

**Western** **Bay** **Safeguarding** **Adults** **Board**

**Inter-Agency** **Policy,** **Procedures** **and** **Practice**

**Guidance** **for** **Adult** **Safeguarding**

**Complaints** **Procedure**

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| Western Bay Safeguarding Adults Board | Title: Complaints Procedure | Number of Pages: 9 |

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Approved by:

The Western Bay Safeguarding Adult Board on the 4th March 2019.

**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 (adult at risk) 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 (adult at risk) from Abuse.

All Local Authority Social Services follow the Welsh Government’s guidance for complaints, *‘A* *guide* *to* *handling* *complaints* *and* *representations* *in* *Local* *Authority* *Social* *Services*’ (implemented 1st August 2014);

All Health Boards follow the Welsh Government’s guidelines for complaints, ‘Putting Things Right’: Raising a concern about the NHS (implemented 1st April 2011).

The agencies formulate their own policies to ensure compliance within their organisations by all staff with the appropriate guidelines.

Information booklets are usually provided for members of the public and people using services which provide detailed information regarding the complaint’s procedures, timescales and information about 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 received by either agency should pay due regard to the Wales Interim Policy and Procedures for the Protection of Vulnerable Adults (adult at risk) from Abuse until the All Wales Safeguarding procedures are updated. 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 CIW.

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 Complaints Manager), **no complaints investigation should be undertaken whilst there is any chance of compromising the adult protection / safeguarding investigation.** The complainant has six months from the date of completion of the safeguarding issue to raise a complaint via the Social Services Statutory process.

The complainant must be consulted with at the earliest opportunity and throughout the process in order to consider whether any residual issues should be progressed via the complaints procedure.

(If the complaint relates to a number of areas of concern i.e. Adult safeguarding concerns together with professional or service concerns, then an agreed plan should be developed (in liaison with the complainant) setting out how the issues will be addressed and which procedure will be used to address each element of the complaint).

**WHO MAY COMPLAIN ABOUT THE ADULT SAFEGUARDING PROCESS?**

* The vulnerable adult (adult at risk);
* A nominated or suitable person acting on behalf of, or in the best interests of the vulnerable adult (adult at risk);
* A family member, carer or friend of the vulnerable adult (adult at risk);
* An advocate;
* A partner agency.

**WHAT MAY BE COMPLAINED ABOUT?**

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

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

• Complaints relating to services received by the vulnerable adult (adult at risk) as a part of 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 PROFESSIONAL PRACTICE OR STAFF CONDUCT**

Complaints relating to the individual professional practice or conduct of a staff member acting within the adult protection process will be addressed via internal policies of the agency concerned and not under the remit of this complaints procedure.

**COMPLAINTS CONCERNING THE ADULT SAFEGUARDING PROCESS**

The complaint made by the vulnerable adult (adult at risk) 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 Senior Staff Member for Safeguarding responsible for the coordination and oversight of decision making within the case.

If the issues of concern relate to the complaints department’s 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 ABOUT THE ADULT SAFEGUARDING PROCESS?**

The procedure aims to ensure that people who complain have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally; therefore, in the first instance any complaint relating to the Adult Safeguarding process will be directed to the complaints department responsible for the co-ordination and oversight of decision-making within the case.

If the complaint concerns the Manager responsible for the coordination of the case, then the relevant line manager will investigate the complaint.

**Stage** **1** **–** **Local** **Resolution**

Complaints can be addressed either in writing, by telephone or in person to the complaints department or the line manager who will: -

• Consult with relevant partners, on behalf of the Safeguarding Board to determine whether the complaint should be dealt with via the relevant agency’s complaints procedure or viathe 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 for adult safeguarding of the complaint *(as* *appropriate*)

• Inform the Complaints Manager for the relevant Local Authority or Health Board 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 timescales set in accordance with local complaints procedure.

• 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 **10 working days** of the receipt of the complaint. When the complaint has been resolved the Manager must write to the complainant to confirm resolution within a further **5 working days**. This time period can be extended. This should be confirmed in writing to the complainant, setting out clearly the time-scale for the extension.

• Keep the complainant informed in writing of any delays in resolving the complaint.

* When the matter has been investigated, the Manager 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 appropriate.

* If the complaint is of a complex/serious nature and cannot be satisfactorily resolved at Stage 1, the complainant has the right to escalate the complaint to Stage 2 of the process.

**Stage** **2** **–** **Review**

The aim of the complaints procedure is for complaints to be resolved locally through a local resolution (Stage 1). However, if this is not possible provision should be made for a review (Stage 2). A complaint subject to a review **MUST** be investigated by a person at managerial level that has not had involvement in the case. It is a matter for each agency to determine how they appoint an investigator. An investigator may be another paid employee of the organisation.

Investigators have a number of tasks:

* Confirm in writing the complaint with the complainant.
* Ensure all parties are fully involved and informed.
* Set out a plan for the investigation including the completion of the report.
* Interview those concerned and find out the facts.
* Provide a record of the interview to those interviewed.
* Find out how the complaint can be resolved.
* Keep accurate records
* Prepare a report of the investigation for the agency to consider.
* Complete their work within the time-scale laid down.
* Make sure the people involved feel listened to and understood.
* Make constructive, proportionate and achievable recommendations.
* Be objective and as open as possible about their methods - and about the reasons behind their conclusions.

Other than in exceptional cases, the review must be completed - and the written response sent to the complainant - **within 50 working days** of the start date of the Stage 2 Investigation. In exceptional cases an extension of time can be granted for completion of the formal investigation.

Any extension of time can only be authorised by the respective Director for Social Services in the case of a Local Authority, Chief Constable in the case of the Police and in the case of the Health Board, governance leads in conjunction with the Patient Feedback Manager, and a record kept for reporting purposes. If it is not possible to complete the second stage in 50 working days, the relevant organisation must write to the complainant as soon as they can, informing them of:

* the reason for the delay; and
* the date by which they will receive a response.

The Investigator’s report will form the basis of the agency’s response and it should be evidence based, clear and concise, distinguish between fact, feeling and opinions and reach clear conclusions. It should also determine whether the complaint is upheld or not upheld and make recommendations for resolving the complaint and improving the service.

The Investigator’s report will, in normal circumstances, be made available in full to the complainant.

The response should be clear, understandable and in writing unless the

complainant has requested an alternative method of communication.

A response letter will be drafted by the Director for Social Services in the case of a Local Authority, Chief constable in the case of the Police and a Service Delivery Unit manager (with additional executive approval) in the case of the Health Board. The letter must:

* State whether elements of the complaint is upheld or not upheld
* Set out the recommendations and what action the agency will take in relation to those recommendations.
* Contain an apology where appropriate.
* Enclose the Investigator’s report unless there is a specific reason not to.
* Offer the complainant an opportunity to discuss the response with an appropriate officer.

**Stage 3 – Appeal**

If after stages 1 and 2 the complainant remains dissatisfied with the outcome, they have the right to appeal to the Chair of the Safeguarding Board.

Should the complainant be dissatisfied following the outcome of Stage 3 of the appeal, then they can be signposted to the Public Service Ombudsman for Wales at 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ Tel: 0300 790 0203 Fax: (01656) 641199.

**Glossary** **of** **terms**

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| 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 |
| Complaints Manager | Complaints manager in each Local Authority responsible for dealing with complaints about adult social care |
| 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 that is submitted 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. |
| Adult at Risk | An adult at risk is1. Experiencing or is at risk of abuse or neglect
2. Has needs for care and support (whether or not the authority is meeting any of those needs), and
3. As a result of those needs is unable to protect himself or herself against the abuse or neglect or risk of it.

This is in conjunction with the Social Services & Well-being (Wales) Act 2014. |
| 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. |

**Point of Contact** **for** **Adults** **Safeguarding** **Complaints** **Details** **for** **across** **the** **Western** **Bay** **Region**

🡺**Neath** **Port** **Talbot** **County** **Borough** **Council**

Leighton Jones

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🡺**City** **and** **County** **of** **Swansea**

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🡺**Abertawe** **Bro** **Morgannwg** **University** **Health** **Board**

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🡺**South** **Wales** **Police**

Detective Inspector in charge of Safeguarding in each BCU

 South Wales Police

 Cowbridge Police Station,

 Westgate,

 Cowbridge CF71 7AR

🡺**CIW**

CIW

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