



Annual Feedback and Complaints Report 2022/2023

Forward

Children's Hearings Scotland (CHS) value feedback and complaints from children and others who are involved in the Children's Hearings System. What we learn from feedback and complaints allows us to refine and enhance our practice, support our volunteer panel members, influence policy and most importantly improve a child's experience at their hearing.

This feedback and complaints report covers the period from 1 April 2022 until 31 March 2023. The report includes data on our performance about the complaints we received during this period, along with details of themes and the lessons we have learned and the improvements we have made or are implementing as a result of feedback complaints.

Introduction

We know that handling complaints well, provides us with feedback and information to help us learn and improve. Well handled complaints also help to maintain positive relationships with those that we work with.

The Scottish Public Services Ombudsman (SPSO) is responsible for setting and monitoring complaints handling standards in the public sector. They set out those standards in their Model Complaints Handling Procedure (MCHP) which clearly states the expectations about how public sector organisations must handle complaints and feedback effectively.

Our Complaints Handling Procedure (CHP) is based on the SPSO MCHP, and this ensures that we are able to meet the standards and expectations required of us. The way we respond to complaints is covered in our CHP which is available on the CHS website.

CHS recruits, trains, and supports a community of around 2,200 volunteer children's Panel Members across Scotland. Children's hearings are legal tribunals and panel members make legally binding decisions in the best interests of the child. Panel Members make some of the hardest decisions in public life in Scotland, having an effective feedback and complaints function enables us to learn and continually improve their practice.

To ensure consistency all complaints are handled by the CHS national Feedback and Complaints Team. This is a move away from our pre-covid model where most external complaints were handled by our volunteers.

We introduced this change because the feedback from our community was that handling external complaints placed an unreasonable expectation on our volunteers. The change also meant that we could achieve greater consistency and quality in terms of our complaints handling procedures.

In addition, the report for this year includes feedback. Whilst feedback does not fall within the formal complaints handling procedure, the insight that we get from feedback is valuable and allows us to learn from the experience of children, care givers and others who attend hearings so that we can make improvements to our practice for the benefit of children. Organisationally we are moving to a position where there is parity between feedback and formal complaints.

We investigate complaints where we may not have followed our procedures, or about the conduct, treatment by, or attitude of, our volunteer children's panel members or members of staff or our external contractors.

Children's hearings are legal tribunals and therefore there are some areas that we cannot investigate under our CHP because they fall within the legal procedure. Any complaints relating to procedural irregularities in children's hearings, or disagreement with the decision of a panel would be a matter for a Sheriff to consider under the statutory appeals procedure. Our CHP is available on our website here: <https://www.chscotland.gov.uk/media/xrgmwive/complaints-handling-procedure-service-user-guide-v1.pdf>.

Feedback

One of our key areas for development has been to increase the amount of feedback we receive from children. We have refined our approach to feedback, taking a more child-friendly and proactive approach. During this year we worked with young people to improve our complaints information web-portal to encourage children and young people to tell us about their experience at their hearing.

We continue to work to develop ongoing relationships with organisations who work with, and support children and young people in hearings. We have built on early success in this area which allows us to seek the views of children and young people in an environment where they feel safe and supported to share their experiences. This will be enhanced by aligning our complaints team with our participation staff to ensure we have a coordinated and proactive approach to listening to the views and experiences of children.

Statistical information

During the year 2022/2023 we received 47 formal complaints, 41 of which were as a result of children's hearings.

In addition, we received a further six complaints about matters not related to hearings. Those complaints included issues with our corporate communications, report writing and local development.

Frontline Resolution (Stage 1)

Frontline Resolution is Stage 1 of our complaints handling procedure. We recognise that complaints can be stressful, not only for the person who makes the complaint, but also for the person who is the subject of the complaint. We have supports in place to ensure that those involved in complaints are effectively supported.

Whilst children's hearings are legal tribunals, and we expect the highest standards from all of our Panel Members it is important to acknowledge that children's panel members are independent decision makers and are not employees of CHS.

Complaints can be resolved at Stage 1 where the issue is straightforward and requires minimal investigation. In these circumstances the complaint can be resolved quickly to everyone's satisfaction, usually by providing an apology or explanation.

The majority of Stage 1 complaints are made by professionals and typically relate to issues with the communication of our volunteer panel members in a hearing. Whilst we have been able to resolve those complaints within the principles of Stage 1 the challenges of doing so within the recommended timeframe (5 working days) have been considerable. Professionals have competing priorities and are not always immediately available or contactable within our timeframe, and our panel members are volunteers who may not be reached easily during periods when they are not actively volunteering. We aim to resolve most complaints by Frontline Resolution within five working days.

We resolved 18 complaints at Stage 1 (38%) without the need to undertake a full investigation which would be required for Stage 2. We have enhanced our procedures to ensure that we keep complainants informed if it appears that we may be unable to resolve a complaint within the initial expected timeframe.

Investigation (Stage 2)

Stage 2 is where we need to make a more detailed investigation of the circumstances of a complaint. We investigated 29 (62%) complaints at Stage 2 of our complaints handling procedure. Of those, 10 were upheld, four were partially upheld and 15 were not upheld.

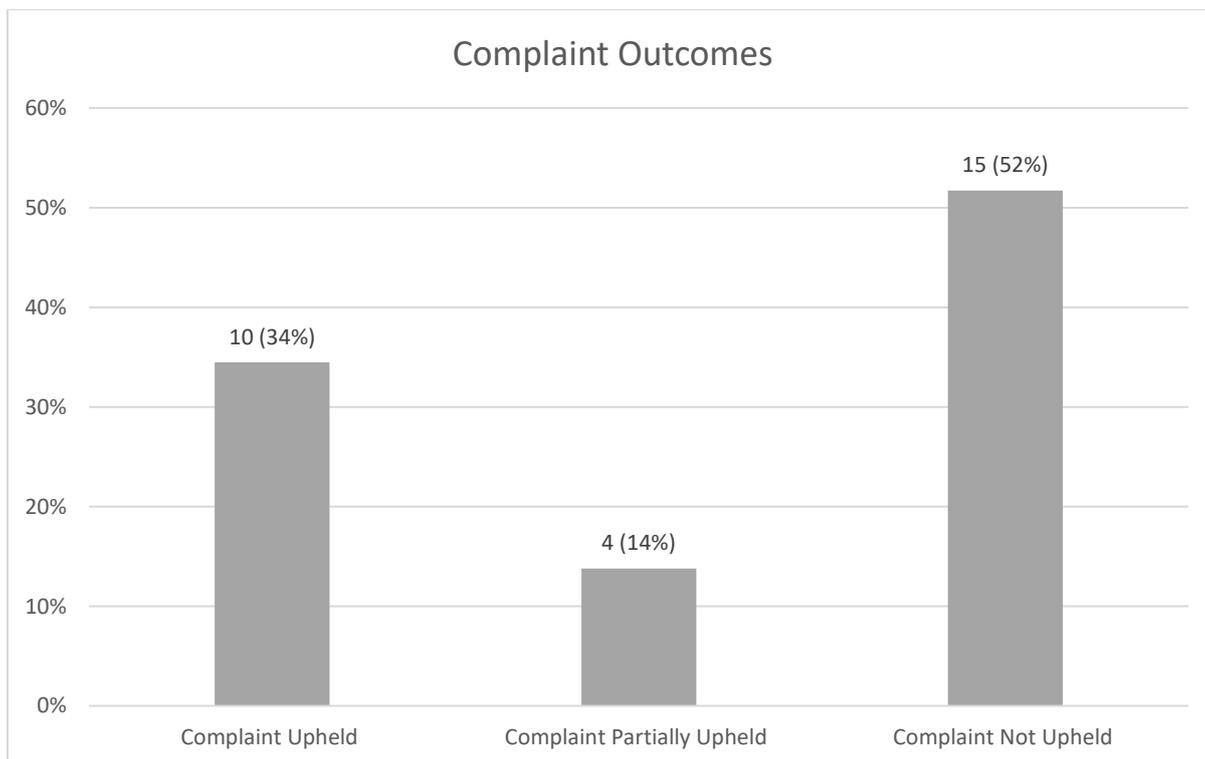
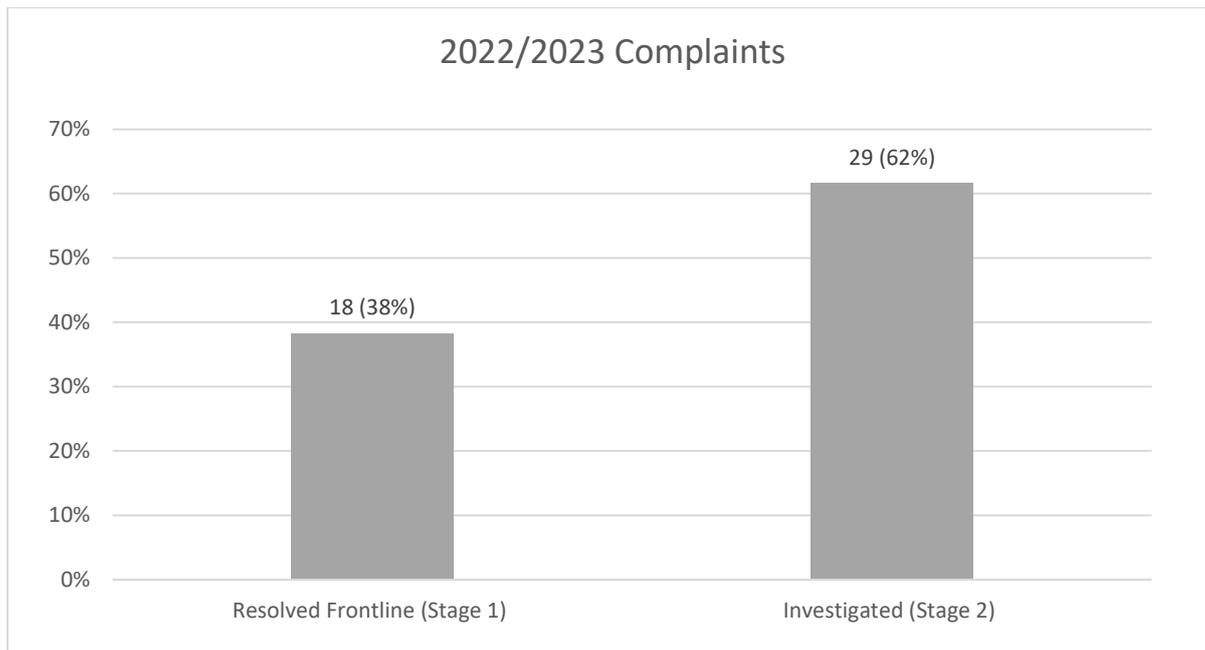
Where we undertook an investigation at Stage 2 the average time taken to issue our determination against the 20 working day standard was 14 days and in one case we issued a determination after 21 working days.

We received five complaints that did not fall within the scope of our complaints handling procedures. In those cases, the complainants were notified accordingly and redirected where appropriate.

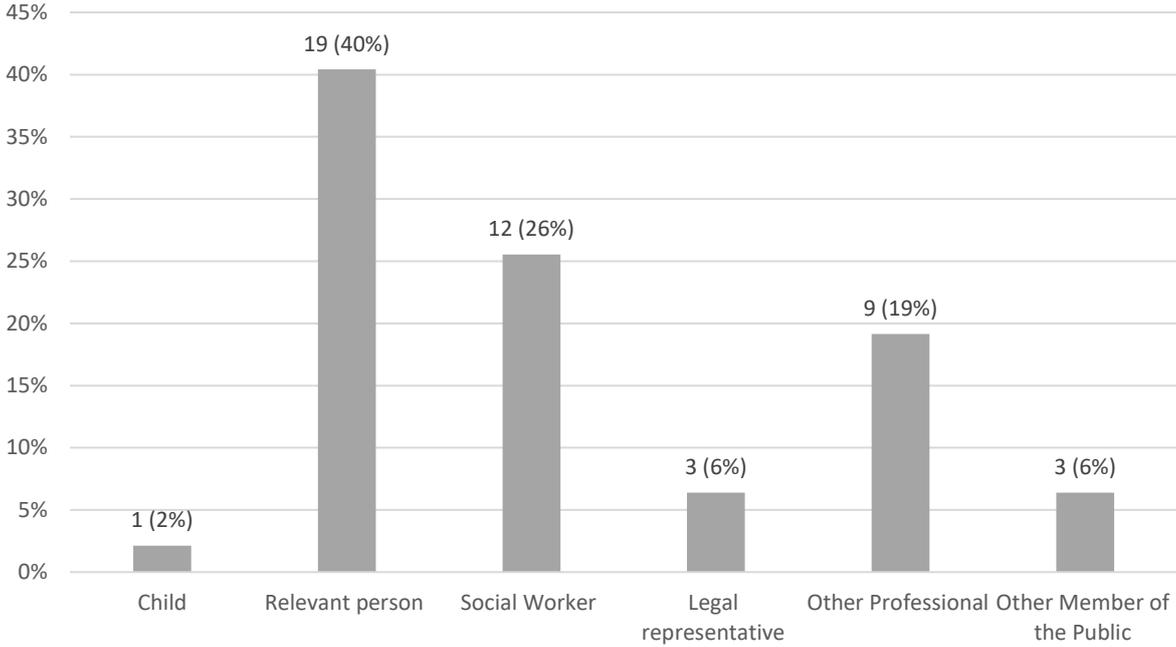
During this period six cases were escalated by a complainant to the SPSO for external review. After careful review of our handling of each complaint they decided not to proceed and ruled that our actions were reasonable and that we followed due process for each case.

Breakdown of complaints data

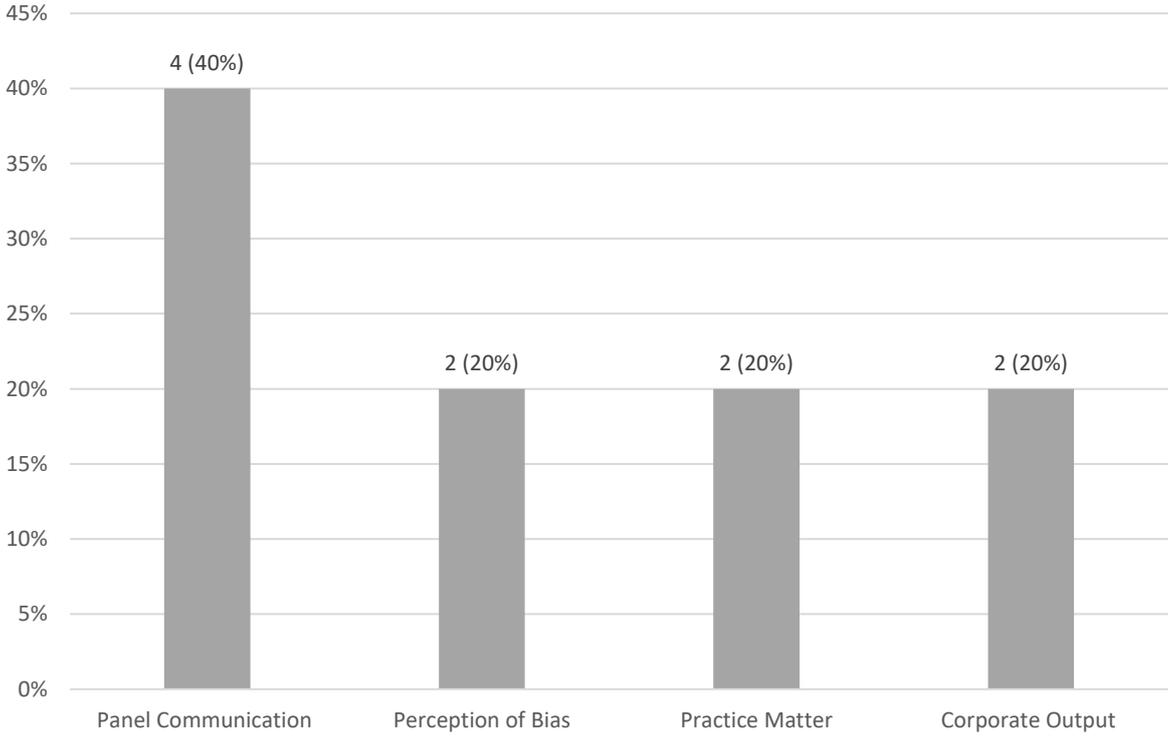
We have produced our complaints data in the following charts:



Source of Complaint



Complaint Upheld - Primary Cause



Service Developments and Quality Assurance

The CHS complaint's function was audited by an external auditor during this period. The auditors identified a number of areas of good practice by CHS:

- Our complaints handling policy aligns with the Scottish Public Services Ombudsman requirements of a public body.
- There was a process in place to ensure reports were shared regularly with our senior leaders and our Audit and Risk Management Committee
- A high degree of effort, care and prudence is exhibited by our complaints team when conducting investigations.
- There is a clear attitude of providing the best mutual outcome for the complainant and related stakeholders.
- Responses to complaints were of a high standard, fully addressing the nature of the complaint in easy-to-read language and with no grammatical or spelling errors.
- We undertook evaluation of underlying issues.
- In four cases referred to the SPSO (in the audit period) none had been taken forward for further investigation.

Recommendations from the audit related in the main to our processes and we have developed and implemented an improvement plan to ensure that:

- We communicate the five-day deadline for Stage 1 complaints within correspondence and formally notify any extension.
- We publish our quarterly and annual complaints reports.
- We further align our Key Performance Indicator's to SPSO recommendations.
- We update our systems to keep better track of progress of complaints.
- We update our process to ensure that all investigated complaint responses are signed off by a senior manager.
- We consistently notify a complainant of the timeline for their response

In Stage 1 complaints where we have attempted to reach frontline resolution, we did not routinely notify the complainant when the five-day deadline needed to be extended. We found that it is often difficult to engage with the parties involved in a complaint within a five-day window. This is usually because the complainant may be a professional who has attended a hearing, and has various priorities to juggle, and the added complexity that Panel Members are volunteers who are not always immediately accessible to us. We have taken a more strategic view of our capabilities here and have introduced better tracking systems to strengthen this area, as part of our improvement plan.

Themes, Trends, Lesson Learnt and Improvements

CHS cannot consider complaints about the reason why a hearing has been held or the decision made by a panel. Where a child or relevant person disagrees with the decision of a panel, they have a right to appeal to a Sheriff.

We have identified a number of key themes arising in complaints during the year. These can be broken down as follows:

Communication

There is a common theme in complaints about the manner of communication used by a panel member. This is where it is felt to be inappropriate by the complainant and can manifest in inappropriate remarks or where there has been a lack of trauma informed practice.

Management of Hearings

We also found that complaints arise about the way that a hearing has been managed by the chair. This is often where a child or relevant person believes they have not had an opportunity to share their views, or where the chair refuses to allow discussion about matters that, whilst important to the individual, may not be relevant to the reason why the child's hearing is taking place at that time.

Perception of Bias

The perception of procedural bias is another common cause for complaint. This can be when one individual is perceived to have been allowed to speak for longer than another or where someone may feel that their views have been disregarded. The triggers for complaints of this nature are often when an individual disagrees with the decision made by a panel but there are no competent grounds upon which a successful appeal could be made.

Grounds Hearings

This is where the panel is required to consider the grounds of referral to a children's hearing to determine whether or not a full hearing is necessary for the child. This requires that the child and any relevant persons accept the grounds. If the grounds are not accepted, or the child is too young to understand the grounds, the panel may refer the matter to a Sheriff to have the grounds established, provided the concerns are sufficiently serious. Grounds hearings are inherently adversarial especially when the grounds are contested.

The outcome of this is that the panel cannot conduct a full hearing, although they must satisfy themselves about whether further interim measures may be required to ensure a child's safety. This process can lead to complaints from individuals who wish to extend the conversation beyond the parameters of the grounds hearing. It is incumbent on the chair of the hearing to prevent further discussion at that time, and this can lead to individuals feeling aggrieved.

Corporate Communications

At CHS we use a number of social media channels to promote our recruitment campaigns for volunteers. We also use social media to let people know about our activities and to engage and support young people, often by liking their posts. We received a small number of complaints about corporate likes that we had posted.

Legal Representatives in Hearings

We also received complaints from legal Representatives who attend hearings representing a child or a relevant person. This is generally when a Legal Representative is unhappy with the communication style used by the panel member and perceives a lack of professional courtesy.

Panel members have also told us that occasionally Legal Representatives can appear combative or adversarial in hearings. It's important to say that this is not something that happens often, but it

does not sit comfortably with the ethos of the hearings system which should be inquisitorial in nature.

Improvements

We have introduced a range of improvements as a result of what we have learned from complaints, including:

- We discuss every complaint with the subject of the complaint so that they have a full understanding of the issue and can engage constructively in the process. If there are obvious lessons to learn, or there are practice or development needs identified, we encourage the individual to reflect and where appropriate we will identify suitable training resources to help to improve their practice and understanding of the issue. We also ensure that the subject of the complaint is fully supported.
- We identified a need to deliver trauma informed practice training to our volunteer panel members. We have created a mandatory training module for panel members, and this is being rolled out during 2023/2024. We plan further work to ensure that the training is suitably embedded, and we will build on that in future.
- We delivered training in social media use for all members of staff.
- We have used the insights that we get from complaints to enhance our Panel Practice Manual. The Practice Manual is the resource that panel members rely upon to make sure that their practice in children's hearings is in accordance with the requirements of the relevant law but also addresses softer skills such as communications and trauma informed practice.
- We arranged publication of an article in the Law Society Journal which provided insight into children's hearings and set out the expectations of conduct and behaviour from those who attend a child's hearing.
- We continue to work closely with our Learning Academy. The Learning Academy provides bespoke training and online modules for panel members. This is a valuable resource that allows us to introduce or refine specific learning resources we identify through feedback and complaints.

In addition, the relationships that we are developing with external organisations who work with, and support children provide us with the opportunity to learn first-hand about their experience and we will use that information to address areas that could otherwise lead to uncomfortable situations in hearings, for children and ultimately result in complaints.

Support

Children's Hearings are legal tribunals and participating in, and managing the proceedings can be challenging. If a complaint is made about a panel member or other volunteer, that can be a stressful experience for them. We have an extensive support package in place to look after the wellbeing of our volunteers and to provide any support that they may need.

Local Area Support Team members provide pastoral support, and we are enhancing this by introducing an employee role whose main responsibility will be the well being of our volunteers on an Area basis.

In addition, all of our volunteers have access to the range of services provided by Health Assured, a confidential volunteer wellbeing support service which includes counselling, health and wellbeing services.

Child Friendly Complaints

The SPSO has been tasked by the Scottish Government to develop a child-friendly way for public bodies to handle complaints and launched a two-year project in 2022. We had already identified that we wanted to make our complaints procedure more child friendly and in April 2022 we began work to develop and launch our own child friendly complaints procedure.

We consulted widely with other organisations and professionals who work with children and young people. We also worked collaboratively with a group of young people to help us design our service. It was important that we understood the barriers that could prevent a child from contacting us and that we created a service that met their needs and expectations. We also worked with the SPSO during this time to ensure that what we were developing was likely to align with their expectations and also so they can learn from our experiences.

Our Child Friendly Complaints Procedure was launched in April 2023 over a year ahead of the implementation schedule for public bodies. We made changes to the CHS Website that will encourage children and young people to provide us with feedback about their experience at their hearing or to help them to make a complaint if they wish to do so. We have provided a specific child friendly route separate to the path that adults will typically use.

We recognise that we still need to do more to encourage children to have the confidence to complain about something they are unhappy about or to ask someone to do it on their behalf.

During the year 2023/2024 we will continue to work with young people and organisations to promote our service and encourage children to use it either to give us feedback or to make a complaint.

We are also piloting creative ways to encourage children to contact us using QR codes that they are provided in selected hearing centres. We are aligning our participation staff with our feedback and complaints staff to ensure that we listen to the views of children so we can improve practice.

Internal Complaints

As part of our service development, we reviewed and updated our internal complaints procedure during the year. In doing so, we consulted widely, including with an external consultant and by commissioning a peer review by another organisation. We also consulted with our volunteer community including panel members and members of Area Support Teams.

Internal complaints typically refer to a situation when one of our volunteers may wish to make a complaint about another volunteer.

Whistleblowing Policy

The CHS whistleblowing policy is available to all employees and ex-employees of CHS who have concerns relating to the delivery of CHS frontline services, the health and safety of employees or visitors, or the impairment of the viability or integrity of CHS.

We will detail any reports of whistleblowing in our annual complaints report along with any actions taken and lessons learned. For the period of this report there were no whistleblowing disclosures.