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Western Bay Safeguarding Adults Board Inter-Agency Policy, Procedures and Practice Guidance for Adult Safeguarding

Complaints Procedure

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Approved by:
The Western Bay Safeguarding Adult Board on the 10th of December 2013.

Western Bay Safeguarding Adult Board– Complaints Procedure

THE PURPOSE OF THE COMPLAINTS PROCEDURE

The purpose of this procedure is to ensure a sensitive and professional multi-agency response to the management of complaints arising from the functioning of the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse, (Section 11 Complaints about Adult Protection Process).

This policy has been developed in adherence to the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse.

All Local Authority Social Services follow the Welsh Government's guidance for complaints, *'Listening and Learning: A guide to handling complaints and representations in Local Authority Social Services in Wales'*.

All Health Boards follow the Welsh Government's guidelines for complaints, 'Putting Things Right': Raising a concern about the NHS from 1st April 2011. They formulate their own policies to ensure compliance within their organisation by all staff. Information booklets are usually provided for members of the public and people using services giving detailed information regarding these complaints procedures, timescales and information on the stages of the process as well as the appeals procedure up to and including involvement of the Public Services Ombudsman for Wales.

All responses to complaints coming into any agency should pay due regard to the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse. Adult protection or safeguarding investigations should take precedence if the issue being complained about does not constitute a criminal offence or a breach of regulation for CSSIW.

Therefore if a complaint is received by an agency regarding an ongoing adult protection / safeguarding case, (depending on the circumstances and in discussion with the corporate complaints section), there should be no complaints investigation undertaken while there is any chance of compromising the adult protection/safeguarding investigation. The complainant must be consulted with at the earliest opportunity and throughout the process in order to consider whether any residual issues need to progress via the complaint procedure.

(If the complaint involves numerous areas of concern i.e. Adult safeguarding concerns together with professional or service concerns then an agreed plan needs to be developed with the complainant on how these issues are going to be addressed and which procedure will be used to address which element of the complaint.).

WHO MAY COMPLAIN ABOUT THE ADULT SAFEGUARDING PROCESS?

- The vulnerable adult
- A nominated or suitable person acting on behalf of, or in the best interests of the vulnerable adult
- A family member, carer or friend of the vulnerable adult
- An advocate
- A partner agency.

The **vulnerable adult**, or **any person nominated by them** may wish to make a complaint regarding the adult protection **process** used to safeguard them or another vulnerable person. Similarly **an advocate acting on behalf of a vulnerable adult** may lodge a complaint as can carers, relatives and workers who have been involved in the process.

WHAT MAY BE COMPLAINED ABOUT?

NB The following issues below will usually be dealt with via the **internal complaints procedures of the relevant agency**.

A complaint made by the vulnerable adult, their representative, or any person nominated by them, may include:

- Complaints relating to services received by the vulnerable adult as a part of the adult protection process
- Complaints about the individual professional practice or conduct of an officer acting within the adult protection process
- Complaints about services or personnel of more than one agency is implicated: In such cases Complaints Officers from the named agencies must reach a joint agreement with each other and the complainant about how the complaint investigation will be taken forward, e.g. jointly or as a single agency etc.

COMPLAINTS CONCERNING THE ADULT SAFEGUARDING PROCESS

The complaint made by the vulnerable adult (or any person nominated by them), may include how the adult safeguarding process was followed, e.g. Complaints about Information sharing, accuracy of minutes or of reports, or the outcomes and decisions made during the process.

When this happens these concerns will not be addressed under the agency complaints procedure but will need to be referred in the first instance to the Designated Lead Manager responsible for the coordination and oversight of decision making within the case.

If the issues of concern relate to their management of the case, or if local resolution cannot be achieved with the complainant, then the senior staff member responsible for Safeguarding, will need to be involved to formally review the case and investigate the concerns raised. The decision making practices will be evaluated and consideration given to whether the complaint is upheld or not.

WHAT IS THE PROCEDURE FOR MAKING A COMPLAINT?

Stage 1 – Local Resolution

In the first instance any complaint relating to the Adult Safeguarding **process** will be directed to the Designated Lead Manager (DLM) responsible for the co-ordination and oversight of decision-making within the case. If the complaint concerns the DLM responsible for the coordination of the case, then the relevant senior manager of the Adult safeguarding Service will investigate the complaint.

All complaints should be addressed either in writing, by telephone or in person to the DLM (or senior manager adult safeguarding) who will: -

- Consult with relevant partners, on behalf of the Safeguarding Board to determine whether the complaint should be dealt with through the relevant individual agency's complaints procedure or through the Safeguarding Board multi-agency complaint procedure and will then inform the complainant in writing
- Be the point of contact for the complainant throughout the process
- Inform the senior staff member adult safeguarding (*as appropriate*)
- Inform the Chair of the Safeguarding Board of the complaint
- Inform the Corporate Complaints Manager for the relevant Local Authority for recording purposes
- Ensure that regular communication in an appropriate medium with the complainant is agreed and provided
- Provide advice about sources of advocacy, where required
- Acknowledge the complaint in writing within 5 working days of receipt of the complaint
- Arrange to meet [or if not practical speak with] the complainant to clarify the nature of the complaint and what the complainant wishes to happen as a result of his / her complaint

- Attempt to resolve the complaint, or try to agree on a way forward if at all practicable within 15 working days of the receipt of the complaint. This time period can be extended - with agreement. This should be confirmed in writing to the complainant, setting out clearly the agreed time-scale for the extension
- Keep the complainant informed in writing of any delays in resolving the complaint
- If the matter is resolved, the DLM or senior safeguarding officer will- Send a response letter to the complainant confirming the agreed resolution and inform the Complaints Manager
- Consider any lessons learned from the complaint and report to the Safeguarding Board.
- If the complaint is of a serious nature and cannot be satisfactorily resolved at Stage 1 and the complainant wishes to pursue the matter, the complainant is referred to Stage 2.

Stage 2 – Senior Manager Review

The Senior Manager of the responsible Local Authority will meet with the complainant to consider if the unresolved complaint should be reviewed by:

A Senior Manager in the responsible Local Authority, or Health Board within the Western Bay region i.e.: NPT, BCBC, CCOS or ABMU health Board.

If resolution is not successful then the case will be referred to the Safeguarding Board for their consideration and review. This may involve the convening of a multi-agency panel consisting of partner members of the Safeguarding Board.

A full review may be instigated which will scrutinise the full process and associated decision making and will make a judgement in how the complaint was handled at stage 1. A report will be produced for the complainant within 25 working days.

The Senior Manager from the responsible Local Authority will:-

- Meet with the complainant at the earliest opportunity and agree the nature of the unresolved issues of the complaint and what the complainant wishes to happen as a result of his / her complaint.
- Inform the complainant that he / she should receive a response within (25) working days

- Explain the Stage 2 process to the complainant, and how the review will evaluate the appropriateness of the approach taken, together with the practice and decision-making undertaken within the safeguarding process.
- Consider whether the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults from Abuse has been implemented correctly and whether the issue/s being complained about follows the guidance.
- Provide a copy of the findings in a report to the complainant
- Present a copy of the report to the Safeguarding Board Chair for consideration and discussion with the Board to note any recommendations around lessons learned of improvement to practice. .
- *Inform the Complaints Manager* of the review outcome.
- Recommend to the *Safeguarding Board* any changes to any relevant policy and procedures. If resolution is not successful at stage 2 then the case will be referred back to the Safeguarding Board for their consideration and review. This may involve the convening of a multi-agency panel consisting of partner members of the Safeguarding Board.

This should be confirmed in writing to the complainant, setting out clearly the agreed time-scale for response

If deemed necessary the Board would appoint a multi-agency complaints panel, to formally review the case and investigate the concerns raised and follow the Stage 2 procedure set out above. It will be the responsibility of the Chair of the Adult Safeguarding Board to set up the multi-agency complaints panel

- The Multi-Agency Complaints panel
- will convene within 15 working days from the date the Adult Safeguarding Board considered the seriousness of the case at Stage 2
- The membership of the Multi-Agency Complaints Panel will comprise of independent Key Officers of Statutory Agencies involved in the adult safeguarding investigation and a representative from an agency with no direct involvement in the case. The Coordinator/chair of the multi agency panel will circulate all relevant documentation to members of the panel including the original complaint and the investigation report/s

The Framework for the Multi-Agency Complaints Panel

The Coordinator/Chair of the Multi-Agency Complaints Panel will be:

- Responsible for meeting with the complainant to establish the timescales of response to the outstanding issues of the complaint

- *Responsible for circulating the relevant documentation and producing the report within the allocated time frame*
- Responsible for Introducing the meeting and explaining its purpose
- Outline previous measures attempted to resolve the complaint and any background issues.

The Panel will convene to:

- Confirm whether the correct process has been followed to confirm whether the complaint has been upheld or not.
- Write to the complainant explaining the outcome of the investigation into the complaint, provide a copy of the report and note any action taken or to be taken
- *Copy the response to the Complaints Manager and keep a copy of the outcome of the complaint for recording purposes*
- Present the report to the *Safeguarding Board* in order to ensure that the lessons are learned and any recommendations are followed to improve safeguarding practice.

The Multi-Agency Complaints panel is the final stage of the Adult Safeguarding Complaints Procedure. If the complainant is dissatisfied with the way the complaint has been handled or the outcome he / she may contact the Public Service Ombudsman for Wales.

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Fax: (01656) 641199

Glossary of terms

Abuse	A violation of an individual's human and civil rights by another persons or persons which results in significant harm
AS	Adult Safeguarding
Adult Safeguarding Board	Parties making up the Board
Adult Safeguarding Co-ordinator	Lead officer for adult safeguarding in each local authority area
Complaints Manager	Complaints manager in each Local Authority responsible for dealing with complaints about adult social care
Designated Lead Manager (DLM)	Is the officer responsible for the overall management of an Adult Safeguarding case?
Investigation	Is a structured process to gather evidence to determine whether the allegation of abuse can be substantiated, which is agreed by the strategy partners and evidenced in a written investigation report back to the strategy partners?

Vulnerable Adult	Is a person over 18 years of age who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation.
Western Bay Safeguarding Adult Board (WBSAB)	Parties making up the Board
Significant Harm	Is defined as ill-treatment (including sexual abuse and forms of ill-treatment that are not physical); impairment of, or an avoidable deterioration in physical or mental health; and/or impairment of physical, emotional social or behavioural development.

**Responsible Officer for Adult Safeguarding Complaints Details for
across the Western Bay Region**

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→ CSSIW

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