

Cardiff and Vale of Glamorgan Local Safeguarding Children Board

Procedure for handling complaints from parents, caregivers and children about the functioning of the child protection conference

Date ratified by the LSCB: November 2014
Review date: November 2017

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1. Introduction

- 1.1. This procedure is based on and complies with the All Wales Protocol entitled 'Handling complaints from families about the functioning of the child protection conference' (AWCPP, 2008)
- 1.2. This procedure applies to all child protection conferences held under Cardiff and the Vale of Glamorgan Local Authority's Child Protection Procedures.
- 1.3. The procedure covers both the handling and outcomes of both initial and review child protection conferences (hereafter referred to as child protection conferences).

2. Who may make a complaint and what can they complain about?

2.1. Parents, caregivers, persons with parental responsibility, persons with a significant interest in/involvement with the child and children of sufficient age and understanding, who are involved in the conference process, may have concerns about which they may wish to make representations or complain in respect of one or more of the following aspects of the functioning of a child protection conference:

- the process of the conference in terms of adherence to procedures;
- the registration decision, including the category; or
- a decision not to register or to de-register.

3. Stage 1

- 3.1. The initial complaint should be addressed in writing to the conference chair within 14 working days from the conference minutes being sent out. Complaints raised outside of this timescale can be considered where there is a rationale for not raising the complaint within 14 working days from the conference minutes being sent out.
- 3.2. The person making the complaint may need to be assisted in putting their complaint in a written format. The complainant should agree and sign and date the complaint.

4. Stage 1 response to a complaint

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4.1. Upon receipt of the complaint the chair should:

- 4.1.1. notify the senior manager for child protection (OM, Safeguarding) in the respective local authority and their line manager about the complaint
- 4.1.2. notify the LSCB Business Manager of the complaint for inclusion on the centralised LSCB complaints register
- 4.1.3. inform the Complaints Officer within Social Services 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.
- 4.1.4. attempt to informally resolve the complaint within 7 working days of receiving the complaint;

5. Outcome of the stage 1 response

5.1. The outcome of the stage 1 response to the complaint should be recorded in writing by the conference chair, and should set out the response to the complaint and any agreed actions within 5 working days of the meeting with the complainant.

5.2. A copy of the written response should be sent to:

- the complainant;
- the child, if appropriate to their age and understanding;
- the conference chair's line manager;
- any other agency representative who attended a meeting with the complainant;
- the Social Services Complaints Officer
- the senior manager for child protection (OM, Safeguarding).
- The LSCB Business Manager

5.3. Consideration must be given as to whether the parent(s) or persons with parental responsibility are notified of the complaint and outcome, where they are not the complainant.

5.4 The LSCB Business Manager will update the central complaints register with the outcome.

5.5 If the complaint is not resolved, the chair should inform the LSCB Business Manager and the senior manager for child protection (OM, Safeguarding) that the complainant wishes to go to stage 2 of the procedure which is the interagency LSCB Panel.

6. Single Agency Complaint

6.1. If, whilst seeking to resolve the complaint at stage 1 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 conference chair should refer the complainant to the relevant agency and advise the LSCB manager of this.

7. Stage 2 – The LSCB inter-agency panel

- 7.1 On receipt of notification that the complainant wishes to proceed to stage 2, the LSCB Business Manager will contact LSCB Executive Board members to request they identify a senior representative from their agency to make up the panel. One of these panel members will act as chair. The panel should consist of a minimum of three senior representatives from LSCB member agencies and shall not include anyone who has had direct involvement in the case that is being heard.
- 7.2 The panel has 25 working days from the date that the initial complaint is signed to complete the stage 2 process and inform the complainant in a written report of their findings. To ensure that this timescale is met, the panel should be convened no later than 20 days after the date of the initial complaint.
- 7.3 Once panel members are identified, the LSCB Business Manager will arrange the panel date, venue and administration, consulting with the senior manager for child protection (OM, Safeguarding) in the respective local authority.
- 7.4 Where the 25 day timescale cannot be met the reasons must be given to the complainant and recorded, with revised timescales, taking into account the date of the next child protection conference.
- 7.5 The complainant will be notified of the date, venue and arrangements for the panel, including the name of the chairperson by the LSCB Business Manager (Appendix 1) and advised that they can make a statement in person or in writing to the panel and call evidence relating to their complaint. The complainant will be asked to confirm whether they intend making a written submission or attending at panel.
- 7.6 Both the panel and the complainant may call witnesses and the complainant will be asked to confirm who they intend calling, so that the panel can be convened for a suitable length of time.

7.7 The complainant will be advised that they are entitled to be accompanied by an advocate and/or a legal advisor and will be asked to notify the LSCB Business Manager of the supporter's name prior to the meeting.

7.8 The LSCB Business Manager will notify the panel chair of the intentions of the complainant in respect of 7.5, 7.6 and 7.7 above.

7.9 Panel members should have considered beforehand the following documents:

- a copy of the outstanding complaint(s) and a copy of the stage 1 response to the complainant
- copies of the reports submitted to the child protection conference, the child protection conference minutes and the child protection plan
- Other relevant documents to consider include those identifying that the threshold for child protection conference has been met including referral information, initial assessment, section 47 investigation and core assessment.

7.10 The senior manager for child protection (OM, Safeguarding) in the relevant local authority is responsible for collating these documents and ensuring they are made available to panel members at least 10 days prior to the panel taking place.

7.11 The Chair of the Panel in liaison with the senior manager for child protection (OM, Safeguarding) should consider whether any further information should be sought and shared prior to the panel and agree who will undertake this.

7.12 The chair of the panel and senior manager for child protection (OM, Safeguarding) will decide whether a briefing session with the Operational Manager, Safeguarding and panel members takes place in advance of the panel. This briefing session will be organised by the senior manager for child protection (OM, Safeguarding) and can be used to discuss panel process and to ensure that all relevant documentation is being considered.

7.13 At the panel, the complainant and their representative will be invited to outline their complaint, and call witnesses. The complainant and representative will be asked to leave and panel members will meet alone to consider all of the information that has been presented to them and reach their conclusions.

7.14 If the complainant does not attend the panel, having indicated their intention to attend, the chair must decide whether to reconvene the panel or to consider the complaint on the basis of the initial written complaint or subsequent written submissions.

7.15 The panel will determine, in respect of the child protection conference:

- 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.

7.16 The Panel may decide that additional information is required before conclusions can be reached and in this case, an extension of the timescale might need to be agreed between the complainant and the chairperson. The chairperson must notify the LSCB Business Manager of any agreed extensions to timescale.

7.17 The LSCB panel cannot remove a child's name from the Child Protection Register; this can only be done at a child protection conference.

7.18 The chair of the panel shall inform the complainant of the decision of the Panel.

The decision should be communicated in writing and also be sent 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.
- The Chair of the LSCB
- The LSCB Business Manager
- The senior manager for child protection (OM, Safeguarding) in the relevant local authority

8 If the Complaint is upheld

- The Panel shall refer their recommendations to a reconvened child protection conference to reconsider the registration decision and category of registration.
- A different conference chair must be nominated and the conference reconvened within 15 working days of the panel decision.
- The original conference decision will remain in place until the reconvened conference has taken place.
- The conference must consider, taking into account the panel's 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.

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- 8.1 The line manager of the conference chair will ensure that the findings, recommendations and decisions arising from the panel process are passed to the chair of the next child protection conference.
- 8.2 The chair of the LSCB may decide to make recommendations to relevant LSCB member agencies on the basis of the decision of the panel.
- 8.3 The senior manager for child protection (OM, Safeguarding) for the relevant authority will ensure that practice issues and any recommendations in respect of the conference chair are addressed.
- 8.4 A copy of the findings and recommendations of the Panel should also be placed on the relevant child's case record held by Children's Services and a copy sent to the Social Services Complaints Manager.

9 Reports

- 9.1 The LSCB Business Manager will ensure a report is provided to the LSCB on a quarterly basis regarding any complaints made, outcomes and a summary of issues raised.
- 9.2 A summary of complaints activity will be included in the annual LSCB report.

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10 Appendix

Appendix 1: Standard letter to complainant

Dear

The Local Safeguarding Children Board Complaints Panel has convened a meeting on in respect of your complaint.

The Panel will be composed of senior representatives from the LSCB Member Agencies and will be chaired by

The purpose of the Panel/meeting is to ascertain:

- whether the child protection conference process followed adheres 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 Panel cannot make a decision to remove your child(ren)'s names from the child protection register; this can only be done at a child protection conference.

You will have the opportunity to make a statement in person or in writing to the panel and can also call relevant witnesses. You can also make your own arrangements to be accompanied by an advocate and/or legal advisor if you wish to attend in person.

Please contact me on the telephone number/email address above to confirm your attendance, the details of witnesses you intend calling and whether you will be accompanied by an advocate and/or legal advisory

If you wish to discuss the process of the panel or your complaint, please contact the Senior Manager for Child Protection whose details are below.

Yours sincerely

Business Manager for the LSCB

Contact details for further correspondence

Operational Manager, Safeguarding

Name:

Telephone:

Email:

Address

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