

# COMPLAINTS IN RELATION TO CHILD PROTECTION CONFERENCES

## SCOPE

This procedure relates to the rights of parents/carers and children (if of sufficient age and understanding) to complain about the process of Child Protection Conferences or appeal against a Conference decision.

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### 1. ELIGIBILITY TO USE THIS PROCEDURE

Parents/carers and children (with sufficient understanding) may have concerns about which they wish to complain or appeal, 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 a decision to continue a Child Protection Plan.

All parties must be made aware that this complaints process cannot itself change a Child Protection Conference decision and that during the course of a complaint/appeal's consideration, the decision made by the Conference stands.

At all stages of this complaint/appeals process, the complainant/appellant may bring an advocate or friend to support them. Particular consideration must be given to children who may not be as articulate or able to fully understand the process and may need an advocate.

**NB** Complaints about individual agencies, their performance and provision (or non-provision) of services will not be dealt with under this procedure and should be responded to in accordance with the relevant agency's complaints handling process.

### 2. GROUNDS FOR APPEAL AGAINST A CONFERENCE DECISION

The grounds for appealing against a conference decision may be:

That the criteria for the decision that the child should have a Child Protection Plan were not met:

- That the criteria for the decision that the child should continue to have a Child Protection Plan were not met.
- That the criteria for the decision that the Child Protection Plan should be discontinued were not met; and/or
- That the information on which the conference decision was based proved substantially incorrect.

### **3. STAGE ONE – INFORMAL STAGE**

Who will be involved? Service Manager for Child Protection Conferences (CPC) and Child Protection Conference Chair.

Complaints about aspects of CPC as set out in the Terms of Reference should in the first instance be sent in writing to the CPC chair within 10 working days of the CPC. If required assistance will be given to service users to enable them to do this.

The Local Authority Complaints Officer should be informed of the complaint and where there are issues which fall outside of this procedure these should be discussed and directed through the appropriate channel (e.g. Children Act Complaint Service, NHS Complaints).

The complaint should be acknowledged in writing within 3 working days and an appointment offered to attempt resolution within 10 working days.

This is a problem-solving stage in which the line manager and chair with the complainant will aim to seek an early resolution.

Following the appointment, the line manager will confirm in writing the points of complaint and any actions agreed to resolve. The letter should also advise the complainant of their right to move to Stage 2 of process within 28 days, if they are still dissatisfied.

The Local Authority Complaints Officer and the Strategic Manager for Children's Safeguarding should be informed of the outcome of Stage 1 and also receive a copy of this letter.

### **4. STAGE TWO – FORMAL STAGE – COMPLAINT MEETING**

Personnel involved in this meeting will be the Service Manager and the Strategic Manager for Children's Safeguarding.

The Local Authority Complaints Officer should be kept informed of the progress of this complaint.

A Complaint Meeting at Stage 2 should be arranged and held within 28 days to attempt to resolve the areas of concern.

The Complaint Meeting should have access to and will consider:

- Minutes of the Child Protection Conference.
- Reports to Child Protection Conference
- Correspondence re complaint at Stage 1

The meeting should still aim to address areas of dissatisfaction and to resolve matters. Following the meeting the complainant should receive a letter to confirm what was agreed and to advise the complainant of their right to move to Stage 3 within 28 days, if they are still dissatisfied.

The Local Authority Complaints Officer should be informed of the outcome of Stage 2 and receive a copy of this letter where there are complaints which relate to issues outside the procedure or, the complainant has separate complaints which are being addressed through the Children Act Complaint Service or NHS Complaints. The Local Safeguarding Children Partnership (SCP) Manager should also be informed if the complainant wishes to progress to an Appeal Panel.

### **5. STAGE THREE – THE COMPLAINT AND APPEAL PANEL**

When will the Panel meet: The Appeal Panel will be convened within 15 working days of receipt of written notification from Stage 2.

**CHAIR OF THE PANEL:** The SCP Chair or his/her nominee will chair the Panel.

**MEMBERSHIP OF THE PANEL:** The Panel will be an interagency panel made up of at least two senior representatives from SCP partner agencies, none of whom have previous or present direct line management responsibility for the case in question.

The SCP will provide a minute-taker.

**ADVISOR TO PANEL:** The panel chair has the authority to co-opt other professionals where specialist advice is needed.

**QUORACY:** The Chair of the SCP or his/her nominee (the Panel Chair) and at least two members of SCP partner agencies.

**SCOPE OF DECISION-MAKING:** The Panel may make one or more of the following decisions based on a majority view:

- That Child Protection Conference procedures were followed correctly.
- That Child Protection Conference procedures were not followed correctly and recommend how to remedy this.
- To support the original Child Protection Conference decision.
- Recommend Child Protection Conference is reconvened with the same or different conference chair, to reconsider a recommendation regarding decision that the child should be or continue to be, subject to a Child Protection Plan and the category of Significant Harm on which such decision is based.
- To decide they have insufficient information to make a decision and set out a timescale for completing the task and set a date for a further panel.
- To decide whether there are any learning points for a specific agency.
- The Panel chair should ensure minutes are sent to the complainant / appellant and to all those who were sent minutes of Child Protection Conference and also to ensure any reconvened Child Protection Conference has full details of any recommendations made by the panel.
- To communicate any specific concerns and recommendations relating to practice or procedure on the part of any SCP agency relevant Board member.

**N.B** The Panel does not have the authority to reverse a Conference decision.

Within 5 working days of the Panel, the Panel Chair will ensure that the written decision / finding and / or minutes of the Panel meeting are sent to the complainant/appellant, to all who were sent minutes of the Child Protection Conference and a copy of the minutes will be given to the chair for any reconvened conference.

## **6. RECONVENED CONFERENCE**

The chair of a reconvened Child Protection Conference must ensure that all those present have seen or are briefed at the start of the Conference about the decision and any recommendation(s) made by the Panel. Minutes of the Panel meeting will also be circulated.

## **7. FURTHER CHALLENGE**

A complainant / appellant who continues to be dissatisfied with the outcome of the above process could pursue their grievance via the **Local Government Ombudsman** or choose to seek legal advice about remedies such as judicial review.