



## North Wales Regional Safeguarding Board

# North Wales Protocol for the Management of Complaints Relating to the Functions of the North Wales Regional Safeguarding Board

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## **1.0 Introduction**

### **1.1. Safeguarding is ‘everyone’s business’**

- 1.2. The Social Services and Wellbeing Act 2014 requires that Safeguarding Boards assure themselves that local safeguarding arrangements are in place across their locality and that their partners act appropriately to help and protect adults from abuse and neglect.
- 1.3. Whilst protecting children/ adults at risk of abuse or harm will always be the main priority of the North Wales Regional Safeguarding Board, the Board recognises the importance of raising awareness in order to prevent abuse and neglect and that partner’s share collective responsibility for ensuring that all efforts to keep people safe are effective and well-co-ordinated.
- 1.4. Similarly all complaints will be taken seriously and fully investigated with outcomes being used to review and revise policy and procedures thereby ensuring continuous improvement. In this, the role of every Board member is crucial in ensuring that the North Wales Regional Safeguarding Board is able to meet its statutory duties by promoting the All Wales Inter-agency Safeguarding Policy, and when necessary holding their own organisations to account.
- 1.5. It brings the process in line with the *Model Concerns and Complaints Policy and Guidance*, *Social Services Complaints Regulations* and the NHS Complaints Procedure *Putting Things Right*.

## **2.0. Purpose**

- 2.1. The purpose of this policy and associated procedure is to ensure a prompt, sensitive and professional response to the management of complaints arising in relation to the functioning of the North Wales Regional Safeguarding Board (NWRSB) in the discharge of its duties. This policy is supported by the All Wales Safeguarding Inter-agency Policy and Procedures and the individual policy and procedural guidance of each partner agency.

## **3.0. Scope of this Policy**

- 3.1. This policy sets out the North Wales Regional Safeguarding Board’s approach to the management of complaints made in relation to the discharge of its **core duties** in accordance with the requirements of the Social Services and Wellbeing Act 2014.

## **4.0. Who may make a complaint?**

- 4.1. This procedure is open to anyone who may wish to complain about the functioning of the North Wales Regional Safeguarding Board (NWRSB) in the discharge of its duties. A complaint may therefore be received from people who use services, carers, advocates, and members of the public etc.

Complaints can be made in person, in writing or by telephone to any member of the NWRSB or directly to the NWRSB Business Manager.

## **5.0. What may be complained about?**

5.1. A complaint may include any of the following but is not an exhaustive list. Every complaint received will be viewed by the RSCB Chair/Business Manager and reps from each of the statutory organisations to review and consider the complaint and its pathway forward.

- An expression of dissatisfaction or concern in respect of any function, standards or actions of the Safeguarding Board
- Complainant disagrees with a NWRSB decision not/ or to hold a Child/Adult Practice

## **6.0. What is not a Complaint?**

6.1. There are some things that will not be treated as a complaint since there are other more appropriate ways to deal with them e.g.

- A difference of legal interpretation, or matters subject to legal action as these can only be resolved through the legal system
- A difference of opinion, including policy disagreements
- Matters where there are other established review or appeal processes

## **6.2. Which Complaints are outside the scope of this policy?**

6.3. There are other procedures for dealing with some particular types of complaint e.g. complaints in relation to the undertaking of Adult/Child Safeguarding Enquiries. Any such complaints should be directed to the Local Authority with responsibility for co-ordinating Child /Adult Safeguarding arrangements in which the Child/Adult at Risk lives

6.4. Such complaints may include:

- Complainant alleges that the Local Authority has not followed the All Wales Inter-agency Safeguarding Policy and Procedures
- Complainant says that the Local Authority has failed to take account of all relevant evidence including a failure to involve the vulnerable child adult/representative
- Complainant is unhappy about the way information was shared or about who information was shared with
- Complainant is unhappy about the length of time taken by the Local Authority to conclude a case

6.5. In addition the NWRSB is not responsible for the delivery of services in partner agencies or for services commissioned by partner agencies. Individual

services therefore do not fall within the scope of this policy and will be dealt with by the responsible agency according to their own processes.

- 6.6. Complaints regarding decisions taken by a professional/organisation that do not fall within the duties of the NWRSB under the terms of the Social Services and Wellbeing Act 2014, are also outside the scope of this policy e.g. the police decide not to pursue a criminal investigation or the NHS decides not to provide specific medical treatment. Since these decisions do not relate to the functions of the NWRSB, any such concerns need to be raised with the relevant organisation.

#### **4.0. Policy Statement**

- 4.1. The North Wales Regional Safeguarding Board works in partnership to safeguard and promote the well-being and independence of children/ adults, living in North Wales who are experiencing, or at risk of abuse or neglect and will undertake an investigation into any complaint made in relation to the discharge of its duties, as outlined in section 3 above.

#### **5.0 North Wales Arrangements**

- 5.1. The North Wales Regional Safeguarding Board is the statutory body that sets the strategic direction for safeguarding and is responsible for protecting children/ adults who are experiencing, or who are at risk of abuse or neglect living in North Wales. The Board does this by assuring itself of local safeguarding arrangements including how partners act to help and protect adults.

#### **6.0. Who this policy applies to**

- 6.1. This policy applies to all partners of the North Wales Regional Safeguarding Board when specifically undertaking functions in relation to the discharge of the Board's duties.

#### **7.0. Anonymous Complaints**

- 7.1. Anonymous complaints will be investigated. Following any such investigation the NWRSB Business Manager in conjunction with the Chair will decide what, if any actions should be taken as a result of the investigation.

#### **8.0. Giving people support and advice when they complain**

- 8.1. Written consent to share information should be provided to the NWRSB Business Manager in any situation where a complainant wishes someone else to act on his or her behalf, and also in situations where a complainant wishes to be supported by someone of his/her choice throughout the complaints process.

- 8.2. A representative may also act on behalf of a complainant who is not capable of making a complaint him/herself. In such circumstances the Business Manager will make contact with the complainant to obtain their consent to share information. In situations where a person is felt to lack the capacity to give their consent to information sharing and there is no-one suitable to help them make this decision such as a family member or friend, the NWRSB Business Manager will refer to an Independent Advocate.

## **9.0 Time limit for making a complaint**

- 9.1. Complaints should generally be made within one year of the event that gives rise to the complaint. However complaints received outside of this time limit will be considered where:
- The circumstances of the complainant at the time may have made a complaint impractical (e.g. illness)
  - There is still benefit to the complainant in proceeding with the complaint investigation
  - Action should be taken in the light of human rights based legislation

## **10.0 How will a complaint be dealt with?**

- 10.1. The NWRSB has a two stage complaints procedure, which is outlined below.
- 10.2. At each stage of the process clarification will be sought from the complainant in order that the complaint be resolved as quickly as possible.

### **10.3. Stage 1 Regional Informal Resolution**

- 10.4. This provides the first opportunity to resolve any complaint to the satisfaction of the complainant and it is anticipated that the majority of complaints will be resolved at this stage. On receipt of the complaint the NWRSB Business Manager will determine whether the complaint is within the scope of the NWRSB Complaints Policy and discuss with the Chair how the complaint will be handled, and the complainant advised accordingly.
- 10.5. The complainant will be advised if their complaint is outside the scope of the policy and asked if they wish their complaint to be forwarded to the agency/person best placed to respond to it.
- 10.6. In relation to complaints any such discussion must take place within **10 working days** of the 'date of acknowledgment'.
- 10.7. Safeguarding Board Regional Business Manager, will arrange for the complaint to be investigated and will try to resolve it informally within **10 working days**.
- 10.8. Where this approach leads to the mutually acceptable resolution of the matter, the Regional Safeguarding Business Manager must write to the complainant (and where one has been appointed, that person's advocate) with details of

the terms of the resolution **within 5 working days** of the date on which the complaint or representation was resolved

10.9. **Stage 2 General Complaints Process**

10.10. If a complainant is dissatisfied with the response at Stage 1 a review may be requested, which will be undertaken by Regional Board Members independent of the first investigation. This process will be completed within **15 working days of the complainant request to go to stage 2.**

10.11. The panel should consist of a minimum of three senior representatives from Regional Safeguarding Board member agencies, one of whom will act as Chair.

10.12. The panel shall not include anyone who has had direct involvement or immediate line management responsibility for the issue that is being heard.

10.13. The Panel will be supported by the Board's Legal Advisor as necessary

10.14. Recommendations for membership of the Panel, and for the Panel Chair will be made in consultation with the Regional Business Manager and Safeguarding Board Chair

10.15. The panel will be supported administratively by a nominated Board Administrator [i.e. organisation of date, venue, circulation of relevant reports beforehand, and minutes].

The General Complaints Panel will consider:

- Whether the process followed any All Wales or North Wales Procedures; as relevant.
- Whether the decision/ action that is being complained about follows reasonably from the proper observation of any relevant procedures;
- Whether the decision / action that is being complained about followed reasonably from the information available to the Safeguarding Board at the time.

10.16. The General Complaints Panel will make recommendations as relevant to the resolution of the complaint.

10.17. The Chair of the Panel shall inform the complainant of the decision of the General Complaints Panel

10.18. The Chair of the Panel shall inform the Safeguarding Board of the decision

10.19. If the complainant is not satisfied with the outcome of this procedure, they may take the case to the Public Services Ombudsman for Wales.