



North Wales Safeguarding Children Board

North Wales protocol for the management of complaints relating to child protection conferences

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## **COMPLAINTS PROCEDURE**

### **INTRODUCTION**

THIS COMPLAINTS PROCEDURE BUILDS ON THE ALL WALES CHILD PROTECTION PROCEDURES 2008, SECTION 5.2 'HANDLING COMPLAINTS FROM FAMILIES ABOUT THE FUNCTIONING OF A CHILD PROTECTION CONFERENCE' AND SHOULD BE READ IN CONJUNCTION WITH THAT PROTOCOL.

Safeguarding Children : Working Together under the Children Act 2004 Section 4.49 (page 127/8) requires the SCB to have in place a procedure for dealing with complaints about the functioning of Child Protection Conferences.

The sub regional delivery groups have delegated responsibility for the management of the complaints regarding the functioning of Child Protection Conferences, up to the stage where an appeal to the Chair of the SCB is requested.

### **PURPOSE**

- To ensure that there is a clear understanding of the SCB's response upon receipt of complaints from parents, caregivers and children about the functioning of Child Protection Conferences.
- To ensure that all complaints relating to the outcome and process of Child Protection Conferences are received and responded to within the timeframe outlined in this procedure.
- To ensure that all complaints are monitored.
- To ensure that where complaints are upheld timely redress is made
- To ensure that lessons are learnt, including from complaints that are not upheld.

### **Who has the right to complain?**

- Any parent, carer or person with parental responsibility.
- Any child, considered of sufficient age and understanding, who has attended a Child Protection Conference.
- A person acting on behalf of either a parent, carer or person with parental responsibility or a child provided this is with their full knowledge and understanding.
- Other adults who have no parental responsibility but who are directly affected by a case conference decision maybe allowed to appeal/complain at the discretion of the SCB chair person.

### **What can they complain about?**

- The process of the Conference in terms of adherence to procedures.
- The registration decision, including the category.
- A decision not to register or to de-register.

### **The procedure does not cover:**

- Complaints or representations relating to services that are delivered by individual agencies as a result of Conference decisions.
- Complaints about an individual professional attending a Conference. These will be dealt with via the internal complaints procedures of the relevant agency. If an issue

emerges in relation to an individual professional whilst a conference complaint is being addressed, it will be referred to that person's agency to be dealt with.

- Complaints about the Conference Chair, this complaint will be dealt with as a complaint against an employee. The complaint will be dealt with within the complaints procedures of the Chair's employing agency.
- Complaints in relation to the contents of the minutes: these will be dealt with by the Child Protection Conference Chair

A leaflet has been produced explaining the complaints procedure. All parents, carers, children and young people invited to a Child Protection Conference will receive this leaflet from their Social Worker.

Copies of the leaflet are available from the SCB Business Manager and are also available from the North Wales Protocols page in the AWCPORG Section of the Children in Wales website.

### **PROCEDURE FOR COMPLAINTS RELATING TO CHILD PROTECTION CONFERENCES**

1	<b>Informing Potential Complainants</b>
1.1	A leaflet explaining the Conference and complaints process will be sent to all family members invited to the Conference. This will include a form for making a complaint.
1.2	At the start of each Conference the Chair will note the existence of the procedure and this will be noted in the minutes.
1.3	Where children, parents/carers have expressed concern about the process or outcome during a Conference they should be reminded of their right to complain. This should be minuted.
1.4	Any parents or child who is specifically excluded from the Conference should be given this information when they meet with the Conference chair <u>prior</u> to the Conference.

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2.	<b>Making a Complaint</b>
2.1	<p>Complaints should be addressed to the Conference Chair. The Conference Chair must make an initial attempt to resolve matters within 10 working days. Initial complaints may be made in any manner: face-to-face; via email; by telephone, etc.</p> <ul style="list-style-type: none"> <li>• The conference Chair will clarify the complaint with the complainant, and record the complaint, as necessary</li> <li>• The complainant should be advised of the right to be legally represented and/or to be supported by an Advocate at an early stage</li> <li>• The complainant should agree and sign the complaint.</li> <li>• The Conference Chair should immediately notify the relevant Senior Manager for Safeguarding / Child Protection and relevant complaints officer of the complaint, and inform the SCB Business Manager.</li> </ul>
2.2	<p>Complaints should be addressed to the conference chair within 14 working days from the conference minutes being sent out</p> <p>The SCB has the discretion to consider late appeals if it is reasonable to do so.</p>
2.3	<p>Complaints made by a child</p> <ul style="list-style-type: none"> <li>• The SCB will support the right of a child to make representations under this procedure.</li> <li>• Whilst not intended as an inflexible rule any 'Fraser Competent' [case law established subsequent to the concept of 'Gillick competence'] child over 14 years of age will be supported to initiate a representation/complaint and appear before interagency SCB Panel.</li> <li>• The assessment of 'Fraser Competency' will be made by the child's social worker in consultation with the CPC Chair.</li> <li>• Under such circumstances the child will be encouraged to seek the support of an Advocate based on informed choice.</li> <li>• If it is deemed not to be in the best interests of a child to individually pursue the complaint/representation under these procedures [attend interagency SCB Panel etc] the final decision will be made by the interagency SCB Panel Chair and the child informed/supported accordingly. Depending on the circumstances the SCB may decide that the complaint still needs to be investigated and may undertake a management review of the issues</li> </ul>
2.4	<p>It should not be assumed that parents/caregivers or the child necessarily all share the views of the actual complainant. Where this is the case an opportunity should also be given for their views to be stated through a written statement/letter or attendance at the Conference</p>

3	<b>Stage 1: Complaint to the Conference Chair</b>
3.1	Within 7 working days of the complaint being made, the Child Protection Conference Chair will meet with the complainant to attempt to informally resolve their concerns. If it is not practicable to meet within 7 working days the reasons should be recorded.
3.2	The Child Protection Conference Chair will attempt to resolve the complaint with the complainant/ by offering further discussion around the Child Protection Conference process including registration criteria and category definitions.
3.3	The outcome of the meeting will be recorded by the Child Protection Conference Chair who will inform the Senior Manager for Child Protection in writing with a copy of all relevant documentation within 3 working days.
3.4	<p>If the complaint is not resolved at Stage 1, the Conference Chair should:</p> <ul style="list-style-type: none"> <li>• inform the SCB Senior Manager for Child Protection and the Business Manager, who may consult with the relevant Local Authority Complaints Manager, that the complainant wishes to move to the next stage of the procedure, the 'SCB Inter-agency Conference Complaints Panel' (Conference Complaints Panel)</li> <li>• inform the complainant of their right to be legally represented and/or to be supported by an Advocate, and provide details of the local Authority Complaints Manager who can provide this support if required.</li> <li>• Inform the complainant of their right to call witnesses</li> </ul>

4.	<b>Stage 2: Formal consideration: The SCB Inter-agency Conference Complaints Panel</b> (Conference Complaints Panel)
4.1	If the complaint is not resolved at Stage 1, the complainant has a right to ask for the complaint to be considered via a Conference Complaints Panel
4.2	If there are any doubts in relation to the appropriate procedural route to deal with the complaint then legal advice should be sought from the SCB Legal Advisor and final decision made by SCB Chair in consultation with the relevant Statutory Director for Social Services.
4.3	If the complainant wishes to move to Stage 2, the Local Authority complaints Manager, in liaison with the SCB Business Manager, will ensure that the complainant agrees and signs a written complaint, with support from an advocate or legal representative, as necessary. The authority must respond to the complainant within 25 working days of receiving the <b>signed</b> request to move to this stage
4.4	If the complainant wishes to be accompanied by an advocate, legal advisor, or witnesses, the complainant shall give at least 5 working days notice to the SCB Business Manager.
4.5	To ensure the target is met of informing the complainant within 25 working days of the complaint being signed, the SCB Business Manager, shall convene a meeting of the Inter-Agency complaints panel within 22 working days of the complaint being signed.
4.6	For details of the membership and administration of the Conference Complaints Panel, see Appendix 1.
4.7	The Panel has 3 working days from the date of the Conference Complaints Panel (up to a maximum of 25 working days from the date that the complaint was signed) to inform the complainant of their findings.
4.8	The complainant shall be offered the opportunity to make a statement in person or in writing to the Conference Complaints Panel and call evidence relating to his/her complaint. Written submissions should be submitted to the SCB Business Manager at least 5 working days before the panel meeting to ensure that the Panel members have sufficient time to consider the issues raised.
4.9	It should not be assumed that parents/caregivers or the child necessarily all share the views of the actual complainant. Where this is the case an opportunity should also be given for their views to be stated through a written statement/letter or offer of attendance at the Interagency conference complaints Panel.
4.10	The complainant and/or the Conference Complaints Panel may call witnesses. Where this is the case Business Manager / Board Administrator will need to be informed to ensure practical arrangements for attendance are in place.

4.	<b>Stage 2: Formal consideration: The SCB Inter-agency Conference Complaints Panel</b> (Conference Complaints Panel)
4.11	<p>The Conference Complaints Panel will determine:</p> <ul style="list-style-type: none"> <li>• Whether the process followed adhered to the All Wales Child Protection Procedures;</li> <li>• Whether the decision that is being complained about follows reasonably from the proper observation of the procedures;</li> <li>• Whether the decision that is being complained about follows reasonably from the information available to the original Conference.</li> </ul>
4.9	The Conference Complaints Panel cannot remove a child's name from the Child Protection Register; this can only be done at a Child Protection Conference.
4.10	The Chair of the Conference Complaints Panel shall inform the complainant of the decision of the Panel.
4.11	The Panel Chair, in liaison with the SCB Business Manager, will ensure that if there are any practice issues, the relevant senior manager, safeguarding is informed.
4.12	<p>The decision should be communicated in writing and also be sent to:</p> <ul style="list-style-type: none"> <li>• The child, if appropriate to their age and understanding;</li> <li>• Any other parent or caregiver;</li> <li>• Any other person with parental responsibility;</li> <li>• Members of the relevant Child Protection Conference;</li> <li>• The Chair of the Child Protection Conference subject to the complaint.</li> </ul>

5	<b>If the Complaint is Upheld</b>
5.1	The Conference Complaints Panel shall refer their recommendations to a reconvened Child Protection Conference to reconsider the registration decision and category.
5.2	The panel may make recommendations to the reconvened child protection Conference regarding the registration decision and category.
5.3	A different Conference Chair must be nominated and the Conference reconvened within 15 working days of the Panel decision.
5.4	The original Conference decision will remain in place until the reconvened Conference has taken place.
5.5	The Conference must consider, taking into account the Inter Agency conference Complaints Panel recommendations, whether the criteria for registration is met. If the criteria for registration are met, the Conference Chair should then determine the relevant category for registration.
5.6	<b>In the unlikely event that a reconvened Child Protection Conference fails to agree or act upon the panels' recommendations / decision, the matter will be referred to the SCB Chair as a matter requiring immediate attention.</b> The SCB Chair will receive legal advice and consult with SCB vice Chair and the relevant Statutory Director of Social Services. The option of commissioning an Independent Social work Consultant to complete a risk assessment may be pursued with prior agreement that the recommendations of that Consultant on behalf of the SCB Chair would be binding.

6.	<b>If the Complaint is Not Upheld</b>
6.1	The Conference Complaints Panel Chair will provide a written report of the meeting and its recommendations to the complainant, the Chair of the SCB and the Senior Manager for Child Protection who will inform the relevant Conference Chair of the outcome.
6.2	The SCB conference Complaints Panel Chair will also ensure the decision is communicated in writing to: <ul style="list-style-type: none"> <li>• The child, if appropriate to their age and understanding;</li> <li>• Any other parent or caregiver;</li> <li>• Any other person with parental responsibility;</li> <li>• Members of the relevant Child Protection Conference.</li> </ul>

<b>7</b>	<b>If the complainant remains dissatisfied</b>
7.1	Should the complainant remain dissatisfied with the decision of the conference Complaints Panel, then they may choose to go to the final stage of the process which is an appeal to the NWSCB Chair, or if the complaint relates to an area within the Chair's responsibility, to the NWSCB Vice-Chair.
7.2	Requests to proceed to this stage should be made to the SCB Business Manager
7.3	The SCB Chair/ Vice-Chair will make their recommendations to the relevant Director of Social Services who will review the recommendations and respond to the complainant detailing the proposed actions, which may include the decision to reconvene a Conference.
7.4	Children may also refer their complaint to the Children's Commissioner for Wales who has extensive powers to investigate complaints raised by any young person.
7.5	If the complaint is not upheld there are no further avenues of appeal for the complainant within the Board's procedures.

<b>8</b>	<b>Status of the Original Conference Decisions During the Complaint Process</b>
8.1	In all cases, the recommendations and decisions of the original Child Protection Conference will stand throughout the complaints process.

<b>9</b>	<b>Reports and Monitoring</b>
9.1	The SCB Business Manager will ensure that reports are provided to the SCB's Executive Board on a quarterly basis regarding any complaints made, outcomes and summary of issues discussed.

## APPENDIX 1

<b>THE SCB INTER-AGENCY CONFERENCE COMPLAINTS PANEL</b>	
1	The panel should consist of a minimum of three senior representatives from SCB member agencies, one of whom will act as Chair. Since the nature of agency involvement varies membership will need to be determined on a case by case basis.
2	The panel shall not include anyone who has had direct involvement or line management responsibility for the case that is being heard.
3	The Panel will be supported by the Board's Legal Advisor and a Child Protection Coordinator who will provide expert social work advice, as necessary.
4	Recommendations for membership of the Panel to SCB Chair will be made in consultation between the Senior Manager for child protection and the Business Manager
5	At least two Panel members should be of sufficient seniority and experience in the field of child protection and be very familiar with child protection conference processes. The Chair should have considerable experience of chairing meetings.
6	The final decision as to panel membership including appointment of panel Chair will be made by SCB Chair [or in the SCB Chair's absence the SCB vice Chair].
7	The panel will be supported administratively by the Board Administrator [i.e. organization of date, venue, circulation of relevant reports beforehand, and minutes].
8	The venue selected should be at a convenient time and as local and as 'neutral' as possible for the complainant [i.e. not obviously associated with locations of previous CPC] e.g. local Leisure Centre, Family Centres, office locations of voluntary organization/agencies not previously involved
9	Where appropriate child care arrangements will need to be considered.
10	In confirming these practical arrangements the main communication link with the complainant will be the Business Manager. Final confirmation of arrangements will be sent in writing by recorded delivery to the complainant in the name of SCB Chair by the Panel Administrator.

<b>THE SCB INTER-AGENCY CONFERENCE COMPLAINTS PANEL</b>	
11	<p>Reports should be provided to the Board Administrator 10 working days in advance of the panel being convened and should include:</p> <ul style="list-style-type: none"> <li>• Previous CPC Minutes.</li> <li>• Social Worker and other agency reports to previous CPC.</li> <li>• Core Assessment and Child Protection Plan [if completed].</li> <li>• Any relevant specialist psychological/psychiatric/risk assessment reports.</li> <li>• Update of child's wishes and feelings and understanding of current position -- provided by child's Social Worker.</li> </ul>
12	<p>All Reports will be distributed by the Panel Administrator to:</p> <ul style="list-style-type: none"> <li>• The Complainant [by recorded delivery] unless informed otherwise by Chair of Child Protection Conference.</li> <li>• Panel Members [electronically under cover of password].</li> <li>• Board Legal Advisor.</li> <li>• Relevant Child Protection Co-ordinator.</li> </ul> <p>Relevant Senior Manager for Child Protection within Social Services</p>
13	<p>Professional social work advice will be provided by a Child Protection Co-ordinator not previously involved [e.g. . if Conwy case the Denbighshire Child Protection Co-ordinator,. However, the relevant Child Protection Co-ordinator will not be party to or bound by any recommendation/decision made by the panel.</p>
14	<p>All members of staff presenting information to the panel are entitled to be accompanied by their line manager if they so wish</p>
15	<p>Prior to commencement the panel Chair will meet informally with the complainant to explain process, stress his/her independence and wish for fairness, confirm that complainant has had access to and read the relevant reports, expectations of behaviour, what the panel can and cannot do, confirm order of business [including timeframe for notification of recommendations/decisions] and give the complainant an opportunity to ask any questions.</p>

## THE SCB INTER-AGENCY CONFERENCE COMPLAINTS PANEL

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### Panel Agenda/Order of Business

1. Panel Chair will commence proceedings and ensure that panel members are aware of order of business [see Appendix 1] and have read/are familiar with relevant reports provided.
2. Chair of the CPC at which the decision to register was made or to which the complaint relates to outline circumstances of the case and efforts made at resolution.
3. Social Worker and / or relevant Social Work Manager to summarise basis upon which recommendations made at previous CPC i.e. social work assessment of risk to the child.
4. Complainant to make a statement in person or in writing to the panel and call evidence relating to his / her complaint [if requested]. As previously noted the complainant will be entitled to be accompanied by an advocate and / or a legal advisor.
5. The panel will then determine as follows:
  - whether the process followed adhered to the All Wales Child Protection Procedures;
  - Whether the decision that is being complained about follows reasonably from the proper observation of the procedures;
  - Whether the decision that is being complained about follows reasonably from the information available to the original conference.

**It should be noted that the SCB panel cannot remove a child's name from the Child Protection Register; this can only be done at a child protection conference. However, the panel can recommend that a CPC be reconvened where there is evidence of lack of adherence to procedure, to reconsider category of registration or to reconsider registration.**

6. The Chair of the panel shall inform the complainant of the decision of the panel.
7. Confirmation of the decision in writing and minutes of the panel will be sent to the complainant as soon as possible by the Panel administrator. It is the responsibility of panel Chair to ensure that the minutes are accurate and a fair reflection of discussion and decisions made. Minutes will also be distributed to:
  - The child if appropriate to their age and understanding
  - Any other parent or caregiver
  - Any other person with parental responsibility
  - Members of the relevant child protection conference
  - The Chair of the child protection conference, subject to the complaint