

# 2023/24 Feedback and Complaints Annual Report

## 1. Foreword

- 1.1 Children's Hearings Scotland (CHS) values 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 continually refine and enhance our practice, support our volunteer panel members, influence policy and most importantly improve a child's experience at their hearing.
- 1.2 This feedback and complaints report covers the period from 1 April 2023 to 31 March 2024. The report includes data on our performance in relation to the complaints we received during this period, along with details of themes, the lessons we have learned and the improvements we have made or are implementing because of both feedback and complaints.

## 2. Introduction

- 2.1 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.
- 2.2 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 which clearly states the expectations about how public sector organisations must handle complaints and feedback effectively.
- 2.3 Our Complaints Handling Procedure is based on the Scottish Public Services Ombudsman Model Complaints Handling Procedure, 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 Complaints Handling Procedure which is available on our website.
- 2.4 Children's Hearings Scotland 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.
- 2.5 We have introduced a robust model for handling complaints consistently and fairly, with the Feedback and Complaints team handling notifiable complaints. During

2023/2024 all notifiable complaints were handled by our national Feedback and Complaints Team. In previous years most external complaints were handled by our volunteers, and we moved away from that model during Covid, to support our volunteers and achieve a more consistent and robust approach to complaints handling.

- 2.6 Children's Hearings Scotland has successfully transitioned to a new Tribunal Delivery regional structure which introduces paid staff into management and support roles within nine regions and this has allowed us to embed consistency across Scotland.
- 2.7 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. We continue to strive for parity between feedback and formal complaints and we have worked with various agencies and directly with children and young people to promote feedback, as well as complaints.
- 2.8 Complaints about procedure, conduct, treatment or attitude may all be investigated by the team, as well as other complaints that are not related to Children's Hearings.
- 2.9 Children's hearings are legal tribunals and sometimes a child or a relevant person may disagree with a decision made by a panel. There is a statutory right of appeal to the Sheriff Court when a child or relevant person disagrees with the decision made by a panel and therefore such disagreements are not matters that can be addressed through our complaints handling procedure.
- 2.10 Similarly we cannot consider complaints about the reason why a hearing has been held.
- 2.11 Our [Complaints Handling Procedure is available on our website](#).

### **3. Child Friendly Complaints**

- 3.1 The United Nations Convention on the Rights of the Child was embedded into Scottish domestic law on 16 July 2024 and Article 13 of the Convention addresses the right of the child to freedom of expression.
- 3.2 In advance of this, we introduced our Child Friendly Feedback and Complaints procedure in April 2023, well in advance of the anticipated Scottish Public Services Ombudsman guidance which was issued in 2024. We work closely with them to make sure that what we developed aligned with their expectations and we continue to refine and enhance this service.
- 3.3 We undertook extensive research in the preceding year so that we were able to introduce a web portal designed to encourage young people to provide their views

and to make it easier for them to complain if they want to do so. We engaged closely with young people who helped us to shape the service.

#### **4. Feedback**

- 4.1 We continue to seek creative and innovative ways to encourage children and young people to share their views with us. Sometimes children are reluctant to make a complaint or provide feedback as they can be concerned there could be adverse consequences for them if they are critical about their experience. We also know that often where a young person wants to provide their views, they would prefer to do that by speaking with someone, rather than to have to fill out a form or write something down.
- 4.2 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. Our Feedback and Complaints team is now closely aligned with our Participation team, and we continue to develop ways to encourage children and young people to engage with us and share their thoughts. As we go forward and implement the CHS Quality Strategy, this will play a significant role in how we manage and respond to complaints and feedback.

#### **5. Statistical Information**

- 5.1 During the year 2023/2024 we received 57 formal complaints, 53 of which were as a result of children's hearings. This represents a 19% increase from 2022/2023.
- 5.2 Four complaints were about matters not related to hearings but governance and operational issues within Children's Hearings Scotland.

#### **6. Frontline Resolution (Stage 1)**

- 6.1 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.
- 6.2 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 Children's Hearings Scotland.
- 6.3 Complaints can be resolved at Stage 1 where the issue is straightforward and requires minimal investigation. In these circumstances the complaint can often be resolved quickly, usually by providing an apology or explanation.

- 6.4 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 (five working days) can be 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.
- 6.5 We resolved 21 complaints (37%) at Stage 1 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.

## **7. Investigation (Stage 2)**

- 7.1 Stage 2 is where we need to make a more detailed investigation of the circumstances of a complaint. We investigated 34 complaints (60%) at Stage 2 of our complaints handling procedure. Of those, 18 were upheld, two were partially upheld and 10 were not upheld. A further four complaints taken to the investigation stage were resolved.
- 7.2 Where we undertook an investigation at Stage 2 the average time taken to issue our determination or to resolve the complaint against the 20-working day standard was 16 days. We do sometimes encounter delays because of the unavailability of our volunteers or professionals. Where we are unable to achieve the 20-working day standard we always ensure the complainant is made aware of this and receives regular updates.
- 7.3 We received two 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.
- 7.4 During 2023/2024 two 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.

## **8. Breakdown of Complaints Data**

- 8.1 We have produced our complaints data for 2023/2024 in the following charts:

Table 1

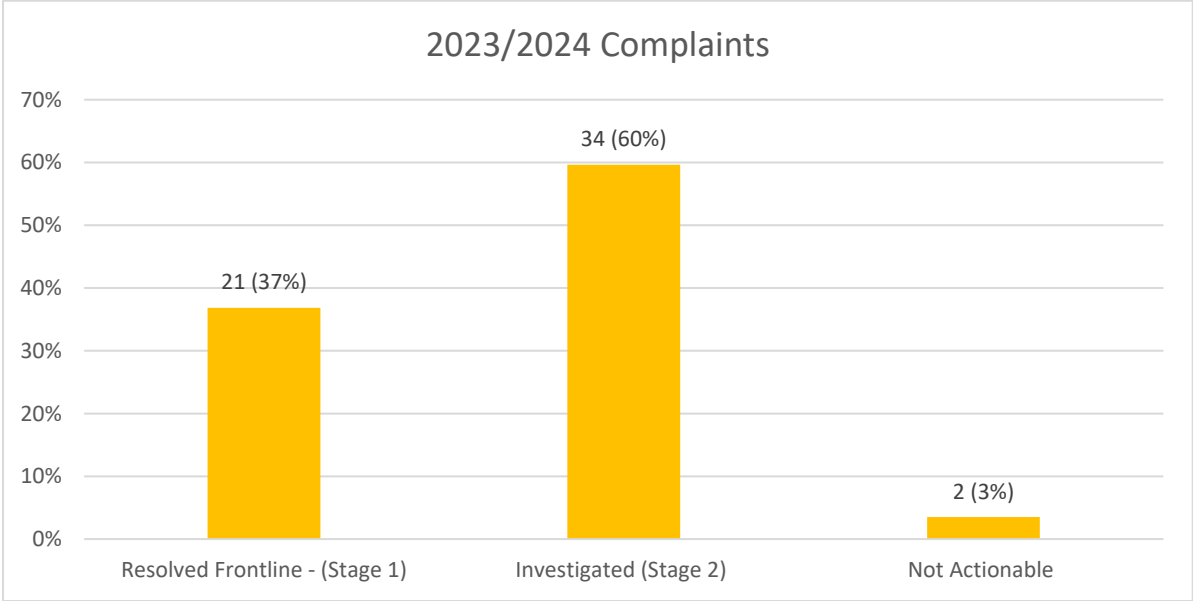


Table 2

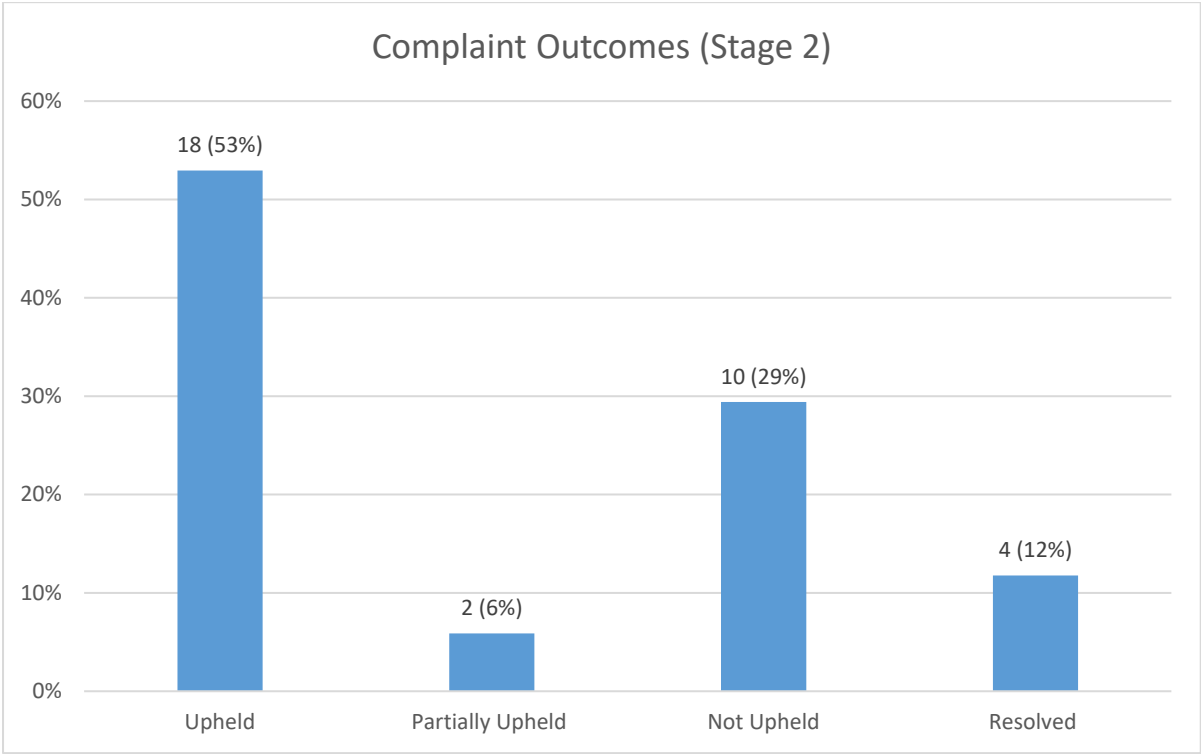


Table 3

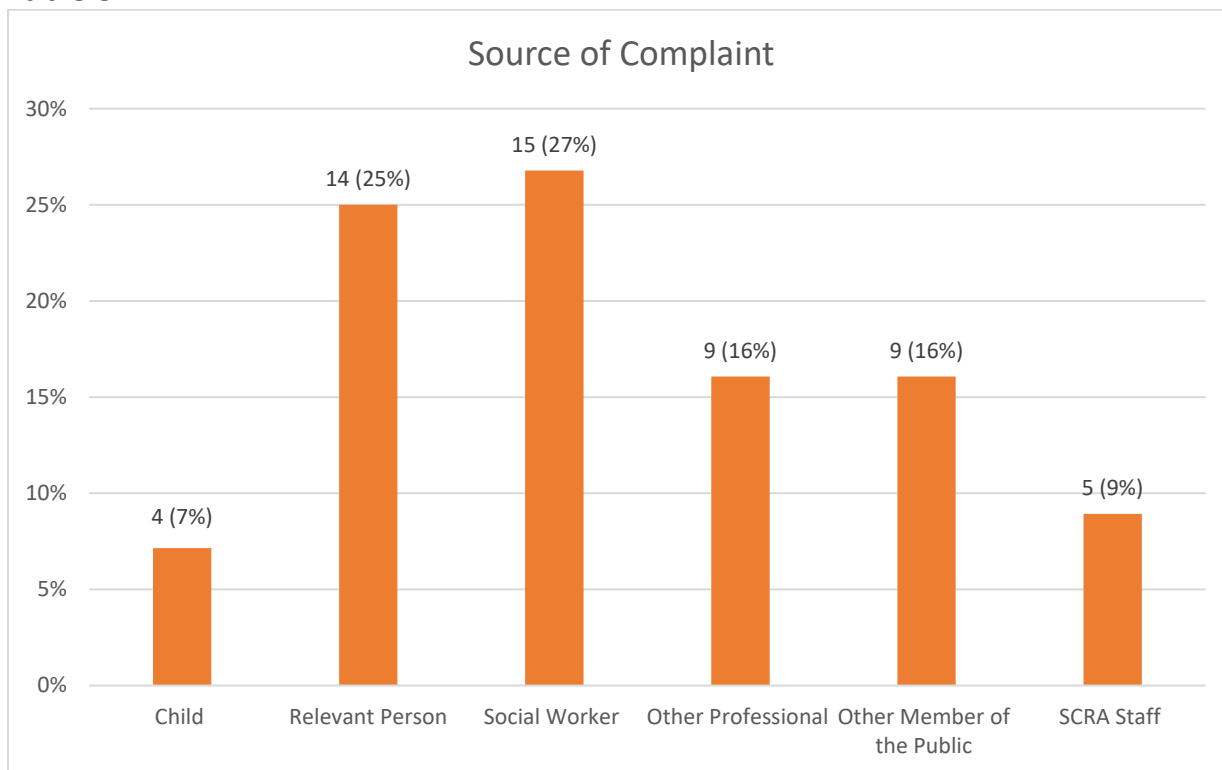
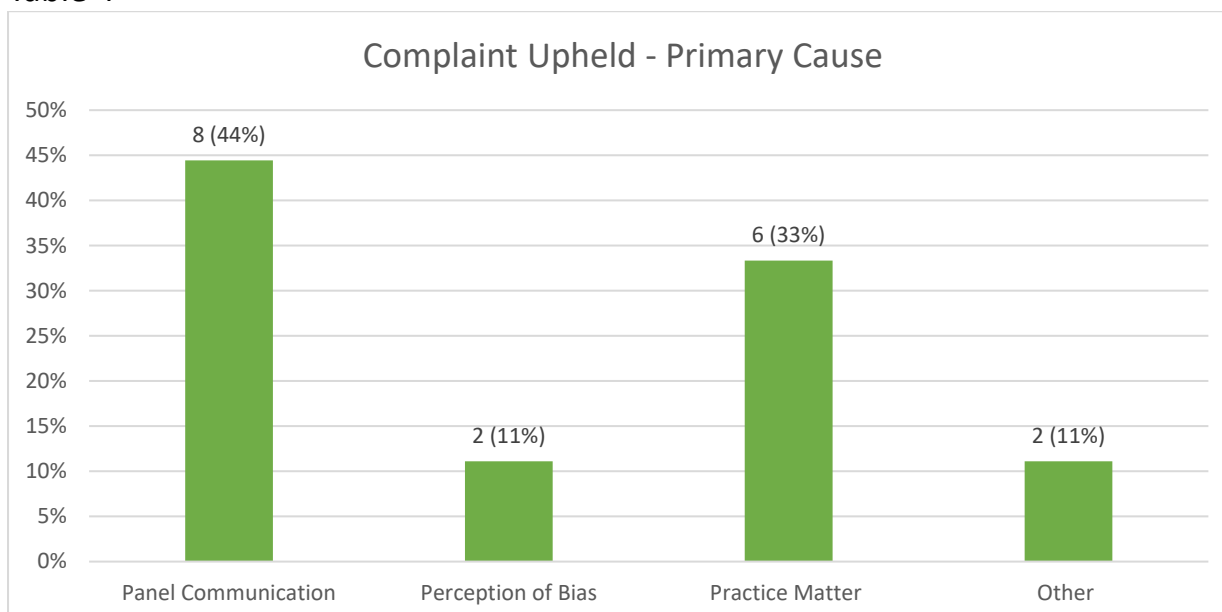


Table 4



## **9. Service Developments and Quality Assurance**

- 9.1 Following our audit in 2023 we implemented a number of improvements to our complaints handling procedures which have created a more robust process. This includes automated reminders when a deadline is approaching and enhancements to the way we analyse themes and trends.
- 9.2 Whilst complaints are handled by individual members of the Feedback and Complaints team, they go through a rigorous peer review and for every stage 2 complaint, there is a formal sign off process by a senior member of staff.
- 9.3 From October 2023 CHS began a transition from the previous volunteer management arrangements we had for our 22 Area Support Teams to a structure supporting nine area teams managed and supported by CHS staff. This new structure provides greater consistency and more effective follow-up and handling of feedback and complaints in the regions.
- 9.4 This was a staged roll out which continued into 2024/2025 however we worked with the initial tranche of areas transitioning to the new model to make sure they were able to identify and report complaints arising locally and where appropriate refer the to the central Feedback and Complaints team to handle. In general terms, straightforward complaints requiring (for example) a straightforward apology can be dealt with locally.
- 9.5 The Feedback and Complaints team now sits within the Practice and Standards function as part of the Positive Outcomes Directorate which includes the Learning and Quality functions. The juxtaposition of these key teams within the same directorate ensures that we can use what we learn from complaints to develop good insights to inform each of those functions, allowing us to respond positively and make improvements for the benefit of both children and young people and also our volunteer community.

## **10. Themes, Trends, Lesson Learnt and Improvements**

- 10.1 We have identified a number of key themes arising from feedback and complaints during the year:
- 10.2 Communication  
We continue to see a theme in complaints about the manner of communication used by Panel Members. This can manifest itself in several ways, including body language or insensitive remarks which are not trauma informed. There have also been complaints made in relation to a lack of awareness of trauma experienced by the victims of domestic abuse, in respect of relevant persons who are the parent of a child attending a hearing.

### 10.3 Management of Hearings

Issues often arise in hearings where an individual is presenting as aggressive or continually interrupting others. This can result in other attendees feeling that they are exposed to unnecessary distress if not managed effectively by the chair of the hearing. If the child is in attendance this can be intimidating and lead to them not having the opportunity to share their views, or they may be reluctant to do so.

### 10.4 Perception of Bias

There continues to be a small number of complaints where a complainant has perceived bias. This has been caused by a Panel Member being seen as being over familiar with a relevant person or as a result of remarks or comments which have been made that are considered to be inappropriate or judgemental. Equally where a professional has perceived that they are not being afforded the same professional courtesy by the panel as other professionals attending a hearing.

### 10.5 Social Workers

We have seen a slight increase in complaints by social workers during this reporting period.

10.5.1 Most complaints relate to the tone or manner used by panel members towards social workers which is considered to be overly challenging. Social workers recognise that it is appropriate that Panel Members should be able to challenge their reports and recommendations, but that should be done in an inquisitorial manner and not in such a way that it questions their professionalism or risks undermining them with the family they are supporting.

10.5.2 We have also seen complaints where Panel Members have expressed views or opinions about specialist matters, they are not qualified in, and where remarks included in the Record of Proceedings were deemed inappropriate.

### 10.6 Legal Representatives in Hearings

We also received complaints from legal Representatives who attend hearings representing a child or a relevant person. Often the Legal Representative is unhappy with the communication style used by the panel member and perceives a lack of courtesy. This can sometimes be due to there not being a full understanding of the nature of the client/lawyer relationship or can be in response to the way the information is presented by the legal representative.

### 10.7 Other Complaints

Complaints that did not arise directly from a child's hearing included inappropriate remarks made by a panel member in public, social media activity and a complaint about the perceived lack of diversity in some of our promotional recruitment material.



## 10.8 Improvements

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

- We continue to roll out training in trauma awareness with further sessions planned
- Every complaint we receive is discussed with the subject of the complaint. This allows us to help the person to reflect but also means that we can have constructive conversations to identify any areas where additional support or training would be useful, where that is appropriate
- We use the insights that we get from complaint 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 have developed close working relationships between our Feedback and Complaints team and our Practice, Quality, Participation and Learning teams so that the insight we glean from complaints and feedback is harnessed and shared with the most appropriate teams to help us to ensure that children's hearings offer the best possible experience for children and young people and their families
- Quarterly reports on complaints feedback and data, trends and lessons learnt are shared with CHS' Senior Leadership and the Boards Audit and Risk Management Committee to ensure appropriate governance and oversight
- We are working closely with regional Delivery Managers to make sure they can identify and refer local complaints they become aware of, and we collaborate closely on identifying any support or learning activity for our volunteer panel members and that this is fully supported throughout
- We are exploring opportunities for creating continuous professional development modules or other learning material for legal representatives and social workers

10.8.1 We are also working collaboratively with our Participation Team to ensure that children and young people continue to be consulted about what we are doing and that they have an opportunity to express their views, provide feedback and co-design activity and resources with us.

10.8.2 We are working closely with advocacy providers across Scotland to consult on relevant matters and encourage children and young people to use our feedback and complaints channels.

## 10.9 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.

- 10.9.1 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.
- 10.9.2 We have introduced a suite of templates and support materials to enhance staff and volunteers understanding of effective complaints handling and the support they can access when they are involved in a complaint.
- 10.9.3 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.

## **11. Internal Complaints**

- 11.1 Internal complaints are a means for our volunteer community to raise concerns about the conduct, practice or behaviour of our panel community. Internal complaints can also refer to end of service issues and in relation to the national team.
- 11.2 We plan to review the procedure in the coming year to ensure that it remains relevant due to recent changes to our organisational structure.

## **12. Whistleblowing Policy**

- 12.1 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.
- 12.2 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.