



NORTH WALES SAFEGUARDING CHILDREN BOARD

North Wales Protocol for the Management of: Complaints Relating to Child Protection Conferences

Date ratified: ***31 July 2014***
Review Date: ***2017***

	Description of reason for change	Author	Authorisation	Date issued
1.		Gabrielle Heeney	NWSCB	31 July 2014
2.	Review – 2017	NWSCB P&P Group		

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 NWSCB to have in place a procedure for dealing with complaints about the functioning of Child Protection Conferences.

Each Delivery Group has responsibility for the management of complaints regarding the functioning of Child Protection Conferences, up to Stage 2 of the complaint when a NWSCB Inter-Agency Conference Complaints Panel will be convened.

Purpose

- To ensure that there is a clear understanding of the NWSCB'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 and lessons for practice learned

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 a parent, carer or person with parental responsibility or a child provided this is with their full knowledge, understanding and agreement

What can be complained 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 relating to services that are delivered by individual agencies.
- Complaints about the conduct of a professional attending a Conference
- Complaints about the Chair
- Complaints in relation to the contents of the minutes

These will be dealt with via the internal complaints procedures of the relevant agency.

NB: 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

A leaflet has been produced explaining the complaints procedure. All parents, carers, children and young people invited to a Child Protection Conference will be provided with this leaflet. Leaflets are also available from the NWSB Website .

Procedure for Complaints Relating to Child Protection Conferences

1	Informing Potential Complainants
1.1	A leaflet explaining the Conference and complaints process will be provided to all family members invited to the Conference. This will include a link to the NWSB website where information about making a complaint will also be available.
1.2	At the start of each Conference the Chair will make reference to the procedure and this will be noted in the minutes
1.3	Any parent or child who is excluded from the Conference should be provided with information about this process when they meet with the Conference Chair
1.4	Written complaints should be addressed to the Conference Chair within 14 working days from the conference minutes being sent out
2	Resolving a Complaint – Stage 1 - Informal Resolution
2.1	<p>Initial complaints may be made in any manner: face-to-face; via email; by telephone, etc. The Conference Chair must make an initial attempt to resolve matters within 10 working days of the issue being raised through;</p> <ul style="list-style-type: none"> • Contacting the complainant immediately and try to informally resolve the issue in question by meeting or speaking with the complainant within 7 working days. If it not practicable to meet within 7 days the reasons should be recorded. • Informal Resolution Meeting Template should be completed by the chair. • If the matter is resolved then the template should be signed by both the chair and the complainant. • If the matter cannot be resolved informally then the chair should agree with the complainant what issues/areas need to go forward to stage 2 of the process i.e. the Formal Stage 2 Panel • The Resolution Meeting Template should be completed, signed by both chair and complainant
3	Stage 2 - Formal Complaint
3.1	<p>If the person wishes to make a formal complaint:</p> <ul style="list-style-type: none"> • The complainant should be advised of the right to be legally represented and/or to be supported by an Advocate at this stage • The Conference Chair should immediately notify the relevant Senior Manager for Safeguarding/Child Protection for the relevant local authority, and inform the NWSCB Business Manager
3.2	<p>Complaints made by a child:</p> <ul style="list-style-type: none"> • The NWSCB will support the right of a child to make representations under this procedure • Whilst not intended as an inflexible rule any 'Fraser Competent' child over 14 years of age will be supported to initiate a complaint and appear before an interagency NWSCB Panel • The assessment of 'Fraser Competency' will be made by the child's social worker in consultation with the CPC Chair • Under such circumstances the child will be encouraged to seek the support of

	<p>an Advocate.</p> <ul style="list-style-type: none"> • If it is deemed not to be in the best interests of a child to individually pursue the complaint under these procedures (attend interagency NWSCB Panel etc.) the final decision will be made by the interagency NWSCB Panel Chair and the child informed/supported accordingly. • Depending on the circumstances the NWSCB can decide that the complaint still needs to be investigated and may request a management review of the issues raised in the complaint
3.3	<p>It should not be assumed that parents/caregivers or the child necessarily all share the views of the actual complainant</p> <p>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>
4	<p>Formal consideration: The NWSCB Inter-Agency Conference Complaints Panel (Conference Complaints Panel)</p>
4.1	<p>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 NWSCB Legal Advisor and final decision made by NWSCB Chair in consultation with the relevant Statutory Director for Social Services</p>
4.2	<p>The NWSCB Business Manager will write an acknowledgement of receipt of the complaint within 5 working days and begin to process of convening a the NWSCB Inter-Agency Conference Complaints Panel to hear the complaint</p>
4.3	<p>The Complainant should contact the NWSCB Business Manager once they have received their acknowledgement letter; if contact is not made within the 22 day timescale (noted below in 4.4) the complainant forgoes their right to appeal.</p>
4.4	<p>The NWSCB Business Manager, shall convene a meeting of the Inter-Agency Conference Complaints Panel within 22 working days of the complaint being signed.</p>
4.5	<p>For details of the membership and administration of the Inter-Agency Conference Complaints Panel see Appendix 1</p>
4.6	<p>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 the complaint. Written submissions should be submitted to the NWSCB 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.</p>
4.7	<p>The complainant and/or the Conference Complaints Panel may call witnesses</p> <p>Where this is the case Business Manager/Board Administrator will need to be informed to ensure practical arrangements for attendance are in place</p>
4.8	<p>The Conference Complaints Panel will determine:</p> <ul style="list-style-type: none"> • 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

4.9	The Chair of the Inter-Agency Conference Complaints Panel must provide an outcome/decision of the Panel's findings and communicate this to the complainant within 25 days of the complaint being signed
4.10	The decision should be communicated in writing and also be sent to: <ul style="list-style-type: none"> • 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 • The Chair of the North Wales Safeguarding Board
4.11	The Chair of the Inter-Agency Conference Complaints Panel, in liaison with the NWSCB Business Manager, will ensure that if there is any learning for practice the relevant Senior Manager, Safeguarding is informed
5	If the Complaint is Upheld
5.1	The Inter-Agency Conference Complaints Panel will request that a Child Protection Conference be reconvened within 15 working days of the Panel decision and their recommendations considered
5.2	A different Conference Chair must be nominated for the reconvened Child Protection Conference
5.3	The original Conference decision will remain in place until the reconvened Conference has taken place
5.4	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 NWSCB Chair for immediate attention
6	If the Complaint is Not Upheld
6.1	Any decisions or recommendations made by the Inter-Agency Conference Complaints Panel Chair will be communicated in writing to all relevant parties as per 4.12
7	Unresolved Complaints
7.1	Should the complainant remain dissatisfied the complainant must put in writing the areas they remain dissatisfied with and the resolution they would like within 10 working days of receiving the Panel decision.
7.2	The NWSCB Business Manager and Chair will meet and consider the outstanding issues within the complaint and review the recommendations and respond to the complainant
7.3	If the complaint is not upheld there are no avenues of appeal for the complainant within the Board's procedures
8	Reports and Monitoring
8.1	The NWSCB Business Manager will ensure that reports are provided to the NWSCB's Executive Board on a quarterly basis regarding any complaints made, outcomes and summary of issues discussed

The NWSB Inter-Agency Conference Complaints Panel	
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 (not previously involved in the case) who will provide expert social work advice, as necessary
4.	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
5.	The final decision as to panel membership including appointment of Panel Chair will be made by NWSCB Chair or in the NWSCB Chair's absence the NWSCB Vice Chair
6.	The Panel will be supported administratively by the Board Administrator i.e. organisation of date, venue, circulation of relevant reports beforehand, and minutes
7.	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
8.	Where appropriate child care arrangements will need to be considered
9.	In confirming these practical arrangements the main communication link with the complainant will be the NWSB Business Manager. Final confirmation of arrangements will be sent in writing by recorded delivery to the complainant in the name of NWSCB Chair by the Panel Administrator
10.	<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"> • Previous Child Protection Conference Minutes • Social Worker and other agency reports to previous Child Protection Conference • Core Assessment and Child Protection Plan if completed • Any relevant specialist psychological/psychiatric/risk assessment reports • Update of child's wishes and feelings and understanding of current position provided by child's Social Worker
11.	<p>All Reports will be distributed by the Panel Administrator to:</p> <ul style="list-style-type: none"> • The Complainant by recorded delivery unless informed otherwise by Chair of Child Protection Conference. • Panel Members electronically under cover of password • Board Legal Advisor • Relevant Child Protection Co-ordinator • Relevant Senior Manager for Child Protection within Social Services

Panel Agenda/Order of Business

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

- 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) The circumstances of the case and efforts made to resolve the matters will be outlined by the Chair of the original Child Protection Conference
- 3) Complainant/Panel/Witnesses will make representation
- 4) Consultation with Child Protection Coordinator may be required
- 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.

The Chair and Panel member will discuss the evidence heard and will reach:

1. a decision and recommendations
2. Recommendations will be recorded



**North Wales Safeguarding Board
Stage 1 Informal Resolution Meeting Template**

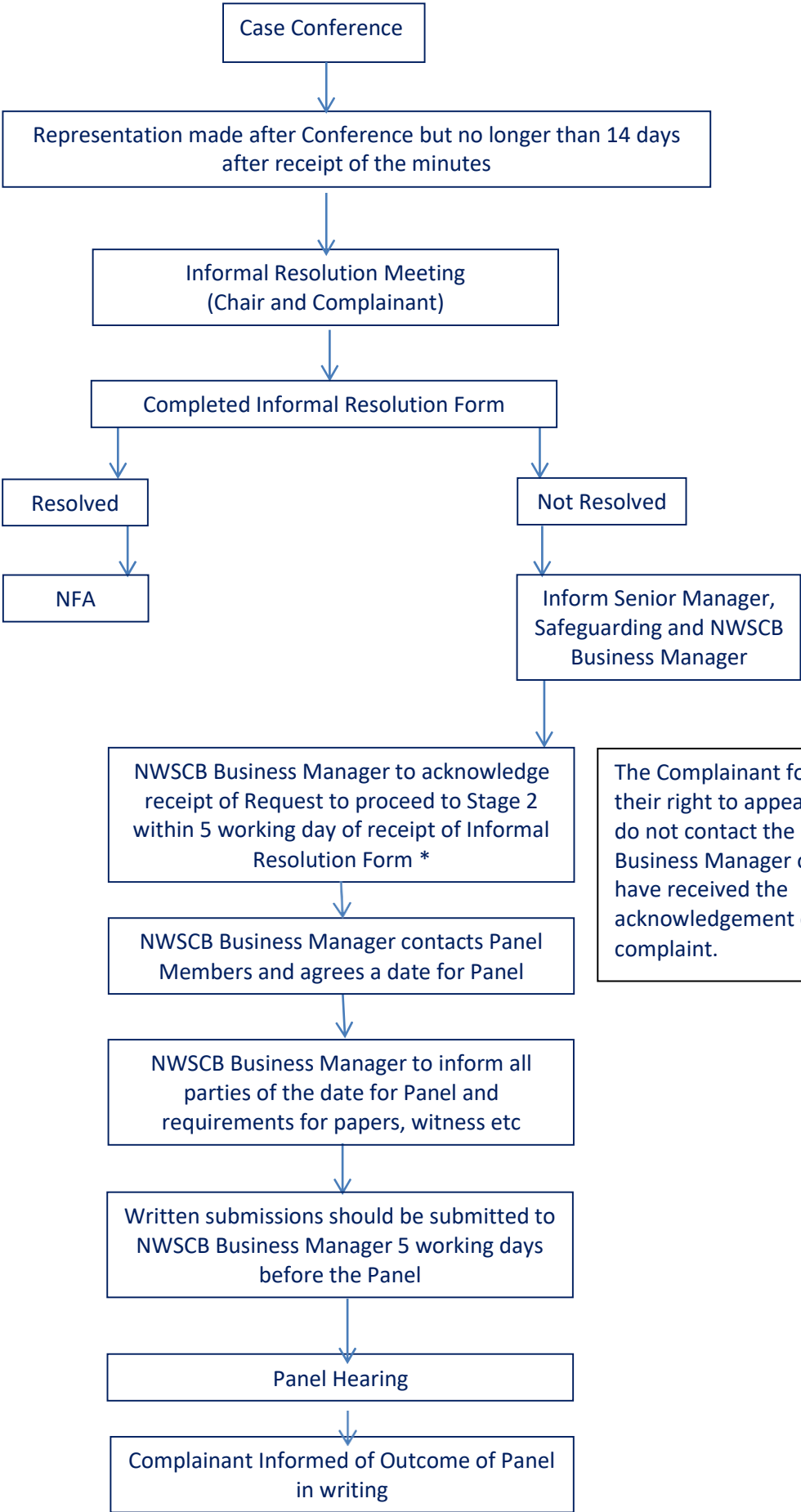
Date of Meeting	
Venue	
Present	
Areas of Complaint Discussed	
Resolutions Suggested	Resolution Agreed/Not Agreed
Further Action Required - Yes/No	
<u>Issues to be addressed through Formal Stage 2 Panel</u>	
<ul style="list-style-type: none"> • Process of conference in terms of adherence to procedures • The registration decision, including the category • A decision to register or not to de register 	
Please specify which of the above aspects of the case conference process is/are being complained about	
Signed Complainant	Signed Chair
Date	Date

Flowchart

Informal Stage 1 - 10 Days

Formal Stage 2 - 15 Days

Complaint Process - 25 Days



The Complainant forgoes their right to appeal if they do not contact the NWSCB Business Manager once they have received the acknowledgement of their complaint.

