

Consultation on Complaints Concerning Functions Relating to the Named Person and Child's Plan



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

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3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

Are you content for your **response** to be made available?

Please tick as appropriate

Yes **No**

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

Questions

1) Should making complaints concerning functions relating to the Part 4 and/or Part 5 be restricted to a child, young person and parent (as defined by the CYPA)

Yes No

(if responding electronically, please double click on one of the boxes above and select the default value as 'checked')

Reason/s

We support the Government's view that complaints processes should, wherever possible, be accessible, clear and straightforward. We agree that parents, children and young people should be able to raise complaints about the services they receive. We believe that the complaints process should also be open to professionals directly involved in working with parents, children and young people.

As discussed below, it is important that parents, children and young people are consulted on the complaints process proposals, and that their views are taken into account. It is also essential that parents, children and young people are informed about the complaints process using a variety of accessible formats that meet their needs, and that this is joined-up and consistent with other communications with parents, children and young people about GIRFEC and what the CYPA means for them in practice.

The Named Person should have clear information and guidelines about what is expected of all parties when a complaint is raised.

2) Should the parent and child be entitled to request and authorise the assistance of other persons in making their complaint.

Yes No

Reason/s

Our view is that complaints processes should be as parent-friendly and young person-friendly as possible, which in general means that concerns should be raised and dealt with locally and less formally in the first instance in order to avoid escalation. The 'one point of contact' approach seems straightforward and clear, and means that parents and young people will not need to make separate complaints to different providers e.g. education, social work and health.

The consultation paper states that parents, children and young people 'should' be entitled to receive assistance from 'other persons' in making a complaint. We welcome this, but would like further details about which organisations or persons could provide this support. If it is envisaged that existing services will take on this role, consideration should be given as to whether they will have adequate capacity

and training to provide this service. Will additional funding be available? Less formally, professionals within the sector whose remit involves supporting, informing and working with parents, children and young people more generally will also need to be well-informed about the new complaints process. In order for them to be able to provide accurate information and support to parents, children and young people, information and training specific to professionals' needs should also be developed.

We support the point raised by Enquire in their consultation response in relation to managing authorities/responsible bodies being able to challenge the provision of support and/or services from one another. As Enquire state, this is a particular issue with regards to additional support for learning. There is growing evidence of a widespread problem in relation to providers not complying with their duties, but parents and other service providers have been unable to challenge this effectively. NPFS has gathered evidence of these problems from parents and organisations working in ASN, including the results of a survey for parents of children with ASN which was undertaken by NPFS in February-March 2015 and which received around 400 responses from parents¹. We reported their concerns to the Scottish Commissioner for Children and Young People, who subsequently wrote to the Cabinet Secretary for Education and Lifelong Learning to raise the issue of failed implementation of legislation in relation to ASL. The Commissioner's view was that there is a need to redouble efforts to ensure that the statutory duties under the ASL legislation are fully understood by all professionals with responsibilities under the legislation.²

We agree that there needs to be greater effort to involve parents, children and young people in shaping and making decisions about the services they receive. As we represent parents' views in relation to education and well-being matters, and are members of the National Implementation Steering Group for GIRFEC, it would be within our remit to support this in relation to developing the complaints process by providing a parent's perspective, supporting engagement activity, or helping to raise awareness among parents more generally. We would suggest that organisations representing children and young people are involved in undertaking consultation with children and young people with regards to their views on the complaints process and how best to communicate with children and young people about their right to complain.

3) Should the merits of decision making about functions, as set out in Appendix A, under parts 4 and 5 be looked at by SPSO

Yes No

Reason/s

¹ <http://www.npfs.org.uk/2015/04/20/asl-survey-report/>

² <http://www.npfs.org.uk/2015/08/19/children-and-young-peoples-commissioner-responds-to-asl-concerns/>

It seems reasonable for SPSO to have this role. While we accept the need for clarity and that one route for complaints is preferable, is there a role for SCCYP in relation to handling complaints from children and young people, as the Commissioner's office has a complaints/investigative remit, and has a child's rights-based approach?

In terms of redress, as the consultation document states, SPSO can only make recommendations and does not have any directive powers. While in practice SPSO's recommendations are usually adhered to, consideration should be given as to whether directive powers should be introduced to help ensure compliance with SPSO's decisions.

4) Should complaints concerning functions relating to the Part 4 and/or Part 5 be considered as set out in Option 1

Yes No

Reason/s

See below.

5) Should complaints concerning functions relating to the Part 4 and/or Part 5 be considered as set out in Option 2

Yes No

Reason/s

We support the overall principle that the complaints process for parents and young people should be accessible, clear and straightforward, so that issues can be resolved as quickly as possible and in a less formal manner. For this reason, we support option 2, as it is potentially more streamlined and reduces some of the potential bureaucracy involved.

With regards to the delivery of the complaints service, it is important that staff with responsibility for dealing with complaints should have relevant skills and/or training in communicating with parents, children and young people.

We are of the view that further consideration needs to be given to supporting parents, especially vulnerable and disadvantaged parents who may need extra support and advice when making a complaint, as well as for children and young people, for whom making a complaint could be a daunting process.

Consideration should also be given to impact that the presumption on resolving complaints at the local level may have in rural/remote areas where the parent or young person making the complaint may have personal connections to not only the Named Person, but those involved in handling the complaint as well.

6) We invite comments on what should happen in situations where the Named Person service provider or the managing authority are coordinating the investigation of a complaint involving other bodies where they may agree with the parent and child at the outset. (See paragraph 25.)

Response

We support Enquire's views on this, which are that it seems unnecessary to make a child, young person or parent go through a complaint where the Named Person service provider or the managing authority agrees with them from the outset.

Reason/s

7) We invite comments/suggestions on what information and guidance on the complaints process would help parents and children.

Response

The key issue is how parents, children and young people will be informed about the complaints process, and how they will be supported to pursue their complaint, if required.

The National Parent Forum delivered the parents' element of the GIRFEC GetLIVE! co-production event, in partnership with Scottish Government, Children in Scotland, Young Scot and the Scottish Youth Parliament. The report of the event is currently being finalised, but the key message was that parents felt that more work needs to be done to improve communications with parents about the CYPA, as accurate information about GIRFEC is not currently reaching all parents. Parents have reported that the use of jargon in official material can be off putting and confusing, which creates barriers to understanding.

It would be reasonable to assume from this that there could also be considerable challenges in getting the message about the complaints process out to parents in a

way that meets their needs. We suggest that Scottish Government consults with parent bodies about how to present the information about the complaints process to parents, and we would be happy to support this. It is important that communications about GIRFEC include information about the complaints process, in order to ensure a holistic and joined-up approach.

Options for communications and other activity in relation to the complaints process could include: audience specific information in accessible formats; a national campaign; and training for all frontline staff in relation to GIRFEC. Communication materials should be developed and piloted by parents, children and young people - and not only those who may already be familiar with the policy. A balance of written content and face to face interaction would be preferable. Social media and online information resources would be of use, however face to face engagement activity is vital, e.g. through parent/carer support groups, local authority engagement events and activity directly with harder to reach groups. Ensuring that service providers and organisations working with and for parents have access to clear, accessible information about the complaints process is an important aspect of ensuring that this approach works.