

SEEKING A FAIR RESOLUTION

THE INDEPENDENT COMPLAINTS REVIEWERS

Our role as Independent Complaints Reviewers is to act as honest brokers in investigating complaints about the Youth Justice Agency of Northern Ireland made by children, young people, or anyone who comes into contact with the Agency that are affected by the Agency's actions or decisions. Our aim is to achieve the impartial and fair settlement of complaints, making a positive difference for the Youth Justice Agency's service users and stakeholders now and in the future. If you remain dissatisfied with the Agency's final response to your complaint, you can refer it to us at no cost to you.

This leaflet explains our role in more detail and how to go about referring your complaint. If you have a general enquiry you can write or telephone for advice or further information.

When sending your complaint to us, please help by giving as much information as possible and by being as specific as you can. At the back of this leaflet you will find an easy to complete form to help you.

Our office address and contact numbers are also provided at the end of the leaflet.

Elizabeth Derrington
Jodi Berg

The Independent Complaints Reviewers

The Independent Complaints Reviewers

If you believe that there has been a failure in the Youth Justice Agency's standards of service or that you have been treated unfairly by the Agency and been caused unnecessary problems or concerns, you can ask the Independent Complaints Reviewers (ICR) to investigate your complaint. The ICR will look into your complaint in an objective and impartial way.

Examples of poor service or unfairness can include:

- Failure to follow proper procedures
- Discourtesy
- Discrimination or injustice
- Excessive delay

- Not answering your complaint fully and promptly
- Failure to apologise for mistakes

The ICR office operates in accordance with the Youth Justice Agency's "Child Protection Policy and Procedures" and "Whistle Blowing Procedures"

The ICR office will ensure that arrangements are in place to enable young people with special needs to participate fully in the review process

The ICR office is totally independent of the Youth Justice Agency and our service is free to complainants.

Who can make a complaint to the ICR?

Any child, young person, adult or organisation adversely affected by the actions or omissions of the Youth Justice Agency of Northern Ireland can make a complaint to the ICR. The ICR understands that there may be occasions when a child or young person does not wish to complain themselves. In such circumstances the ICR will be happy to accept a complaint made by someone else with recognised responsibility for the child or young person. This may include: -

- a friend
- a parent or guardian
- a family member
- an adult such as a Social Worker
- a solicitor or any other professional; or
- any other organisation that protects the rights of children or provides them with legal advice

The Youth Justice Agency has its own Complaints Charter. Initially, you should give the Agency itself an opportunity to resolve your complaint. If you feel that it is taking an unreasonably long time to deal with your complaint or that the response that you have received is not satisfactory, you can ask the ICR to consider it on your behalf.

The Agency's complaints procedure is explained in its Complaints Charter. Complaints about the Agency should initially be referred to:

Youth Justice Agency
Corporate Headquarters
41 Waring Street,
BELFAST
BT1 2DY

Telephone: 028 9031 6400
Fax: 028 9031 6402/03

Email: info@yjani.gov.uk

Please note that the ICR will not usually consider any complaint later than six months after the Youth Justice Agency has completed its own investigations and offered a final response.

Are there complaints the ICR can't investigate?

The ICR will not initiate complaints and there are a number of complaints that we cannot investigate which are summarised below: -

- Complaints about the substance of decisions made by the Youth Justice Agency under its statutory powers (although complaints about the way in which decisions were made may be investigated)
- Complaints that require a criminal investigation
- Complaints made by the Agency's employees concerning their employment or by applicants for employment about recruitment procedures
- Complaints which have become the subject of court proceedings
- Complaints which have been investigated or are under current investigation by the Northern Ireland Ombudsman

If you are not sure whether your complaint falls within one of these categories we will be pleased to advise you.

How do I go about making a complaint to the ICR?

Initial contact can be made in writing, by telephone, by fax or by e-mail. Should you wish the ICR to investigate your complaint, it is preferable to put it in writing so that none of the facts are overlooked. If you would like help in putting your complaint in writing, you can telephone the ICR office for assistance.

The following information will be needed to help us deal with your complaint more quickly: -

- Your name, address, a contact telephone number and, if available, an e-mail address
- The name of any person or organisation on whose behalf you are submitting the complaint and the reason why you are dealing with it. You must also say whether they support the referral of the complaint
- Any relevant correspondence or documentation. It is preferable for you to send photocopies but if this is not possible, please make it clear which documents sent are originals and which you would like returned. Photocopies will be taken at no cost to you and the originals will be returned to you promptly
- Explain the reason for your complaint as clearly and precisely as possible
- Explain what you would like the Youth Justice Agency to do to resolve your complaint

We have included a Complaint Referral Form to help you.

What will happen once I have made my complaint?

We will acknowledge your complaint within one week. We will agree with you the issues that you would like us to consider and ask you to confirm this by signing a complaint summary. If we feel that it would be helpful, we will offer you and your parent, or a person who can act on your behalf, the opportunity to explain your concerns to us personally by video link.

We will then consider whether the complaint is a matter that we can investigate. If we cannot look into the complaint, or decide not to, you will be told why.

Once we are satisfied that we can proceed, we will obtain a response from the Youth Justice Agency. The ICR has the right of full access to any documents and information we consider necessary to enable us to investigate your complaint.

We hope to resolve complaints by agreement whenever possible. We will want to know what you want the Youth Justice Agency to do to put things right, and if we can achieve a satisfactory settlement, we will bring our investigation to a close at this point. If this is not possible, further investigation or enquiries may be necessary. Again, it may be helpful to speak to you by video link, or even to meet personally. Any conversation or meeting will be informal and confidential.

We will deal with your complaint as quickly as possible, but the length of time it will take can vary from case to case.

When the review is complete, we will send you a report. If there has been an agreement, the report will outline the agreement and the action the Youth Justice Agency has agreed to take. If an investigation has been needed the report will explain our findings and any recommendations. The report will also be sent to the Youth Justice Agency's Chief Executive.

If your complaint is upheld, we will seek an apology for you and, where appropriate, can recommend other redress action. We are able to comment on the Youth Justice Agency's handling of your case, and can also make recommendations to improve the Agency's services in future. Finally, in some cases, we may recommend payment of limited compensation.

Will the Youth Justice Agency take notice of the ICR report?

The Youth Justice Agency will implement recommendations made by the ICR in our report on a complaint. Only in exceptional circumstances will the Agency refuse to act upon these recommendations. In this event, the Chief Executive will write to you and to the ICR giving a full explanation.

Will the ICR findings be made public?

The ICR will not make reports on individual complaints public, but we will produce annual reports. As well as statistical information, these reports will include brief anonymised summaries of completed cases.

Giving your views

We welcome all comments about our service, whether complimentary or critical. If you have any comments to make, please let us know.

If you want to complain about the way we have dealt with you, please let us know immediately, and we will respond to your concerns promptly. Further information on how to make a complaint and the way we will respond can be obtained on request.

What should I do if I remain dissatisfied after the ICR has investigated my complaint?

Should you remain dissatisfied with the outcome of the ICR review, under current Northern Ireland legislative arrangements, you can ask an MLA to refer your complaint to the Northern Ireland Ombudsman.

Further information about this service can be obtained from:

The Northern Ireland (Assembly) Ombudsman
The Ombudsman
Freepost BEL 1478
BT1 6BR
Freephone: 0800 34 34 34
E-mail: ombudsman@ni-ombudsman.org.uk

The provision of an independent complaints review process does not affect your right to seek to have your complaint considered by the Ombudsman at any time, however, the Ombudsman will usually expect you to have referred your complaint to the ICR first. It will not usually be possible to refer your complaint to the ICR during or following investigation by the Ombudsman.

Important things to know about the ICR service

The ICR examines complaints informally. This means that we handle complaints in a different way from courts and tribunals, and we do not hold hearings which people are required to attend. We gather information in documentary form and usually settle complaints by correspondence. We only hold informal interviews where it is necessary to understand a complaint better, or to find out more about the Youth Justice Agency's response to it.

The ICR cannot accept anonymous complaints or initiate our own investigations without a referral. Your name, and the name of any person or organisation you represent will be shared with the Youth Justice Agency when we receive your complaint and ask for information about it.

In order to deal with your complaint effectively, we will need to handle personal details about you, which may include sensitive information. We will try to do so considerately, but we may need to exchange information about your complaint with the Youth Justice Agency in order to find out important facts about it.

We are able to see all of the relevant information about your complaint, including the Youth Justice Agency's files and other data. Although we have the right of access to this information for the purposes of our investigation, we have no authority to release it to you or any other third party.

Any requests for data or information must be made direct to the Youth Justice Agency. If such a request is made and we are examining relevant material, we will return it immediately to allow the Youth Justice Agency to deal with the request. The evidence will be returned to us as soon as possible so that our review can proceed.

The ICR will respect your privacy and will not publish information about you or your case. We will not discuss your personal case with the media or any other third party, although we may refer to the kind of issues it brings to light, in order to encourage better understanding of the causes of complaints and how they can be avoided through service improvement.

Need more help?

This leaflet is also available on audiotape and can be provided in other languages. Should you require information about this, please let us know by telephone, letter or e-mail.

Where necessary, we are able to provide a translation service to assist you in the presentation of your complaint.

The Independent Complaints Reviewer

5th Floor
1 Victoria Street
London
SW1H 0ET

E-mail: enquiries@icrev.org.uk

Website address: www.icrev.org.uk