

Procedure for Complaints about Child Protection Conferences

1. Introduction – Tri Borough Local Safeguarding Children Board (LSCB)

- 1.1 The Tri Borough Safeguarding Children Board provides guidance on policy and practice in safeguarding children to its constituent agency members
- 1.2 The work of the LSCB is defined and informed by the “Working Together to safeguard Children, A guide to inter-agency working to safeguard and promote the welfare of children”, Guidance. The Guidance is issued under Section 11 of the Children Act 2004, those under the equivalent duty from sections 175 and 157 of the Education Act 2002, those subject to other key duties in the Children Act 2004, which requires Local Authorities in their Social Care functions, to act under the general guidance of the Secretary of State.
- 1.3 The LSCB membership consists of representatives of statutory, local and voluntary agencies concerned with the well-being and safeguarding of children. These agencies are expected to co-operate and collaborate with each other.
- 1.4 LSCB members are accountable to the agencies, which they represent. These agencies are jointly responsible for the action of the LSCB.
- 1.5 Child Protection Conferences (both Initial Conferences and Review Conferences) are held under the auspices of the LSCB. The LSCB is responsible for conference procedure and for the scrutiny and monitoring of those procedures, and reporting on safeguarding children work in the Tri-Borough area.
- 1.6 At each Child Protection Conference the Conference Chair will make available to all participants a copy of both the complaints leaflet and the complaints procedure.

2. This complaint procedure covers:

- 2.1 This Procedure covers complaints about:
 - The conduct or process of the Child Protection Conference;
 - Whether or not the London Child Protection Procedures about Child Protection Conferences, and other protocols, were followed;
 - 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;
 - Other decisions or recommendations made by the conference;
 - The decision for the child to become, to continue or not to become, the subject of a Child Protection Plan;
 - The exclusion of any person from the conference.

3. Exclusions from this complaint procedure:

- 3.1 Where a single agency decision, service or action is being challenged, the respective agency’s Complaint Procedure should be followed.
- 3.2 If the complaint is solely about the decision to make or maintain a child ‘subject to a Child Protection Plan’, the complaints process cannot itself change the decision made by the conference which will stand.

4. Complaint eligibility:

- The child who is the subject of the Child Protection Conference, where s/he is of a sufficient age and understanding;
- A person who is acting on behalf of and at the written request of the child, where the child is of a sufficient age or understanding;
- Any parent and/or any person with parental responsibility for the child who is the subject of the Child Protection Conference;
- Where the child is subject to a care order or is otherwise looked after by either Kensington and Chelsea, Hammersmith and Fulham ,or Westminster ; a person who has the care of the child at the time of the conference eg a foster carer or the child or the child's key worker in a children's home;
- Where the child has a disability, a person who attended the conference to act as an advocate for or otherwise assist the child;
- The child's solicitor.

5. How to make the complaint:

5.1 Complaints should be addressed to the LSCB Business Manager:

LSCB Business Manager
Kensington Town Hall
Hornton Street
London W8 7NX
Tel 0208 753 5140

5.2 The complaint can be made in writing or verbally. In order to minimise any confusion with regards to the issue giving rise to the complaint, all verbal complaints must be recorded in writing and confirmed by the complainant within 28 days of the date of the conference to which the complaint relates

5.3 The LSCB Business Manager can provide a form on which the complaint should be made.

If the person making the complaint needs help to complete the form they should ask a relative, friend or professional person to help. The LSCB Business Manager will be able to arrange for assistance to be provided by a member of the Tri Borough's Children's Services staff who has not been involved in the case. The person making the complaint can also approach the Tri Borough's Complaints Team for assistance – the Complaint & Investigation Manager can be contacted at

Tri-Borough Children's Services
Room 136
Kensington Town Hall
Hornton Street
London W8 7NX

5.4

STAGE ONE

6. Action taken when the complaint is received

- 6.1 The LSCB Business Manager will pass the complaint onto the Tri Borough Complaints Manager, who will record that the complaint has been received and is responsible for making sure that the necessary steps are taken for it to be considered.
- 6.2 The LSCB Business Manager will refer the complaint to the Chair of the LSCB for confirmation that this procedure should be used.
- 6.3 The Tri Borough Complaints Manager will acknowledge the complaint in writing to the complainant, within three working days of its receipt.
- 6.4 Where the Chair of the LSCB decides that the matters complained about are the concern of an individual agency, the Chair will refer the complainant directly to a senior manager within that agency, to be responded to in accordance with its own processes for responding to complaints. The LSCB Manager will inform the person who made the complaint of this decision.
- 6.5 Where the Chair of the LSCB confirms that this Procedure will be used, the LSCB Business Manager will provide the Chair of the Conference with a copy of the complaint and will request that person to provide a report about the conduct of the conference. The LSCB Business Manager will also inform the appropriate Borough Safeguarding Manager; relevant Service Manager and all professionals who attended the conference that a complaint has been received.
- 6.6 The complainant (who may be supported by a friend or relative) will be offered the opportunity of an informal 'complaint meeting' with the Chair of the Conference and the Local Borough Safeguarding Manager in the first instance.
- 6.7 This meeting will normally take place within 28 days of receipt of the complaint. The purpose of this meeting is to discuss the issues, which are the subject of the complaint, with a view to resolving the complaint. The Chair of the Conference and the Borough Safeguarding Manager, may request other members of the Conference to assist at this meeting.
- 6.8 Where the complainant is not the child or a person with parental responsibility, the Borough Safeguarding Manager will decide whether the child (is of sufficient age and understanding to comprehend) and/or parent will be invited to the complaint meeting, and whether or not to invite them to discuss the complaint at another time.
- 6.9 If the complainant declines the offer of a complaint meeting with the Chair of the Conference and Borough Safeguarding Manager, the Borough Safeguarding Manager will record the complainant's reluctance to meet and provide a written response.
- 6.10 If the complainant agrees to a complaint meeting, any such meeting will consider:
 - The written complaint;
 - The reports placed before the relevant Child Protection Conference;
 - The minutes of that Conference;
 - Any other relevant documentation;
 - And the report made by the Chair of the Conference.

The Borough Safeguarding Manager may request a report from any other participant who was at the conference and request other documents to assist with the complaint meeting. A minute taker should be present throughout the complaint meeting.

- 6.11 The Borough Safeguarding Manager and Conference Chair should ensure that the complainant;
 - Sufficiently understand the child protection process;
 - Clarify the grounds for, and the nature of, the complaint/s

- Establish the outcome desired by the complainant;
 - Ensure the complainant understands the scope and relevance of the complaints process with regard to their circumstances.
- 6.12 If, as a result of the complaint meeting the complaint is resolved, the Safeguarding Manager will be responsible for confirming the outcome of the meeting to the complainant. This should be done in writing within five working days of the meeting taking place. A copy of the written outcome should be provided to the LSCB Business Manager, the Tri Borough Complaints Manager and the Chair of the Conference. Copies may be provided to other persons at the discretion of the Local Safeguarding Manager.
- 6.13 The letter will advise the complainant that if they remain dissatisfied they can, by contacting the LSCB Manager within 15 working days of receiving the outcome of their complaint, request that the complaint is considered by a Tri Borough Complaints Panel.
- 6.14 If the complainant notifies the LSCB Business Manager within 15 working days that she/he does wish the complaint to be considered by a Complaints Panel, the LSCB Business Manager will convene a Complaints Panel.
- 6.15 In the event that the complainant fails to respond within 15 working days, the complaint will be deemed to have been concluded to the satisfaction of the complainant. Notifications received after the 15 working day deadline may be considered at the discretion of the Chair of the LSCB.

STAGE TWO

7. LSCB Complaints Panel

7.1 Terms of Reference

7.2 The purpose of the Complaints Panel is to consider complaints made under the London Procedure for Complaints about Child Protection Conferences (pg 336-337). The Panel will consider whether relevant inter-agency protocols and procedures were observed correctly and whether any decision, which is being complained about follows reasonably from proper observation of those protocols, and from the information available to the Conference. The Panel will also consider whether actions and decisions of the conference, and in particular the Chair of the Conference, were reasonable in the circumstances.

7.3 The matters about which the Panel can consider complaints are as set out for this procedure:

- The decision for the child to become, to continue or not to become the subject of a Child Protection Plan;
- The category(ies) of abuse, determined by the conference chair, under which the child is subject to;
- Other decisions or recommendations made by the conference;
- Whether the London Child Protection Procedures about child protection conferences, and other protocols, were followed;
- The exclusion of any person from the Conference.

8. Notification

8.1 When the LSCB Business Manager receives confirmation from the complainant that she / he wishes to have their complaint considered by a Complaints Panel, the LSCB Business Manager would confirm with the LSCB Chair that a Panel should be convened. A copy of the complaint will be forwarded to the Tri Borough Complaints

Manager. The LSCB Business Manager will then convene a Complaints Panel Hearing.

- 8.2 The LSCB Business Manager will take all reasonable steps to ensure that a Panel Hearing takes place without delay and at a time, date and place, which is convenient to all parties. This will normally be within 15 working days after confirmation has been received that the complainant wishes to have their complaint considered by a Complaints Panel. The LSCB Chair may decide a longer period within which the Panel Hearing will take place.
- 8.3 The Tri Borough Complaints Manager, in conjunction with the LSCB Business Manager, is responsible for informing the complainant in writing of:
- The time, date and place of the hearing;
 - The complainant's right to attend and be accompanied by a friend, relative, or adviser,
- and will inform the complainant that if she/he does not wish to attend the hearing she/he may make written representations.
- 8.4 Where the complainant is a child (ren), persons with parental responsibility shall be notified of the Hearing by the LSCB Business Manager.
- 8.5 Where the complainant has parental responsibility for a child (ren) that child (ren) shall be notified of the Hearing (if they are of sufficient age and understanding to comprehend) by the LSCB Business Manager.
- 8.6 Where the complainant is neither the child (of sufficient age and understanding to comprehend) nor the person with person with parental responsibility, the child and those persons with parental responsibility, the child and those persons with parental responsibility will be notified of the Hearing by the LSCB Business Manager.
- 8.7 The LSCB Business Manager shall notify the person who chaired the Conference and the Local Safeguarding Manager of the Hearing. The Chair of the Conference in question shall attend the hearing for the purpose of providing information to the Panel, if so requested.

9. Membership of the Complaints Panel

- 9.1 The LSCB Chair will select the Panel from among senior representatives of the LSCB partner agencies who are members of the LSCB. The LSCB Chair will designate a representative of the agency least directly involved in the case to the role of the Chair.
- 9.2 A Complaints Panel will include not less than three such members, and no more than one from any single partner agency. The individuals should have had no previous or present direct line management responsibility for the case in question.

10. Provision of documents to the Panel

- 10.1 At least seven days in advance of the hearing, the Panel shall be provided with:
- The complaint;
 - Reports and minutes relating to the relevant Child Protection Conference;
 - The report made by the Chair of the conference;
 - Any other relevant reports.
- 10.2 At least seven days in advance of the Hearing, the complainant shall also be provided with documents mentioned above with the exception of any document to which they would have been refused access if applying for access to records about themselves, which are maintained by the relevant agencies

11. Procedure at the Hearing

- 11.1 It shall be the responsibility of the LSCB Business Manager to ensure that a minute taker is available to ensure minutes are taken at the hearing of the complaint by the Panel.
- 11.2 The Panel Chair, designated by the LSCB Chair, will be responsible for the conduct of the hearing.
- 11.3 The Panel Chair will ensure that all parties to the hearing have been introduced to each other.
- 11.4 The Panel Chair will state the purpose of the hearing and its structure.
- 11.5 The Panel Chair will remind all those participating of the confidentiality of the material before the hearing.
- 11.6 The Panel Chair will be responsible for ensuring that participants are given the opportunity to present their case.
- 11.7 The complainant will be given the first opportunity to present her/his complaint. The Panel may ask questions of the complainant.
- 11.8 The Chair of the Child Protection Conference will then be invited to respond to the complaint. The Panel may then ask questions of the Chair of the Child Protection Conference.
- 11.9 Questions for clarification will be put to the Panel Chair. Unless the Panel Chair considers it necessary to adjourn to obtain further information, then at the conclusion of the hearing, the members of the Panel shall retire to consider the material before them and shall reach a decision.
- 11.10 The Panel Chair will advise those present that the decisions and recommendations of the Panel will be distributed in writing within 10 working days.
- 11.11 In the event that the Panel cannot agree on any matter, which can be decided by vote among Panel members, the decision shall be determined by a show of hands. The Panel Chair shall have a second or casting vote.
- 11.12 The Panel's decision and any voting shall be recorded by the minute taker to the Panel.
- 11.13 It is the responsibility of the Panel Chair to write to the complainant to advise them of the Panel decision. The Chair of the Conference, the other Panel Members, the Tri Borough Complaints Manager and the Chair of the LSCB should be sent a copy of the letter.
- 11.14 The Panel may make recommendations to the LSCB and these shall be recorded in the minutes of the Hearing.
- 11.15 It shall be the responsibility of the Panel Chair to sign the minutes as a correct record of the Hearing and to direct the LSCB Business Manager to bring these to the attention of the LSCB.

12. Decisions of the Panel.

- 12.1 The Panel must reach a decision about whether the complaint is either:
 - Justified;
 - Partially justified;
 - Inconclusive, or;
 - Not justified.
- 12.2 In any event, the Panel must decide whether or not there is a need for a rescheduled conference date to be held in light of the outcome of the complaint. The Panel may recommend that the same Conference Chair is responsible for this rescheduled Conference, or may recommend that it should be chaired by another Conference Chair.

- 12.3 The Panel should reach a decision about whether the London Child Protection Procedures, including any inter-agency protocols, have been correctly observed. The Panel should also decide whether, in their view, any decision that is being complained about follows reasonably from observing procedures and protocols.
- 12.4 If the Panel concludes that the procedures relating to the Conference were correctly followed and that the decision/s reached were reasonable, it must confirm that the conclusions of the original Conference stands and will be routinely reviewed when the review Conference is held.
- 12.5 Irrespective of its decision, the Panel may make recommendations to the LSCB and through the LSCB to any individual partner agency, on such matters, as it considers appropriate in the circumstances. Any recommendations to the LSCB and through the LSCB to any individual partner agency, on such matters, as it considers appropriate in the circumstances. Any recommendations should be made in writing to the Chair of the LSCB.
- 12.6 The Panel may raise issues about the conduct of any participant at the conference, directly with the LSCB representative of their employing agency. This should be in the form of a letter from the Panel Chair, with a copy sent to the LSCB Chair and the Business Manager.

13. Following the Hearing

- 13.1 It is the responsibility of the LSCB Business Manager to bring the outcome of the Hearing to the attention of the Chair of the LSCB, within 10 working days.
- 13.2 At its next meeting following the Hearing, the LSCB shall note the Panel's decision and shall consider any recommendations it may make.
- 13.3 The LSCB Chair will, within 28 days of the LSCB meeting, notify the complainant of the LSCB's considerations, and of any action taken by it as a result of the recommendations of the Panel.

14. Rescheduled Conference

- 14.1 The Chair of a rescheduled child protection conference must ensure that all those present have seen or are briefed at the conference about the decisions reached by the Panel.
- 14.2 A distinction must be made by the Conference Chair between the need to discuss the conclusions of the Panel and the task of the child protection conference, which is to consider the child/ren's current circumstances.

15. Further Challenge

- 15.1 No further internal processes exist in those cases where the Panel concludes that all relevant processes were followed and that the decisions which were made were reasonable.
- 15.2 A complainant who nonetheless remains dissatisfied may wish to pursue her/his grievances via Ombudsman or Judicial review.
- 15.3 In what are likely to be very rare cases, where a rescheduled conference has been recommended, held and the complainant does not accept the outcome, the same Panel may, (at the discretion of the LSCB Chair, Tri Borough Complaints Manager in liaison with the Local Safeguarding Manager) be asked to re-convene and review any remaining and clearly specific concerns.

