

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON MONDAY 11TH DECEMBER 2017**

Question

Further to his answer to Oral Question 1(610) on 14th November 2017, will the Minister provide for members his Department's policy which sets out –

- (a) the rights of children when making complaints about staff or in respect of the care they receive from the Department;
- (b) the procedure for making complaints and the representation which is granted in such cases;
- (c) the rights of appeal that such children have if their complaints are not upheld;

and will the Minister also outline for members –

- (d) what rights vulnerable adults have when making complaints about staff or in respect of the care they receive from his Department;
- (e) what the procedure is in such cases for making complaints and the representation they are granted; and
- (f) what rights of appeal such vulnerable adults have if their complaints are not upheld?

Answer

As I stated in my response to Oral Question 610, all complaints, irrespective of whom they come from, are taken seriously with complaints from both adults and children dealt with using the same process. [The HSSD complaints policy is currently being reviewed as part of the normal governance process.] When a third party is involved in supporting an adult or child, informed consent is sought and confirmed in order to allow appropriate information sharing and protection of personal data.

- a) All complaints are taken seriously and, as such, a child/young person will be encouraged to resolve any issues that they have and make formal complaints through the HSSD complaints department. Children and young people are encouraged to make appropriate complaints if they are not happy with the quality of care that they are receiving, or with a response that they have had from a member of staff. As outlined below (in point b), there are a number of elements in place for children and young people to ensure that their voice is heard, that they are listened to and that their concerns are acted upon in a timely manner. The Service will be recruiting a children's rights officer and a number of children's rights assistants (anticipated to be care-experienced young people). These posts will support all children and young people to continue to have a voice across the service.
- b) A robust complaints and investigation system is an important component in promoting and ensuring the safeguarding of children and young people. Children and young people can make a direct approach to the complaints section within the Health and Social Services Department. Complaints can be received on behalf of children from independent visitors, social workers, a member of residential staff, a youth worker or any other participation worker. We also have the Jersey Your Voice initiative run by Barnardo's which is funded by the department, and whose staff regularly visit the residential settings.

The young people in residential care also have a forum of peers where they can raise concerns and seek advice from other residents. All complaints are treated seriously and investigated thoroughly with the oversight of the Director of Children's Social Work, before a response to the complaint is sent.

Children's Social Work Service has recently purchased an interactive app MOMO (Mind of My Own) to enable children and young people to have their say and to make comments or complaints in relation to staff, services or any other issue that they may have using mobile technology. The training for this will be across all agencies that are involved with children and young people and will begin in January 2018. As this is a complaints process and not a legal process, the child/young person would not be legally represented, but would be supported through the process by a worker who they have a relationship with and trust. The participation officer has in the past supported children and young people to access the complaints procedure and has supported individuals through this process.

- c) There is an appeals process currently in place if the child/young person's complaint is not upheld. The complaint is escalated through the complaints process to a stage 2, which means that the complaint is reviewed by a panel made up of senior non-operational staff. During this process, the child/young person is able to access support from their social worker, residential worker, independent reviewing officer, advocate or any other person of their choice that they have a relationship with.
- d) All adults, regardless of their vulnerability and capacity, have the right to complain about the service they receive or the individuals who may be delivering that service. All complaints are taken seriously and registered for a formal investigation and response. Independent advocacy support is available for adults with a learning disability and/or on the autistic spectrum and for adults with mental health needs through Jersey Mencap and MIND Jersey.
- e) All individuals use the same procedure in regard to using the HSSD Complaints Policy.
- f) In the first instance, the department seeks to address all complaints at the lowest level before escalating them. Therefore, it is important that officers and managers seek to address any complaint early and quickly informally to the satisfaction of the complainant. Where this is not achieved, a complaint is formally registered with the C&SS Quality Assurance & Governance Team at Stage 1 to establish an independent investigation into that complaint. Outcomes of this investigation are signed off by the relevant Service Director. If the complainant is not satisfied with the outcome of that complaint, they do have the right of appeal, where a subsequent review and, if necessary, further investigation can be completed at stage 2. This will then be heard and signed off by the Director of Operations within Community and Social Services.