



## PAN DORSET INTER-AGENCY SAFEGUARDING PROCEDURES

### CHAPTER 3

#### 3.3 CHILD PROTECTION CONFERENCE COMPLAINTS PROCEDURE

**Procedures Effective from: 2006**

**Review Date: 2012**

*If you have any comments or queries about the pan-Dorset procedures please contact your agency representative on the Pan Dorset Policy and Procedures Group or notify the LSCB using the following email addresses:*

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## **LOCAL SAFEGUARDING CHILDREN BOARD CHILD PROTECTION CONFERENCE COMPLAINTS PROCEDURE**

### **1.0 General Introduction**

- 1.1 The Local Safeguarding Children Boards for Dorset and Bournemouth and Poole have agreed the procedure for dealing with representations and complaints about child protection conferences. This procedure is known as the LSCB Complaints Procedure.
- 1.2 When a parent/carer or young person wishes to complain about aspects of a child protection conference including the outcome, this LSCB conference complaints procedure should be followed. However, minor issues about a conference, including accuracy of the minutes, should be taken up directly with the chairperson of the conference.
- 1.3 Representations and complaints about the work of individual agencies, their performance and/or the provision or non-provision of services, (including those as a consequence of assessments and conferences and those set out in child protection plans) should be responded to in accordance with the particular agency's own complaints process.
- 1.4 It should be noted that whilst the LSCB Complaints Panel can recommend that a further child protection conference is held where the complaint is upheld, decisions about whether or not the child is made the subject of a child protection plan remain the responsibility of the multi-agency child protection conference.

### **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 and foster carers;
- young people who are the subject of a child protection conference. Such young person should be enabled to engage the assistance of an Advocacy Service where available, or a supporter of their choice.

### **2.1 What can be complained about?**

- 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**

3.1 It is important to note that for the duration of the LSCB complaints process, the decisions and recommendations reached in the child protection conference stand, and must be adhered to by staff from all agencies.

#### **Initial Response to a Complaint**

3.2 Complaints should initially be responded to by the line manager of the person who chaired the child protection conference, or another nominated person.

3.3 Upon receipt, the line manager should

- forward a copy of the complaint to members of the LSCB Complaints 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.

3.4 The manager of the person who chaired the conference, or nominated person, should undertake the process of clarifying the complaint. This might involve a meeting to which the complainant, his/her supporter, the chairperson of the child protection conference and a representative from another agency, as appropriate, could be invited.

3.5 During the process of clarification it may be possible to resolve the complaint where the issues are not complex and can be easily righted.

3.6 In clarifying the complaint, the key points of the complaint, as agreed between the manager and complainant, should be established.

It should also be established:

- whether procedures or practice have been in accordance with procedural guidance or expected standards (as far as can be determined at this stage);
- whether there was any additional key information available at the time of the child protection conference that should have been shared at the conference.

3.7 Should either a breach of the procedures or a lack of key information being shared strongly indicate that the outcome of the child protection conference

might have been different, a recommendation to reconvene a child protection conference at the earliest opportunity should be made to the LSCB Complaints Panel.

Where this is not the case the matter should be referred to the LSCB Complaints Panel, unless the complainant feels that the issues have been resolved to his/her satisfaction with the manager.

- 3.8 During this initial stage, consultation with other managers and/or other staff from key agencies may take place as necessary.
- 3.9 The outcome of the initial response to the complaint should be recorded in writing by the manager who responded to the complaint, setting out the response to the complaint and any agreed actions. A copy should be sent to:
- the complainant;
  - the conference chairperson;
  - any other agency representative who attended a meeting with the complainant, if held;
  - LSCB Complaints Panel members.
- 3.10 If the manager and complainant consider that a resolution has been reached at this point, LSCB Complaints Panel members can still ask for a panel meeting to be convened when they do not agree with the proposed resolution.
- 3.11 Unless the complainant considers that a resolution has been reached during the initial response, s/he will be advised of the panel procedure which will then be instigated unless the complainant no longer wishes this. It is not the intention of the initial response to deny the opportunity for a complainant to have his/her complaint heard by the panel.
- 3.12 When a panel meeting is required, the line manager or nominated person should provide a report to the LSCB Complaints Panel, detailing the initial response to the complaint.

#### **Single Agency complaint**

- 3.13 If during the initial response it becomes apparent that the complaint, or some components of the complaint, do not fall within the remit of the LSCB child protection conference complaints procedure, the 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.
- 3.14 The 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 LSCB Complaints 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 LSCB Complaints 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 LSCB Complaints Panel should comprise of a minimum of three senior representatives from LSCB member agencies, all of whom must be independent of line management responsibility for those professionals involved in the child protection conference.

4.3 The manager of the child protection conference chairperson or a nominated officer will convene an LSCB Complaints Panel and will:

- consider in liaison with designated agency panel representatives the most appropriate composition of the LSCB Complaints Panel dependant upon the nature of the complaint;
- agree with the other agency representatives arrangements for chairing and minuting the panel meetings.

4.4 Panel members should have considered beforehand the following documents:

- a copy of the outstanding complaint(s);
- copies of all the relevant child protection conference minutes and the written reports submitted to the child protection conferences;
- a copy of all documents relating to the complaint.

The person responsible for convening the panel will ensure that each panel member and the complainant have a copy of each of these documents.

4.5 The LSCB Complaints 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.

4.6 The LSCB Complaints 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.

4.7 The LSCB Complaints Panel will also meet and interview the Chair of the child protection conference in relation to the complaint.

4.8 The LSCB Complaints Panel may need to pursue matters or take account of other information, in which case a further discussion or meeting will be needed.

4.9 As part of the process of the LSCB Complaints Panel, the panel members will normally make their decision without the complainant present. Once the information has been presented to the panel, members will take the opportunity without the complainant present to discuss the matters arising and reach a decision.

## **5.0 Actions following LSCB Complaints Panel**

5.1 The LSCB Complaints 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 concern (where the child has been made the subject of a child protection plan);
- a decision to make the child the subject of a child protection plan or not, or to continue with the child protection plan where one already exists;
- the process of the conference where it is thought to have affected the above.

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

5.3 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 conference chairperson.

5.4 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 should recommend 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.

5.5 Following the LSCB Complaints 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, within fifteen working days of the panel meeting, 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.

5.6 The LSCB Chair will write to the complainant within five working days of receiving the report from the LSCB Complaints Panel, enclosing a copy of the panel's report and indicating his/her response to the recommendation(s).

### **5.7 If the complaint is not upheld**

The chairperson of the LSCB Complaints Panel will write to the Chair of the LSCB within fifteen working days setting out the issues raised in discussion, the recommendation(s) reached and the rationale behind the recommendation(s), and stating that the complaints process has come to a conclusion.

The LSCB Chair will write to the complainant within five working days of receiving the LSCB Complaints Panel report, enclosing a copy of the panel's report and indicating his/her response to the recommendation(s)

5.8. Whether the recommendation is that the complaint should be upheld or not, a copy of the report sent by the chairperson of the LSCB Complaints Panel should also be sent to the line manager of conference chairperson, who will ensure that the findings and recommendations of the LSCB Complaints Panel are passed to the chairperson of the next child protection conference if agreed with the Chair of the LSCB. A copy of the panel report and the LSCB Chair's response will also be sent to the chairperson and all those who attended the original child protection conference.

5.9 A copy of the findings and recommendations of the LSCB Complaints Panel should also be placed on the relevant child's case record held by children's services and a copy sent to the local authority Complaints Manager.

5.10 A summary with conclusions and recommendations from a complaint should be forwarded to the chairperson of the LSCB so that any learning points, issues raised and actions taken as a result of complaints can be considered by the 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 LSCB Complaints Panel, the following should occur:

- the chairperson of the child protection conference should make it clear at the conference that a complaint has been received and considered by the LSCB Complaints Panel and should detail the conclusions and recommendations;
- the members of the LSCB Complaints Panel should be notified by the conference chairperson of the decisions and recommendations of the reconvened child protection conference.

### **7.0 Actions where complainant remains dissatisfied**

If the complainant continues to be dissatisfied, the chairperson of LSCB should be advised and s/he, in liaison with the LSCB Complaints Panel chairperson will consider whether any further action is appropriate.