

Named Person Complaints Consultation

As an association and individual teachers we were asked to contribute to the consultation process with regards to parental/carers complaints against the Part 4 (Named Person) and Part 5 (Childs Plan.) This advice note has been commissioned to update you on our responses.

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 Children' and Young People (Scotland) Act 2014 (CYPA)?

- Our response:-There should be an opportunity for professionals who are involved in creating or supporting Part 4 and Part 5 to identify any perceived failures with the planning and/or in the implementation of the child's plan.

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

Some parents/carers may require support in making a complaint.

- To aid their understating of the process and how the outcome has been investigated and agreed.
- Some parent/carers may require support to attend meetings and or an advocate during meetings.

3. Should the merits of decision making about functions, as set out in Appendix A, under parts 4 and 5 be looked at by Scottish Public Service Ombudsman (SPSO)?

- It would be valuable for people taking on the role of complaints co-ordinator to be trained by members of the SPSO team, so that there was a consistent level of understanding and practice across Scotland.
- This would be good practice as it would create a consistent and transparent approach across Scotland.
- This would enable parents/carers/pupils and members of the Sottish Government to see that complaints are being dealt with fairly and consistently.
- SPSO should have a robust system in place to monitor complaint annually.

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

Option 1 would require the parent and child to make separate complaints to every organisation or body (e.g. Named Person Service, Managing Authority, Directing Authority, Relevant Authority, List Authority and any Third Person organisation) which is involved in this matter(s) relating to the provisions and functions of Parts 4 and 5 which are being complained about. (In essence the one complaint would have to be sent to and dealt with each organisation individually potentially up to 6 letters of complaints and 6 meeting to resolve the complaint.)

- To do this would be a costly and time consuming activity with no clear outcome/benefit.
- It could cause confusion and uncertainty for parent/carers, children and other staff involved in the process, as they would all be dealing with the same issue in a different manner with different timescales. They may also have completely different outcomes.
- It may be worth considering how a parent/carer, child and Local Authority would deal with the one area of complaint that has after investigation and resolution ended up with a different outcome from each of the agencies involved. (Very confusing)

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

Under Option 2, the parent and child would make their complaint to the organisation providing the Named Person service for complaints made about Part 4 and/or the organisation acting as the managing authority for complaints made about the functions exercised by Part 5 of the Act. (Meaning that there would be one complaint issued that would be dealt with collegiately within the Local Authority supplying the service.)

- This would eliminate the need for up to 6 letters of complaint, 6 reports of meeting and outcomes for the parent/carer, child and staff.
- It complements the GIRFEC theory of one point of contact
- However it does place a lot of responsibility on the complaint co-ordinator. They would require training and monitoring so that the Local Authority can eliminate any suggestions of bias

One respondent felt that the parent/carers should have a choice about which method of complaint would be suitable for them. Either Option 1 or Option 2

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.

- Any complaints of this nature would where possible be dealt with during the meeting to create or review a child's plan. If this is not the case then the formal route should be followed and the complaints co-ordinator should take on this role.
- The flowcharts make it clear that once a complaint has been formalised an investigation has to take place and any comments from that investigation have to be made explicit and have a clear rationale in a letter to the complainant. Would this not help counter bias?
- Complaints co-ordinators need to be trained alongside members of the SPSO staff so that they are working in line with the SPSO policy and procedural framework.

Reason/s

- Training of the complaints co-ordinators would provide clear and un-biased pathways to any complaints with regard to Part 4 and Part 5.
- It will also give an opportunity for the SPSO to review the work of the complaints co-ordinators to ascertain that consistency is being maintained across the country.

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

- To commission ENQUIRE to produce a parent/carer/child friendly support booklet in various languages to aid the understanding of the complaints process.
- Create case studies for parent/carers/children and staff in various topical areas to enable the understanding of the process
- Questions have been asked about who would be responsible for the checks and balances of the SPSO. What government body could people access if they had a complaint against the SPSO?

For additional information:

<http://www.childreninscotland.org.uk/sites/default/files/complaints%20response.pdf>

<http://www.childreninscotland.org.uk/consultation/consultation-on-complaints-concerning-functions-relating-to-the-named-person-and-childs>

<http://www.spsso.org.uk/sites/spsso/files/consultations-and-inquiries/2015/151030SPSOResponseNPConsultation.pdf>