

**Harrow Multi-Agency
Local Safeguarding Adults (at risk) Board (L.S.A.B.)
Local Safeguarding Children Board (L.S.C.B)**



& our **Partners,**

**Committed to
Safeguarding Adults**



**Complaints in Relation to Child Protection Conferences &
Adults Safeguarding Strategy Meeting and Conferences**

Contents

1. What this procedure covers
2. Who can use this procedure
3. Publicising this procedure & assistance in raising concerns
4. Dealing with a complaint
5. The First Stage – informal resolution & review by the Chair
6. Discretionary Second Stage – reconvening the conference/strategy meeting
7. The Third Stage – Final Review Panel
8. Discretionary reconvened conference after Final Review Panel
9. The Ombudsman

1. What this procedure covers

- the process of the conference/strategy meeting
- the outcome, in terms of the fact of and/or the category of primary concern at the time the service user became the subject of a protection plan/safeguarding enquiry
- a decision for the service user to become, to continue, or not to become, the subject of a protection plan/safeguarding enquiry

Where an eligible complainant indicates in whatever form that they are making a complaint where one of the above applies, this should be identified as a complaint to be dealt with in accordance with this procedure.

If there is any doubt whether this procedure applies, the Complaints Manager should be consulted.

This document rests on the London Child Protection Procedures 2016, and Working Together 2015 as chief guidance and the pan-London safeguarding adults procedure (as updated to be Care Act 2016 compliant).

1.1 What is outside the scope of this procedure?

Complaints about individual agencies which contribute to the conference/strategy meeting, their performance, their conduct at a conference/strategy meeting and/or the provision (or non-provision) of services should normally be responded to in accordance with the relevant agency's complaints handling process.

If the agency agrees it is more appropriate to deal with the complaint under this procedure as a joint investigation, they have the discretion to agree to that and the right to complain under the individual agency's process ceases. The complainant should be informed in writing if this is the case. This decision is for those agencies. The complainant cannot insist this procedure is used.

The Local Authority Complaints Manager with agreement with the Chair of the Local Safeguarding Adults or Children Board (or his/her designated Deputy) may postpone this procedure where to proceed would prejudice any of the following:

- legal action
- court proceedings, including the Court of Protection
- disciplinary proceedings, or
- criminal proceedings

1.2 Timescale for raising concerns

Concerns must be raised no later than one year from the date of the Conference complained about, unless there are exceptional reasons.

The Local Authority Complaints Manager will be able to advise the Conference/Strategy Meeting Chair if exceptional reasons have been demonstrated.

2. Who can use this procedure

Children's Services: parents, those with parental responsibility and children (of sufficient age and understanding) may have concerns about which they wish to complain, in respect of one or more aspects of the functioning of Child Protection Conferences. There is a separate policy and procedures for professionals to raise concerns following a Child Protection Conference.

Adults Services: any of the following:

- service users who are the subject of a safeguarding process
- an attorney or court appointed deputy
- an IMCA (Independent Mental Capacity Advocate)
- a relative or friend of the subject of the safeguarding process, or
- anyone who considers that they have been disadvantaged by the safeguarding process

who may have concerns about which they wish to complain, in respect of one or more aspects of the functioning of Safeguarding Strategy Meetings or Safeguarding Conferences.

3. Publicising the procedure and support

The information leaflets sent out prior to Conferences & Adults Strategy Meetings will include a statement about the right to use this Complaints Procedure.

All potential complainants should be made aware however, that this complaints process cannot itself change the original Safeguarding decision. Other measures can be decided to remedy any defects within the original conference/strategy meeting. The decision made by the original Conference stands whilst the complaint is being considered.

At all stages of this complaints process, the complainant may have a supporter/advocate to assist them.

4. Dealing with a complaint

Wherever possible, disputes or complaints should be resolved in discussion with the conference/strategy meeting chair.

The unacceptable behaviour section of the Statutory Complaints Policy (5.4), which includes unreasonable and unreasonably consistent complaints, can still be used when this procedure applies.

5. The First Stage – informal resolution & review by the Chair

Complaints should be made to the Conference/Strategy meeting Chair. These will then be passed on to the Chair's Manager in the Local Authority and the Local Authority Complaints Manager. Whilst a complaint is being considered, the decision made by the Conference/Strategy meeting stands.

The Chair should consider offering to meet with the complainant within 10 working days of receipt of the request to attempt to resolve the complaint, or 10 working days from when the minutes of the Conference/Strategy Meeting are available.

If the minutes are not available the meeting should be held no later than 15 working days after receipt of the request.

The aim of the meeting is to understand the complainant's concerns and try to resolve the issues whilst ensuring best safeguarding standards and practice.

A written summary and decision of this meeting needs to be produced and sent to the complainant within 10 working days of the meeting and copied to the Local Authority Complaints Manager and the Chair's Line Manager. The response must set out the right to proceed to the next stage and how to do this if the complainant remains dissatisfied.

The Chair should consider, in consultation with the Head of Safeguarding, whether in the light of the substance of the complaint, the Conference/Strategy meeting should be reconvened. The outcome of the complaint may be that the conference/strategy meeting is reconvened under a different chair, a review conference is brought forward or the status quo is confirmed with a suitable explanation.

Complaints about the conduct of the Conference Chair should be directed to the Head of Safeguarding.

6. Discretionary Second Stage – reconvening the conference/strategy meeting

The Chair has the discretionary authority to re-convene the Conference/Strategy meeting if s/he agrees that any of the issues raised by the complainant warrants Conference/Strategy Meeting re-consideration.

The complainant cannot insist that the Conference/Strategy Meeting is re-convened as this is a professional judgement.

If the Chair agrees to re-convene the Conference/Strategy Meeting, this must be arranged promptly.

After discussing the circumstances with the Safeguarding Manager and deciding to reconvene the Conference/Strategy Meeting, the Chair of a reconvened Conference/Strategy Meeting should make the circumstances

clear to the meeting members. If a panel has taken place, a distinction must be made by the Chair regarding the need to discuss the panel's conclusions and the task of the Conference/Strategy Meeting.

If it is decided to reconvene the conference/strategy meeting, then the complaint is ended as the re-convened case conference is the outcome of the complaint and the complainant should be advised accordingly.

Where the complainant remains dissatisfied following the reconvened conference/strategy meeting, then he/she must lodge a fresh complaint in relation to the re-convened meeting. The Complaints Manager has the discretion to pass the complaint directly to the Final Review Panel or Ombudsman if the Chair of the LSAB or LSCB agrees.

The Chair is responsible for informing the complainant in writing of their right under this procedure to contact the Complaints Manager to proceed with their complaint.

The Safeguarding Manager has the discretion to appoint a different Chairperson or retain the same Chairperson in a re-convened Conference/Strategy Meeting.

7. The Third Stage – Final Review Panel

7.1 General principles and standards

Any unresolved complaint after stage 1 or 2 received by the Chair or service user's Social Worker must be referred immediately to the Local Authority Complaints Manager.

On receipt of the complaint (except where a new stage 1 is warranted after a reconvened conference/strategy meeting), the Complaints Manager will initially write to confirm whether the complaint falls within these procedures and if so how the complaint will be dealt with.

Where necessary the Complaints Manager will contact the complainant to clarify the nature of their complaint, or to obtain additional information. Whilst a complaint is being considered the decision made by the original/last conference/strategy meeting stands.

The Review Panel should be alert to the importance of providing a demonstrably fair and accessible process for all participants. It is important that the Panel is client-focused in its approach.

In particular, the following principles should be observed for the conduct of the panel:

- Panels should be conducted in the presence of all the relevant parties with equity of access and representation for the complainant and organisations

- Panels should uphold a commitment to objectivity, impartiality and fairness, and ensure that the rights of complainants and all other attendees are respected at all times
- the Panel Chair should consider what provisions to make for complainants, including any special communication or mobility needs or other assistance
- Panels should observe the requirements of the Human Rights Act 1998, the Data Protection Act 1998, and other relevant rights-based legislation and conventions in the discharge of their duties and responsibilities
- the standard of proof applied by Panels should be the civil standard of 'balance of probabilities' and not the criminal standard of 'beyond all reasonable doubt', and
- it will be at the Chair's discretion to suspend or defer proceedings in exceptional circumstances where required, including the health and safety of all present

7.2 The purpose of the Panel

- to listen to all parties
- to consider the adequacy of the Stage 1 & 2 response
- to keep at the forefront of consideration the best interests of the service user and safeguarding best practice
- to obtain any further information and advice that may help resolve the complaint to all parties' satisfaction
- to focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes
- to reach findings on each of the complaints being reviewed
- to make recommendations that provide practical remedies and creative solutions to complex situations
- to support local solutions where the opportunity for resolution between the complainant and the relevant official agency (local authority, police, NHS) exists
- to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and
- to recommend any service improvements for action by the relevant authority

7.3 Make up of the Panel

The Panel will consist of three professionals who have had no direct involvement in the conference/strategy meeting decision-making for the case in question, nominated by the Local Safeguarding Children Board (LSCB) Chair or Local Safeguarding Adults Board (LSAB) Chair as is relevant. They may be the line manager of the Chair of the conference/strategy meeting. Panel members may be appointed who are independent of the LSCB or LSAB member agencies.

One member of the Panel should be assigned as Chair of the Panel.

Panellists need to ensure they have the time capacity to set aside a day for the Panel and be available for deliberations and finalising the report after the date of the Panel to avoid delays or rushing.

7.4 Administration of the Panel

Within 30 working days of the receipt of request for a Final Review, the Complaints Panel will be arranged by the LSCB or LSAB as applicable.

Where a Final Review Panel (the Panel) is convened to hear the complaint, the complainant will be notified in writing of the details of the venue, date and time.

A clerk will act as the administrative support to the Chair and take minutes of the open session Panel.

The clerk will send the final Panel papers to panellists and other attendees (including the complainant) as soon as these have been agreed by the Chair and no later than five working days before the date of the Panel.

If any other written material is submitted for consideration by the Panel outside of these timescales, it will usually be at the Chair's discretion whether it is accepted.

The complainant can be asked to provide written grounds in advance of the meeting if their points of complaint or reasons are unclear (with assistance offered such as advocacy if needed). This could include asking what their desired outcomes are to assist in resolving the complaint. The witnesses (such as the Chair of the original conference/strategy meeting) should be given a copy so that they know what to prepare for.

The Panel should take place in a suitable venue. Considerations include space/comfortable seating/access/temperature/privacy/soundproofing etc.

The Chair should ensure Panel members are clear on what is expected.

The Chair of the Panel has the discretion to ask for additional information in advance if this would prove helpful such as a summary of from the Chair of the Conference/Strategy Meeting of their understanding.

7.5 Attendance at the Panel

The Chair will invite the following to attend the Panel:

- the complainant, together with a supporter/advocate if they want such a person with them, in order to explain his or her reasons for making the complaint and to make further representations if he or she so wishes
- the conference/strategy meeting chair

- any other specialist advisers the chair identifies as necessary. The Panel Chair has the authority to co-opt other professionals where specialist advice is needed

7.6 Conduct of the Panel

The Panel should be conducted as informally as possible, but in a professional manner and in an atmosphere that is accommodating to all attendees. The need for other support in response to diversity and disability issues should be catered for, including (but not limited to) provision for sensory impairment, translation and interpretation.

Panels should normally be structured in three parts: pre-meeting; presentations and deliberation.

7.7 Panel pre-meeting

This is an opportunity for the panellists and their administrative support to meet in closed session to discuss the order of business and any other relevant issues (e.g. taking legal advice). No deliberations on the complaint should commence at this pre-meeting.

7.8 Presentations to the Panel

The complainant and conference chair will be invited to present their views to the Panel which will then ask questions and each party may ask questions of the other party via the Chair. The complainant and the conference chair will then leave for the Panel to make their decision.

It helps to address each point of complaint in turn.

7.9 Deliberations and findings

The Panel will base its decision on the attendee submissions, the conference/strategy meeting report/minutes, the Panel papers, together with any relevant protocols and procedures and any other documentation considered relevant by the Panel.

The three person Panel may make one or more of the following decisions based on a majority decision:

- to conclude that the conference/strategy meeting procedures were followed correctly and support the original decision
- to recommend that the conference/strategy meeting be reconvened with the same or a different Conference/Strategy meeting Chair to reconsider the previous decision regarding the protection plan and/or reconsider the decisions of the meeting

- to decide that they have insufficient information to make a decision and set out a timescale for completing the task and set a date for a further hearing of the Final Review Panel
- to make recommendations for future practice

The Panel should deliberate on each point of complaint in turn. The Panel Chair will ensure that a clear record is made of the proceedings, decision and the reasons for the decision. Where the decision is that the conference should be reconvened, a written statement of the reasons will be available to all conference/strategy meeting members.

7.10 After the Panel

The outcome of the Panel meeting will be sent within 12 working days of the Panel, to the complainant, the Safeguarding Adults Manager or Child Protection Senior Professional as applicable, the relevant Head of Service, the social worker or Keyworker and the Chair who chaired the conference/strategy meeting, who will ensure that a copy is circulated to all those who were sent minutes of the original Conference/Strategy meeting.

Where the Panel feel it is appropriate (for example significant concerns about the original decision are identified and the impact on the complainant is significant), they have the discretion to instruct that a conference/strategy meeting is reconvened before the report is finalised. Usually, the decision to re-convene a conference/strategy meeting, if that is the outcome, should wait for the finalised Panel report.

The Clerk should produce the minutes within two working days to the Panel.

The Panel should communicate any specific concerns and recommendations relating to practice or procedure on the part of any Local Safeguarding Board partner agency to the relevant Board member and to the Board Chair.

8. Discretionary reconvened Conference after Final Review Panel

The Conference Chair of the reconvened Conference/Strategy meeting must ensure that all those present have seen in advance the Final Review Panel decision, the Panel's written statement of reasons for the decision and any recommendations made by the Panel.

The Conference/Strategy meeting should again consider, taking fully into account any recommendation made, whether the criteria for a Protection Plan are met.

The Conference/Strategy meeting Chair should notify the outcome of the reconvened Conference to the Final Review Panel Chair.

9. The Ombudsman

A complainant who continues to be dissatisfied with the outcome of the process may wish to pursue their grievance via the Local Government Ombudsman or seek legal advice regarding seeking a judicial review. The Ombudsman's normal policy is not to consider a complaint until this procedure has been exhausted.

The Ombudsman considers maladministration (procedural irregularities); the courts at judicial review can review the outcome.

The Complaints Manager has the discretion to pass the complaint directly to the Final Review Panel or Ombudsman if the Chair of the Board authorises this.