

Kent complaints and representations about the Child Protection Conference decision and process procedures

June 2022

Document Author	Kent Safeguarding Children Multi-Agency Partnership (KSCMP)
Document Owner	Kent Safeguarding Children Multi-Agency Partnership Sessions House Maidstone ME14 1XQ Email: kscmp@kent.gov.uk
Summary of Purpose	These procedures outline the process which should be followed when a complaint and/or representation about the Initial Child Protection Conference decision and/or process has been made.
Accessibility	This document can be made available in large print, or in electronic format. There are no copies currently available in other languages.
Equalities Impact Assessment	During the preparation of this policy and when considering the roles and responsibilities of all agencies, organisations and staff involved, care has been taken to promote fairness, equality, and diversity, in the services delivered regardless of disability, ethnic origin, race, gender, age, religious beliefs or sexual orientation.
Copyright ©	Copyright Kent Safeguarding Children Multi-Agency Partnership. All rights reserved including the right of reproduction in whole or in part in any form or by any means without the written permission of the author/owner.
Policy Review Date	This document will be reviewed in June 2025.

Contents

1.	Complaints	3
2.	Representations	3
3.	Eligibility	4
4.	Grounds for representation	4
5.	Process	4
6.	Stage 1	5
7.	Stage 2	6
8.	Stage 3	7
9.	Stage 4	7
10.	Further challenge	9

1. Complaints

Complaints about individual agencies (performance or the provision or non-provision of services) should be handled in line with the particular agency's complaints process. For example, complaints about the attitude of the Conference Chair or the handling of the Child Protection Conference or the Social Worker's report would be handled by the statutory complaints/appeals procedures for Kent County Council (KCC) Integrated Children's Services (ICS).

2. Representations

It is important to clarify whether an eligible service user is making a complaint as described above or a representation about the decision of a Child Protection Conference. The following describes the representation process.

In the first instance, the Kent County Council (KCC) Integrated Children's Services (ICS) Customer Care Manager consults with the Conference Chair to identify whether the service users representation constitutes a complaint or a representation about the conference decision.

3. Eligibility

Parents/carers or a child (considered by the Conference Chair to have sufficient understanding) may make representations in respect of one or more of the following aspects of the conference:

- A decision for the child to become or not to become, or to remain or cease being the subject of a child protection plan; or/and
- The category of concern if the child became the subject of a child protection plan.

All parties must be made aware this process cannot itself change the conference decision and that during the course of a representation, the decision made by the conference stands.

The end result of a representation will be either that a recommendation for a Review Child Protection Conference is to be held under a different Conference Chair, or that the status quo is confirmed.

The Local Authority has discretion, in deciding whether to consider representations would prejudice any concurrent investigations such as court proceedings or criminal proceedings.

4. Grounds for representation

The grounds for representation about a conference decision may be:

- That the criteria for the decision that the child should have a Child Protection Plan were not met (see [Kent Initial Child Protection Conference Procedure, Section 13.4](#))
- That the criteria for the decision that the child should continue to have a Child Protection Plan was not met (see [Kent Child Protection Review Conference Procedure, Section 2](#))
- That the criteria for the decision that the Child Protection Plan should be discontinued were not met ([see Kent Child Protection Review Conference Procedure](#)); and/or
- That the information on which the conference decision was based provided substantially incorrect.

5. Process

Immediate resolution

An expressed concern which arises in the course of or as a result of the meeting must, as soon as possible, be raised with the Conference Chair.

This must be noted, and an attempt made by the Conference Chair to resolve it with the service user either through a telephone conversation or face to face meeting within 3 days of the conference.

If this initial attempt to resolve matters fails, the service user should be reminded of both the complaints and representation process by the Social Worker or Conference Chair.

A complaint should be sent in writing to the Kent County Council (KCC) Integrated Children's Services (ICS) Customer Care Manager. The Social Worker can, if necessary, assist with this.

A representation, as detailed above, should be sent in writing to the Conference Chair within 10 working days of the conference. The Social Worker can, if necessary, assist with this.

On receipt of the notice to appeal, the Conference Chair will ensure that the minutes of the conference are sent out within 3 working days if not already available.

6. Stage 1

Exploration by conference chairs

The Conference Chair should inform the Kent County Council (KCC) Integrated Children's Services (ICS) Customer Care Manager, the ICS Child Protection Conference Chair's Manager and all professionals who attended or were invited to the original conference that an appeal has been made.

Appeals outside the 10-working day time limit may, in exceptional circumstances, and at the discretion of the Conference Chair, be accepted.

The Conference Chair should meet with the appellant (who may be supported by a friend or relative) within 18 working days of the Initial Child Protection Conference so as to:

- Ensure the appellant sufficiently understands the child protection process.
- Clarify grounds for, and the nature of, their representation.
- Establish the outcome desired by the appellant.
- Ensure the appellant understands the scope and relevance of the representation process with regard to their circumstances.
- Gather relevant information. This should include clarifying whether or not there are aspects of the appeal that, in fact, constitute a complaint and advice accordingly.

At the meeting with the person who is making the representation the Conference Chair should be accompanied by a colleague who can take notes.

The possible outcomes at this stage are:

- The person who is making the representation accepts that the decision of the conference was correct; or
- The person who is making the representation remains dissatisfied with the decision of the conference.

Within 5 working days of the Stage 1 meeting the Conference Chair should provide a written response to the person making the representation including notes of the outcome of their meeting. This letter should include information on how to pursue concerns further if the person making the representation remains dissatisfied.

The response provided to the person who is making the representation should be copied to the ICS Customer Care Manager, ICS Child Protection Conference Chair's Manager and all professionals who attended or were invited to the original conference.

If the person making the representation accepts the conference decision, the ICS Customer Care Manager, ICS Child Protection Conference Chair's Manager and all professionals who attended or were invited to the original conference should be notified that no further action in respect of the representation is being taken.

If the person making the representation remains dissatisfied and wishes to pursue the matter to Stage 2, this must be notified in writing to the ICS Customer Care Manager and ICS Child Protection Conference Chair's Manager within 5 days of receiving the Stage 1 response letter.

7. Stage 2

Consideration of the representations by the Kent County Council (KCC) Integrated Children's Services (ICS) Child Protection Conference Chair's Manager

Personnel involved in this meeting will be the ICS Child Protection Conference Chair's Manager.

The ICS Customer Care Manager should be kept informed of the progress of this complaint.

A complaint meeting at Stage 2 should be arranged and held within 10 working days of receipt of the notification from the person making the representation.

The complaint meeting should have access to and will consider:

- Minutes of the Child Protection Conference;
- Reports submitted to the Child Protection Conference; and
- Correspondence regarding the complaint at Stage 1.

The meeting should still aim to address areas of dissatisfaction and to resolve matters. Following the meeting the complainant should receive a letter to confirm what was agreed.

and to advise the complainant of their right to move to Stage 3 within 15 working days if they are still dissatisfied.

The ICS Customer Care Manager should be informed of the outcome of Stage 2 and receive a copy of this letter where there are complaints which relate to issues outside the procedure or, the complainant has separate complaints which are being addressed through the Children Act Complaint Service or NHS Complaints. The Kent Safeguarding Children Multi-Agency Partnership Systems Improvement Manager should also be informed if the complainant remains dissatisfied and wishes to progress to a Review Panel.

8. Stage 3

Consideration of the representation by the Assistant Area Director or delegated representative

Where the complainant remains dissatisfied following the outcome of the Stage 2 meeting they must write to the Assistant Area Director or delegated representative (Kent County Council (KCC) Integrated Children's Services (ICS) Safeguarding, Quality Assurance and Professional Standards) stating the reasons for their representation. The Assistant Area Director or delegated representative has the sole discretion to refer the matter/case to the formal Review Panel following a full appraisal of the outcomes of the complaint at Stage 2 and that all procedures have been followed.

9. Stage 4

Consideration by the formal Review Panel

If the person making the representation notifies the ICS Customer Care Manager and/or ICS Child Protection Conference Chair's Manager that they remain dissatisfied and specifies reasons, arrangements must be made to convene the formal Review Panel.

The ICS Customer Care Manager and ICS Child Protection Conference Chair's Manager will make arrangements for the formal Review Panel.

The panel membership will consist of the KCC Director of Integrated Children's Services, the NHS Kent and Medway Integrated Care Board (ICB) Assistant Director of All-Age Safeguarding, and Kent Polices Protecting Vulnerable Persons Division Detective Superintendent, or an equivalent senior member of the Safeguarding Partner agencies. KCC will Chair the panel, and none of the members of the panel may have previous or present direct line management responsibility for the case in question. Also in attendance will be the original Conference Chair and ICS Child Protection Conference Chair's Manager. The Chair has the authority to co-opt other professionals where specialist advice is needed.

The panel must be provided with the following documentation:

- A formal request to convene;
- A copy of the relevant conference minutes and the reports that were made available to the conference;
- Stage 1 and 2 meeting notes and correspondence; and
- Name, addresses and phone numbers of the Conference Chair, all other professionals involved and the family concerned.

The ICS Child Protection Conference Chair's Manager will liaise with the complainant throughout.

The panel should be convened within 15 working days of the receipt of the person making the representation letter and consider whether:

- Relevant inter-agency protocols and procedures have been observed correctly; and
- If any decision in dispute follows reasonably from the processes employed and information presented.

The panel will:

- Hear (directly or in writing) from the person making the representation, the Conference Chair and any other relevant persons.
- Consider written material
- Reach a decision
- Agree the content of their decision letter to the appellant

The Chair should ensure that the panel's conclusions are put in writing to the appellant within 10 working days of its meeting and will:

- Confirm membership of the panel
- State the decision reached
- Give reasons for decision

A copy of the outcome letter should also be sent to the ICS Customer Care Manager, ICS Child Protection Conference Chair's Manager, the relevant ICS Service Manager, Conference Chair and all attendees and invitees to the original conference.

A recommendation must be made to hold a Child Protection Review Conference, under a different Conference Chair if:

- Procedures/protocols relating to the conference were not correctly followed; or
- Procedures/protocols were correctly followed and it was felt that the decision of the conference was unreasonable.

If the formal Review Panel decides to recommend holding a Child Protection Review Conference, the letter from the Chair of the Panel should also confirm to the appellant that it is not possible to expunge the decisions of the original conference, but that the decision of

the formal Review Panel will be added to the child's file, circulated to all invitees and attendees of the original conference and any other relevant party. The outcome of the Child Protection Review Conference will be noted in the usual way.

If the Panel concludes procedures relating to the conference were correctly followed and the decision(s) reached were reasonable, it must confirm that the conclusions of the original conference stands and will be routinely reviewed when the Child Protection Review Conference is held.

The Panel should also consider any specific concerns that may be relevant to communicate to agencies involved with the case and may make recommendations relating to practice or procedure to any Safeguarding Children Partnership agency.

Recommendation to hold a Child Protection Review Conference

The following consideration should apply if the formal Review Panel has decided to recommend holding a Child Protection Review Conference.

The purpose of the Child Protection Review Conference is to consider the information presented to the original conference in order to decide whether the child should have been made subject to a child protection plan. It is not the remit of the Child Protection Review Conference to examine the processes followed. As far as possible, the membership of the Review Conference should consist of the same attendees as the original conference.

There should be a discussion between the ICS Child Protection Conference Chairs' Manager and the original Conference Chair as to whether it is appropriate for a different chair to attend the Child Protection Review Conference.

The Chair of the Child Protection Review Conference must ensure that all those present have seen or are briefed regarding the details of the appeal the outcomes of the Stage 1 and 2 meetings as well as the conclusions reached at the formal Review Panel.

A distinction must be made by the Conference Chair between the need to share information about the reasons for the Child Protection Review Conference and the need for Conference members to approach the meeting taking into account the information presented to the original conference.

The Child Protection Review Conference should be held within 3 months of the original Conference.

10. Further challenge

No further internal procedure exists in those cases where the Child Protection Review Conference supports the original Conference decision to make the child subject to a child protection plan.

A person who is making the representation, who remains dissatisfied, may wish to pursue her or his grievances via legal challenge/local government ombudsman.

