



Bedfordshire Local Safeguarding Children Board

LSCB Complaints Panel Procedure in respect of:

- the process of a child protection conference
- the outcome of the conference at the time the child became the subject of a child protection plan
- a decision for the child to become, or not to become, the subject of a child protection plan or not to cease the child being the subject of a child protection plan.

1.0 Introduction

- 1.1 Bedfordshire Local Safeguarding Children Board (LSCB) have agreed the procedure for dealing with representations and complaints about child protection conferences.
- 1.2 Complaints about individual agencies, their performance and provision (or non provision) of services should be responded to in accordance with the relevant agency's complaints handling process. For example, Local Authority children's social care is required (by s26 of the Children Act 1989) to establish complaints procedures to deal with complaints arising in respect of Part III of the Act.
- 1.3 In considering and responding to complaints, the LSCB should form an inter-agency panel made up of senior representatives from LSCB member agencies. The panel should consider whether the relevant inter-agency protocols and procedures have been observed correctly, and whether the decision that is being complained about follows reasonably from the proper observation of the protocol(s).
- 1.4 In addition, representations and complaints may be received by individual agencies in respect of services provided (or not provided) as a consequence of assessments and conferences, including those set out in child protection plans. Such concerns should be responded to by the relevant agency in accordance with its own processes for responding to such matters.
- 1.5 All parties must be made aware that this complaints process cannot change a decision as to whether a child/ren are subject to child protection plans and that during the course of a complaint's consideration, the decision and recommendations reached in the child protection conference stand, and must be adhered to by staff from all agencies. All parties must be made aware that this complaints procedure must **not** be used (overtly or covertly) to prevent all involved professionals (doctors, nurses, teachers, social workers etc) from exercising their professional obligation to express verbal or written opinions formed in good faith
- 1.6 The end result for a complaint about the **process** employed during a conference will either be:
- An acknowledgement that it was flawed and action taken (if required)
 - or**
 - Confirmation that the process followed was reasonable
- 1.7 The end result for a complainant about a **decision** for the child to become subject of a child protection plan and/or the category of primary concern will be either that:
- A review conference is brought forward and convened under a different chair
 - or that**

- The status quo is confirmed

1.8 The end result for a complainant could be any of the following;

- An early reconvened review conference chaired by a different review manager or
- A recommendation not to reconvene the review conference early or
- Recommendation of an alternative plan of action to resolve the complaint(s)
- Recommendation in respect of practice.

2.0 Who can complain?

Within 28 days of the child protection conference a complaint can be raised by:

- Parents/carers with parental responsibility;
- Other adult(s) who have no parental responsibility for the child(ren) subject to a child protection conference but who are directly affected by a child protection conference decision, such as extended family members or foster carers;
- Young people who are subject of a child protection conference. A young person should be enabled to engage the assistance of an independent advocate or a supporter of their choice.

2.1 What can be complained about?

Working Together 2006 states “Parents/caregivers – and, on occasion, children – may have concerns about which they may wish to make representations or complain, in respect of one or more of the following aspects of the functioning of child protection conferences:

- the process of the conference
- the outcome, in terms of the fact of and/or the category of primary concern at the time the child became the subject of a child protection plan
- a decision for the child to become, or not to become, the subject of a child protection plan or not to cease the child being the subject of a child protection plan”

3.0 The Complaints Process

Immediate resolution

3.1 An expressed concern about the conference itself, which arises in the course of the meeting, must be noted and an attempt made by the Review Manager to resolve it with the complainant outside of the Child Protection meeting. During such a meeting the Review Manager should be accompanied by another Professional attending the CPM and a record of the meeting should be taken and a copy given to the complainant.

- 3.2 If this initial attempt to resolve matters fails, the complainant should be reminded of the Procedure, and be invited (if necessary assisted by the social worker or other agreed advocate) to contact the Conference and Review Service, to lodge a stage 2 complaint either verbally or in writing within 28 days of receipt of the minutes of the conference or as soon as possible following the conference.

Initial Response to a Complaint

- 3.3 Complaints should initially be responded to by the line manager of the person who chaired the child protection conference, or another nominated person.
- 3.4 Upon receipt of the complaint, the line manager should
- Forward a copy of the complaint to members of the Panel for information only. A date should be identified for a panel meeting, in the event that the complainant remains dissatisfied following the line manager's response. This date should be set taking into account that it is expected that the LSCB Complaints Panel should have met and completed the response to the complaint within 28 days of being notified that the complainant remains dissatisfied and wishes their complaint to be heard by the LSCB Complaints Panel;
 - Inform the Local Authority Complaints Manager of the fact of the complaint to ensure that in the event of concurrent investigations and/or representations and complaints, these are responded to in a co-ordinated and appropriate manner.
 - Inform the RM concerned
- 3.5 The manager of the person who chaired the conference, or a nominated person, should undertake the process of clarifying the complaint. During the process of clarification it may be possible to resolve the complaint where the issues are not complex and can be easily righted. In other cases a meeting with the complainant may be considered appropriate.
- 3.7 The outcome of the initial response to the complaint should be recorded in writing by the line manager who responded to the complaint, setting out the response to the complaint and any agreed actions within 10 - 20 working days. A copy should be sent to:
- the complainant;
 - the review manager
 - any other agency representative who attended a meeting with the complainant;
 - LSCB Complaints Panel members
 - the Local Authority Complaints Manager
- 3.8 The line manager will inform the complainant as appropriate that they can request their complaint is heard by the Panel if they are not satisfied with the outcome at the initial stage.

Single Agency complaint

3.9 If during the initial response it becomes apparent that the complaint, or some components of the complaint, does not fall within the remit of the LSCB child protection conference complaints procedure, the line manager should refer the complaint or components of the complaint to:

- the local authority complaints manager,
or
- the appropriate agency for consideration under its complaints procedure.

3.10 The line manager responding to the complaint should write to the complainant to advise him/her that this has happened identifying the names of agency representatives who will be contacting him/her to pursue the complaint.

4.0 LSCB Complaints Panel Process

4.1 The Panel meeting and the response to the complainant following the panel should be within 28 days from the date the complainant confirmed their wish to have their complaint heard by the Panel. Where this cannot be met the reasons must be given to the complainant and recorded, with revised timescales. However, panel members must take into account the date of the next child protection conference. The whole process should in any event not exceed three months and should, wherever possible, be concluded before the next Child Protection Conference.

4.2 The Panel should comprise of a minimum of three senior representatives from LSCB member agencies.

4.3 The line manager of the review manager will advise the LSCB Business Manager of the need to convene a panel and who will :

- consider in liaison with designated agency panel representatives the most appropriate composition of the Panel dependant upon the nature of the complaint;

One of the panel members will be appointed as the chair of the Panel and a minute taker arranged.

4.4 Panel members should have considered beforehand the following documents:

- a copy of the outstanding complaint(s) and a copy of the response to the complainant following the earlier attempt to resolve the complaint ;

- copies of all the relevant child protection conference minutes and the written reports submitted to the child protection conferences and child protection plan;
- a copy of any other documents relating to the complaint

The LSCB Business Manager will ensure that each panel member and the complainant have a copy of each of these documents, 10 days prior to the Panel.

- 4.5 The Panel chairperson in liaison with each designated agency representative should consider whether any further information should be sought and shared prior to the meeting with the complainant and who will undertake this. This may be undertaken by telephone or may require a pre meeting of the panel to consider the information particularly in complex cases.
- 4.6 The Panel will meet with the complainant to discuss the issues contained in the complaint. The complainant may be accompanied by a supporter of his/her choice, and will be asked to notify the chairperson of the panel of the supporter's name prior to the meeting. In exceptional circumstances where the complainant does not feel able to attend, consideration can be given to a complaint in writing or by being presented by a suitable person. A decision in respect of this will be taken by the chair of the Panel.
- 4.7 The Panel may need to pursue matters or take account of other information, in which case a reconvened meeting will be needed.
- 4.8 If the complainant does not attend the Panel then a further meeting will be reconvened, if the complainant fails to attend this second meeting then the complaint process will be halted.
- 4.8 Following the panel meeting with the complainant and relevant personnel as invited, the Panel members will meet alone to consider the complaint and make their recommendations

5.0 Possible recommendations following the LSCB Complaints Panel

- 5.1 The Panel will recommend to the Chair of the LSCB that the complaint, or components of it, should be upheld or not upheld.
- 5.2 If the recommendation is that the complaint should be upheld in respect to one of the following:
- the category of primary concern at the time the child/ren became subject to a child protection plan;
 - the process of the conference where it is thought to have affected a decision for the child to become, or not to become, the subject of a child protection plan or for the child to cease/continue being the subject of a child protection plan

the chair of the Panel should recommend that the child protection conference should be re-convened, and consider the points and decision(s) of the Panel.

- 5.3 Where the complaint is recommended to be upheld but is about process only, and it is not believed to have affected the outcome of the conference thereby not requiring a reconvened conference, the panel may consider an alternative plan of action in order to resolve the complaint. This may be in the form of recommendations to appropriate agency managers or may consist of acknowledging that procedures were not correctly followed or that practice was not in accordance with expected standards.
- 5.4 Whether the complaint is upheld or not, within five working days of the panel meeting, the chairperson of the panel will write to the Chair of the LSCB, with a copy to the other members of the panel and the Conference and Reviewing Service setting out the issues raised in discussion, the recommendation(s) reached and the rationale behind the recommendation(s), stating any agreements reached with proposed actions.
- 5.5 Within five working days of receipt of the Panel chairperson's report the Chair of the LSCB will write to the complainant, the Panel members, and the Conference and Review Service enclosing a copy of the panel's report and indicating his/her decision and response to the recommendation(s).
- 5.6. The line manager of the review manager, who will ensure that the findings, recommendations and decisions arising from the panel process are passed to the review manager of the next child protection conference. A copy of the panel report and the LSCB Chair's response will also be sent to the review manager, their line manager and all those who attended the original child protection conference.
- 5.7 A copy of the findings and recommendations of the Panel should also be placed on the relevant child's case record held by Children Social Care and a copy sent to the Local Authority Complaints Manager.
- 5.8 A summary with conclusions and recommendations from a complaint should be made available by the LSCB Business Manager for the LSCB Operations Board so that any learning points, issues raised and actions taken as a result of complaints can be considered by LSCB as appropriate. The LSCB should review the outcome of all complaints at least annually.

6.0 Actions in relation to a child protection conference following a complaint

At the reconvened or next review child protection conference following the Panel, the following should occur:

- As far as possible the reconvened conference should consist of the same representatives who were present at the original conference. However the child protection conference must be chaired by a different review manager.

- the review manager of the child protection conference should make it clear at the conference that a complaint has been received and considered by the Panel and should detail the conclusions and recommendations;
- the LSCB Business manager should be notified by the review manager of the decisions and recommendations of the reconvened child protection conference, with a view to informing the Panel members of the outcome of the conference.