

Vincent McGovern Complaints Template 2020

Guide to Making Complaints to the Authorities

Here is some information provided by one of our Volunteer Branch Chairs which is designed to help with making complaints to public bodies.

We do not necessarily agree with all the views expressed, but Vincent McGovern's track record speaks for itself. We hope you find it useful.

Introduction

The following template has resulted in over twenty complaint inquiries and 5 Ombudsman investigations, 1 Local Government, 2 Legal Services Ombudsman, and Parliamentary and Health Services Ombudsman (PHSO) three times. There was also an investigation under Special Amendments 2006 of the Children Act 1989 as advised by the Local Government Ombudsman. This led to a sincere apology in writing from the Director of Social Services and the Regional Director of Children and Adolescent Mental Health Services (CAMHS). It also resulted in revision of Social Services in the Borough concerned which had been examined by Lord Laming in 2001, and found seriously failing.

There was also a General Medical Council investigation which resulted in a warning letter to a GP. Further malpractice by the Local Primary Care Trust resulted in 3 investigations culminating in a Parliamentary and Health Services Ombudsman. These complaints were focused on the *Child Endangering Gender Discrimination* policies and practices of personnel in the above agencies.

The Parliamentary & Health Services Ombudsman ordered the local Primary Care Trust to acknowledge wrongdoing, full written apology, pay compensation of £250 and instigate a 90 day action plan to demonstrate change in procedure and future verification by NHS London, Health Service Ombudsman, Care Quality Commission, and myself. He found their standard so bad it amounted to maladministration and injustice, causing frustration and distress.

There were 3 investigations into malpractice by the petitioner's solicitors as a result of their actions. These were Legal Complaints Service, Solicitors Regulatory Authority and the Legal Services Ombudsman. This led to the Solicitors Regulatory Authority being formally criticized in writing for inaction on the malpractice of the Solicitor by the Legal Services Ombudsman.

There was also a PHSO assisted investigation into CAFCASS Guardian malpractice and the protection of such by CAFCASS management. This led to 5 apologies, 3 sorrys from CAFCASS's CEO, and a separate complaints department being set up within CAFCASS to properly address complaints in 2011. In 2015 due to CAFCASS repeat failings there was a 2nd PHSO Investigation leading to financial compensation and recommendations forced upon CAFCASS by the PHSO.

On the 19th March 2014 and 11th December 2014 I was allowed to briefly address the Petitions Commission of the European Parliament in Brussels because of my then four successful Ombudsman Investigations. This and other petitions led to an investigation into 'systemic failings' in UK Family Courts but only on Public Law by the EU.

The author of this article is trying hard to have the Domestic Violence Agencies which act on behalf of the Local Authority forced to comply with The Gender Equality Act of April 2007 and 1st October 2010, and *most importantly* Children Act 1989. Their current constitution and practice is to accept evidence from *females* only and if serious enough, to process this through their Multi Agency Risk Assessment Process (MARAC). This is done in secret without the father having any notice. The verdict (*only*) on this evidence is then brought before the Case Conference via Social Services and, surprise, surprise, the father is then deemed a risk to his children and with this choreographed discrimination he is then booted ex-parte from the family home. The fact that he may have been the children's primary carer and a victim of risible false allegations e.g. falsely accused of kicking and killing a non-existent family dog is totally ignored. He can then be deemed a danger to his children and the *non-resident parent and CAFCASS apparently endorse this*.

In the not-so-hypothetical case under consideration, at a following 3 day 'Finding of Fact' hearing (8 months later) the District Judge declared, "I cannot see why this father was ever deemed a risk to his children." The father later acquired Shared Residence of his 3 children as he could demonstrate to a Court that the local services were so compromised they represented a risk to his children.

The reason for this lengthy description is to demonstrate the potential effectiveness of the following template. Please bear in mind that where CAFCASS are concerned their complaints process will only deal with the **Conduct** of the officer and not the **Content**.

Also, according to the Ministry for Justice, there are no records of a judge recommending that a deceitful or disingenuous CAFCASS/Social Services official be retrained or sacked. One does wonder - Where is the welfare of the child paramount here?

Social services are since 2014 regulated by the Health and Care Professional Council (HCPC) address at, 184 Kennington Park Road, London, SE11 4BU. The previous regulator General Social Care Council had a policy of routinely refusing to deal with complaints. I brought this to the attention of 4 government departments. You can only approach the Ombudsman after exhausting the local complaints process.

Editor's note: It is worth noting that some services are coming up with new terms for a complaint. So if they tell you they no longer accept complaints - persevere and ask them what the alternatives are.

The Complaints Template is as follows:

- 1) Conduct
- 2) Requirement
- 3) Consequences
- 4) Remedy

(In short: **C.R.C.R**)

Procedure for complaint re Social Services (The '3 stages').

The Local Authority are the employers of Social Services so all complaints have to be processed locally first. The words of utmost importance are "I wish to formally lodge a Stage 1 Complaint about." Without these words your complaint will just gather dust.

The Local Authority has 10 working days to deal with your stage 1 complaint under statutory guidelines. Make your complaint absolutely precise and brief, less than 2 typed pages if at all possible. Any loose language will be seized upon and used against you.

If unsatisfied with Stage 1 then do a Stage 2 with the formal wording as in Stage 1 except now use the words 'Stage 2'. They have 15 working days to respond. If unsatisfied then do a Stage 3 using the formal wording including the words 'Stage 3'. They have 20 working days to respond here. If still unsatisfied you may only then approach the Local Government Ombudsman.

Very Important Points

Sadly, the skill and willingness of SOME local authorities and agencies to deceive, manipulate, procrastinate, inveigle and lie can be astonishing. For reference, read Lord Laming's (Victoria Climbié) investigation into Brent and Haringey 2001. He was lied to so often by so many e.g. Social Services, Police, NSPCC, Local Authorities, that in the end they were reduced to accusing each other of lying. He had to threaten several with imprisonment before they would even attend. I believe they *brought lying into disrepute*.

At all times have evidence of document delivery and keep hard copies. Never engage in telephone conversation unless recorded and/or notes taken. Bring a note-taking friend or McKenzie to any meeting.

Above all protect yourself and never ever raise your voice, no matter what the provocation. Remain purely child focused.

Conduct

Your complaint has to show that the **conduct** of the Social Worker was not up to their required standard.

Requirement

Look up the HCPC Codes of Practice for Social Service workers and Employers. Also check the [Gender Equality Duty Act April 2007](#) and [Equality Act 1/10/2010](#). Bear in mind that apart from Article 8 of European Court of Human Rights (Right to Family Life) human rights acts are subservient to the Children Act 1989. The rights are with the children: you and technically, the mother have almost none. You both however have duties as parents which the Local Authorities have to consider. Article 6 of the ECHR also applies.

Consequences

Your complaint will go nowhere unless you can show that the children suffered as a **consequence**, or were put at increased risk of harm due to Social Services/Local Authority action/malpractice. This is absolutely pivotal.

Remedy

What is the solution which you are seeking here? Retraining, referral to the HCPC, Local Government Ombudsman investigation, possibly using Special Amendments 2006 of the Children Act 1989, written apology, acknowledgement of wrongdoing, verifiable change in procedure and work practice, financial compensation are among the options.

Your complaint has to be based on **Conduct – Requirement – Consequences – Remedy**.

At all stages copy in:

Leader of the Council

Chief Executive of the Council

Councillor responsible for Social Services

Director of Social Services.

Letters only! Proof of postage, which is free, will do.

Otherwise deliver by hand, if necessary at night-time, with photographic evidence e.g that day's newspaper, to their letter box at Town Hall etc.

At Stage 3 you should also copy your MP. Only bring specific questions to him/her to deal with, not the kitchen sink and all emotional baggage.

Date and keep copies of everything. Your future relationship with your children might depend on this.
CAFCASS - Children and Families Court Advisory and Support Service

If it makes you feel any better the Government's own regulatory body OFSTED has been very critical of CAFCASS. I quote OFSTED's beautiful description of CAFCASS – "their conclusions are not reasoned." A House of Commons committee in January 2011 was equally scathing about CAFCASS.

CAFCASS's own complaints procedure is clear - only complain about **Conduct** and not **Content**.

First of all, during Court proceedings discredit the report if inaccurate or unprofessional, *not* the official who is presenting it. If necessary to do a formal complaint, link dishonest/unprofessional content to conduct.

Once again expect to be rebuffed, dismissed and fobbed off. Persevere using the **Conduct Requirement Consequences Remedy template**.

Once again, keep all copies of letters or if telephoned request that it be followed with a letter when the complaint is in process. Take notes during the call surreptitiously and write them accurately immediately afterwards before filing. Of great importance here is the fact that malpractice by CAFCASS/Guardian ad-litem can now be referred by your MP to The Parliamentary & Health Services Ombudsman. CAFCASS revised Complaints Policy since 2014 is to respond once to a complaint and then suggest if still dissatisfied you complain to the PHSO via your MP. Be very precise in language when bringing matters to your MP, above all you have to prove *wrongdoing* to him/her for a referral to be made on your behalf.

Domestic Violence Agencies

Let us be crystal clear here, there is no justification in a modern society for gender vigilantes of either "persuasion", who are usually unregulated and unaccountable, getting control of local authority guidelines and practice. Many of these agencies in constitution and practice demonise men and heavily discriminate against fathers. Many refuse to help fathers at all, fobbing them off with "signposting to a Solicitor", etc.

Using the Freedom of Information Act, and your MP and/or Councillor, establish whether they offer equal services to both sexes. If not, establish their funding base using FOI requests and what statutory authority the local authority may have conferred upon them. Then hold them to account using the Gender Equality Act 2007 and 2010, and also the Children Act 1989. Pull the rug from beneath any child-endangering gender discrimination.

Also remember that the Councillor with statutory authority for Social Services has extra legal responsibilities here. Reduction/removal of funding focuses their minds very well and is the only method of enforcing gender-neutral impartial professionalism here. Where local services e.g Social Services, Health, Educational, etc, allow the domestic violence agency to take the lead bring this matter to their own regulatory/funding bodies. This particularly applies where false allegations or absurd exaggerations are being facilitated and promoted purely on ideological, gender, or funding grounds (eg lying in order to obtain legal aid).

Once again **Conduct – Requirement – Consequences – Remedy.**
General Practitioners

The General Medical Council guidelines for GPs is very clear. Paragraph 55 GMC guidelines for 0-18 years states: “divorce or separation does not affect parental responsibility and you should allow both parents reasonable access to their children’s health records”. Sometimes the GP and/or their staff may have a mother-only viewpoint. If necessary a copy of the above and proof of Parental Responsibility plus appropriate ID should suffice. If not, contact the local Primary Care Trust complaints department or the General Medical Council as a last resort. Failing that then bring the matter to your MP and ask for a referral to the PHSO. Once again in writing only if rebuffed.

Remember **Conduct – Requirement – Consequences - Remedy.**

Schools

Please bear in mind that schools, doctors' surgeries, etc, are usually quite busy places and staff will sometimes take the easy option. Occasionally there will be downright hostility shown towards a father usually where a malevolent mum has falsely portrayed him as abusive, etc. The reverse sadly also applies. The Department of Education guidelines updated 4/1/2011 are very clear here. Look under their definition of Parent, Parental Responsibility and General Principles for Schools.

Effectively, if you are a non-resident parent you are entitled to all correspondence of importance. If sharing residence or overnight contact, particularly at weekends, you should be equally entitled and involved with all relevant matters.

If you absolutely feel that you have to make a complaint because of malpractice by a professional involved in your case always consider the following first:

- In this, all actions will have a consequence, usually unintended.
- The professionals are not responsible for your painful divorce or separation.
- They are however absolutely obliged to act in the children’s interests where they are involved.
- Do not let satellite litigation interfere with your own Family proceedings unless absolutely necessary.
- Do not make a half-hearted complaint just for the sake of it. Only complain if there is malpractice. If your complaint is more than 2 pages it will almost definitely be counter-productive. Only start what you mean to see through to conclusion. Above all, be thorough, honest, calm, sensible, and exercise the highest standards of focus and discipline. At all times **Conduct – Requirement – Consequences - Remedy.**

I wish you well and hope this also improves you as a parent.

Above all - Never give up on your children, they deserve the best of both parents.

Vincent McGovern