight occasions in his youth.

When he was 17 and in a YOI Dean alleges he was assaulted by two prison officers and had his wrist snapped. When he complained to the governor he was told that it was restraint and that there was no point taking it any further. It was Dean's opinion that he would not be believed because the officers would all back each other up.

Dean was not aware of any official complaints system. He was not aware of the existence or location of a complaint box or forms, or any advocacy service. His experience was that some people would complain all the time and others never. In general Dean thinks that there wasn't any point in making a complaint as little was taken any further. This general impression of the complaints system and the relationship between a young offender and staff did not seem to bother him. Dean explained that: "When you are a thug you don't get treated like everyone else. That's life isn't it and you just have to get on with it".

Whilst Dean shows acceptance of this, he admits that he does not think that that is right. When asked whether his attitude towards prison staff and the criminal justice system would change if one person listened to complaints and helped, Dean said no. He feels that the whole system needs to reflect this. One person cannot answer for the whole institution. Dean has a number of examples of the differing treatment by officers towards him and others and differences between locations.

More recently Dean was moved from one custodial setting to another. This was as a result of an accusation by staff that he was bullying others. When Dean protested that this was not the case, he was told that if he didn't go and pack his bags then he would be dragged in to the van without his clothes. Dean thinks that the staff had heard about his nature and did not want hassle and so pre-emptively "got rid of him". This made Dean very angry, but again there was a sense that absolutely nothing could be done to change it. His initial protest had been immediately shot down and once he was in the new custodial setting it seemed it was too late.

²² Name has been changed

SUGGESTED IMPROVEMENTS

The young people were given an opportunity by facilitators at the end of the focus group session to make suggestions about changes that could be made that would make it easier for them to make a complaint if they needed to do so. During these discussions the facilitators asked the young people specifically about whether they would find it helpful to be offered assistance with making requests or complaints from independent advocacy services or peer representatives.

The young people expressed a variety of views on their preferred methods of making representations or complaints about the services they received. To this extent it was apparent that they were not a homogenous group. They are not one voice but several voices. Their expressed preferences and suggestions for an improved complaints system varied depending on the nature of the complaint they were considering and their confidence and skills in making their views and wishes known.

There appeared to be a distinction between those who expressed a preference for more informal, verbal methods of raising their concerns or requests and those who preferred a more formal written system. Those who expressed a preference for verbal methods indicated that they had the confidence to talk directly to the staff about their concerns and that they preferred the immediacy and more personal feedback they received from verbal responses to their concerns. These young people often appeared more confident in their capacity to express their views verbally and less confident in their ability to complete forms or write and read letters. They said:

“The verbal ones are probably better. Because you are there to sort it out. It is easier.”
(Male, YOI)

“I wouldn’t write a complaint. I would have it out with the gov.” **(Male, YOI)**

“If I had a problem with someone I would tell them.” **(Male, YOT)**

“Tell them to their face, if I had a complaint. I would tell her what it was about as well. She doesn’t scare me.” **(Male, YOT)**

“You do need to speak to someone because you could write a letter, a formal letter and it might not get read...” **(Male, YOT)**

“And you can’t really like say, get it out in a letter, where when you speak it comes across better as well.” **(Male, YOT)**

Some young people expressed a wish to talk directly to the manager or superior of the person they had a complaint with. As they put it:

“To talk to the next higher staff.” **(Male, YOT)**

“Whoever you’re making a complaint about, you talk to the higher person in [to] them. So if I wanted to make a complaint about one of us then I’ll go to my YOT worker. If I making a complaint about my YOT worker I’ll go to the manager.” **(Female, YOT)**

Other young people expressed a preference for more indirect methods of making a complaint either through telephone contact or through completing forms or writing letters. They said:

“I would ring them up and like: ‘I want to make a complaint’. I would phone. I couldn’t do it in person to person because I would feel a bit too rude doing it person to person you know.”
(Male, YOT)

"I would rather just do it [complain] where you don't have to talk to anyone. Your point still gets put across and you still gets to know what is going to happen about them."

(Male, YOT)

"I would write to be honest. I would write it on a piece of paper, tell them how I feel, and then if they wanna talk to me after, then I'll talk to them." **(Male, YOT)**

One young male interviewed in a YOT team suggested that the complaints system he had previously experienced in prison would be useful if available within the YOT service. He said:

"Have the slips and you just fill them out and put them in the box. And then the manager or something, they will read them and get back."

"If you have got your applications and your requests or your complaints or whatever, it is a lot easier that way. You just have to write down what you are complaining about what your request, put it in the box, they read it, they get in touch with you and say well this is what we are going to do."

Another young person reflected the need for both verbal and written processes to be available for young people to use.

"It depends. You can't really say if it is going to be verbal or not because like some people may want to write it, others may want to say it." **(Male, YOT)**

Independent/ advocacy services

The majority of young people clearly stated that they would use independent advocacy services to help them raise their concerns or requests if these services were made available to them. Comments included:

"They could have someone from outside, a team to come in and listen to us. I know they have one of them in Block D, but I've never seen one of them. You need someone to come in on a regular day, so that you can speak to them and get your points over to them." **(Male, YOI)**

"It would be good to have someone independent that you could go to once a week." **(Male, YOI)**

"Speaking to the boss you are bitter against them. Everyone is bitter against the system. But outside people, who you can relate to and chat to on a level. That is what we need." **(Male, YOI)**

"I've seen people [other YOT service users] who will keep things to themselves. They won't tell anyone else, because they think they are staff. But if someone came in from externally, they would think of them like themselves. It would be easier for them to open up to someone who didn't work here or any other youth services." **(Male, YOT)**

"It would be good to have someone represent you." **(Male, YOT)**

"Obviously if we could do that [talk to] with one guy and he got to know all the bad things about the building, everything is going to change." **(Male, YOT)**

"They should have someone like you [facilitator]. Someone they can talk to." **(Male, YOT)**

Those young people who had experienced advocacy services mostly expressed positive views about them. They said:

“They are good. When they come you sit down and you speak to them. You tell them what’s wrong. Then you know that person is definitely coming back to see you. You can put your trust in them.”

“They helped me when I was on remand. I got a lot of help then. Now that I’m sentenced they don’t really pay any attention to me. When I was on remand they helped me write a letter to the Judge. Now they hardly pay any attention.”

“[User] Voice help you a lot. [User] Voice are alright.”

“They will come in and give you a [User] Voice pack.”

Some young people were specifically asked whether they would prefer to use the services of a peer representative, described as someone closer in age to themselves who had previously experienced youth justice services themselves. Some young people indicated that they would find this more helpful:

“Someone on the same level like. But if you get some posh guy like: ‘So what is the matter with you today?’ You don’t want that. You need someone like what’s on your level, who can have a laugh with you. Not just a boring old man.” *(Male, YOT)*

“Someone like us.” *(Male, YOT)*

There were some young people, however, who expressed a strong view that they would not wish to use a peer representative if one were made available to them. This appeared to reflect their unease at speaking to someone they considered to be too close to them in age and experience in a more formal capacity. They said:

“I’m the type of person I don’t actually like talking to kids my own age. I just prefer my mates.” *(Male, YOT)*

“No that’s just dodgy innit? Someone that is more like me....I don’t even feel comfortable talking to people like myself” *(Male, YOT)*

“I wouldn’t complain to him [peer representative]. Sort out my own life.” *(Male, YOT)*

Managerial oversight/involvement with complaints made

This was raised on a number occasions by young people, particularly those who had made complaints about workers they had encountered within the youth justice system. These young people felt that their concerns had often not been taken seriously by the workers they had complained to and their concerns had not been acknowledged or addressed. They thought that managers should take a more proactive role in supervising these members of staff to improve their ability to do their job:

“Their manager should sit down with them and then they can discuss where they are going wrong. So they can improve on it.” *(Female, YOT)*

Other suggestions made by young people included the provision of poster boards in YOT teams explaining what young people should expect from the service and how to make a complaint if they were not satisfied with the service offered to them. One said:

“I reckon in these places it should be like that, poster boards in places like that. How to make a complaint, five or six things that if you get treated differently, if you think you shouldn’t be getting warnings, stuff like that. Not stupid things, it should be things that are on the board.” *(Male, YOT)*

RECOMMENDATIONS

- 1. All youth justice services should have a clear system that allows young people to make their complaints known to the appropriate staff**
 - Young Offender Institutions (YOIs) should adopt the models currently used in Secure Training Centre (STCs) and Secure Children's Home (SCHs) of regularly involving children and young people in decisions made about them, and consulting with them about the services being provided. This is commensurate with statutory bodies' responsibilities under Article 12 of the United Nations Convention on the Rights of the Child (UNCRC.)
 - The Prison and Probation Service Ombudsman (PPSO) should raise awareness of children's rights to complaint.
- 2. Formal complaints systems need to offer young people a variety of methods for making their concerns known**
 - All youth justice settings should offer young people a variety of methods for making complaints.
 - These systems should include making verbal complaints/representations to an identified member of staff, completing complaints forms and/or writing a letter and use of the internet should be promoted.
- 3. Young people need to be given information about the existence of complaints procedures and provided with comprehensive support for those who want to complain**
 - This should be done through posters and information leaflets that are commensurate with both young people's chronological ages, and levels of understanding
 - Youth Offending Teams (YOTs) in particular should ensure that young people are made aware of the complaints procedure as a routine part of their introduction to this service
 - Professional and appropriate Advocacy services should be made more accessible to young people. Young people also need to know who can help them to make their concerns known. In particular they should have clear information about the role and remit of advocacy services.
- 4. Formal complaints systems need to be time-limited with clear guidance given to staff, and young people who use them**
 - Children and young should receive clear guidance on how complaints will be dealt with including when they can expect to receive responses to complaints made.
- 5. Embed the involvement of children in services at all level**
 - Service providers should consider how to involve service users and former service users in the monitoring of complaint processes and wider service user engagement.
- 6. Complaints systems should be regularly reviewed**
 - The YJB should produce a progress report on the conditions and actions outlined in the Review of the Complaints System in the Secure Estate for Children and Young People
 - The YJB should regularly review complaints processes so that young people are given confidence that their complaints will be responded to fairly by someone who has the authority to effectively resolve the problem.

CONCLUSIONS

Importantly, the methodology adopted for the purposes of this consultation gave a large group of disadvantaged young people a voice. Their voices give powerful expression to their relative powerlessness in relation to complaints procedures and the need for a different way of doing business if we are to get the best, and give our best, for these young people.

There appears to be much variation in how complaints are handled and whether young people have found responses to their complaints helpful or otherwise. This does not necessarily mean a need for uniformity, but rather a need to ensure that the options are tailored to the differing needs of young people independent of where they find themselves in the Criminal Justice System.

There are clearly both cultural and bureaucratic barriers which prevent young people who wish to make a complaint from making one. The introduction of independent advocacy services was broadly supported by most of the young people who took part in the focus groups and those who had used them reported finding them helpful. Above all, young people valued positive relationships with staff who they had found both approachable and responsive to their concerns or requests. In these circumstances the young people felt less need to use formal complaints systems in the first instance.

APPENDIX 1

Summary of recommendations and actions from the Review of the Complaints System in the Secure Estate for Children and Young People.²³

The recommendations were summarised in six key principles which included:

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

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

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

Recommendations

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

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

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

²³ *Review of the Complaints System in the Secure Estate for Children and Young People*, Youth Justice Board for England and Wales (YJB, London, 2011).

Recommendations

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

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

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

Recommendations

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

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

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

Recommendations

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

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

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

Recommendations

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

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

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

Recommendations

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

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