



# **NWSAB Management of Complaints Practice Guide**

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## **1.0 Purpose**

- 1.1. The purpose of this practice guide is to ensure a sensitive and professional multi-agency response to the management of complaints arising from the functioning of North Wales Safeguarding Adult Safeguarding Board's multi-agency adult at risk processes.
- 1.2. The procedure reflects the statutory guidance in relation to Part 7 of the Social Services and Well-being (Wales) Act 2014. It also reflects the Wales Safeguarding Procedures which states that:

“Every Regional Safeguarding Board should have a complaints procedure in place for the handling of complaints about a multi-agency process, such as an adult protection strategy meeting. The complaints process should address the multi-agency nature of a process rather than the complaint against the actions of a single agency which should be pursued through their own complaints' procedure”.

This practice guide relates to the following aspects of the Board's multi-agency safeguarding functions:

- Adult at Risk Strategy Meetings and Conferences:
- 1.3. Any other complaints about the adult protection processes should be directed to the relevant local authority or partner agency internal complaints process.
  - 1.4. This procedure does not replace individual agencies' own complaints procedures and will not address complaints that include:
    - Any other concerns or complaints about a single agency's processes
    - Services that are delivered by agencies to the adult at risk, or
    - Complaints about an individual's professional practice or conduct of an officer attending a safeguarding meeting, complaints in relation to the contents of written record of the conference/practice review which will be dealt with by the person who chaired the conference/practice review
  - 1.5. These complaints should be made via the relevant agencies complaints process.

### **Who can make a complaint?**

- 2.1. Anyone directly involved in the Adult Protection process can make a complaint which will be considered by the relevant Safeguarding Board. If the complaint is not deemed appropriate, then the reason for this decision will be communicated to the complainant in writing.
- 2.2. If and when a complaint is upheld by one of the Safeguarding Boards, and additional independent conference/ review proceedings have been convened (all those involved in subsequent conference/review proceedings must be independent of the original conference process), it is not within the remit of

this procedure to consider subsequent complaints by the complainant about the conference/ review process undertaken for same child/ adult case.

- 2.3. If at the conclusion of the complaints process the complainant remains dissatisfied with the outcome, there is no further recourse via this procedure

### **3.0. Adult at Risk Strategy Meeting / Conferences**

- 3.1. An adult at risk, their carer or someone acting on behalf of the adult at risk (an attorney, court-appointed deputy, professional advocate or nominated individual) who is involved in the adult protection process may wish to raise a complaint in respect of one or more of the following aspects of the multi-agency Adult at Risk Strategy Meeting or Conference.
- 3.2. If the adult has capacity to bring a complaint, then no one is able to bring this complaint without their consent. If the adult lacks capacity to bring a complaint this needs to be assessed and documented and a subsequent best interest decision made as to whether or not, it is in the person's best interests for a complaint to be made. An advocate will be able to support in these circumstances
  - The process of the Strategy Meeting/ Conference in terms of adherence to procedures;
  - The decision/outcome of the Strategy Meeting/ Conference

### **Stage 1 - Resolution by the Chair**

- 4.1. The North Wales Adult Safeguarding Board is committed to resolving complaints at the earliest opportunity and at a local level where this is possible. Many issues can be resolved at this stage of the process by the Strategy Meeting / Conference Chair.
- 4.2. A complaint should be made in writing, by telephone or in person to the Chair within **10 working days** of the strategy/ conference meeting or if the individual/ complainant is not in attendance at the meeting **10 working days** of receiving the minutes.
- 4.3. The Chair will attempt to resolve the complaint within **10 working days** of receiving the complaint. If the matter is resolved, the Chair will send a response letter to the complainant confirming the agreed resolution and inform the local authority Safeguarding Service Manager.
- 4.4. If the complaint is not resolved, the Chair should inform the local authority Safeguarding Service Manager that the complainant wishes to go to next stage of the procedure, the interagency North Wales Safeguarding Adults Complaints Panel.

- 4.5. The complaint at this stage will need to be in a written format. The person making the complaint may need to be assisted in putting their complaint in a written format (see Appendix 1). From the date of receiving the complaint the Safeguarding Board has **20 working days** to convene the inter-agency North Wales Safeguarding Adults Complaints panel meeting.

### ***Complaints about the Chair***

***If the complaint is about the conduct of the Chair it should be addressed either in writing, by telephone or in person to the local authority Safeguarding Service Manager, who will attempt to resolve the complaint within 10 working days of the receipt of the complaint. If the conference chair and the Safeguarding Service Manager is the same person, the complaint would need to be addressed by another senior manager.***

***If the matter is resolved, the senior manager concerned will send a response letter to the complainant confirming the agreed resolution and inform the relevant Complaints Department, if appropriate.***

### **Stage 2 - Inter-agency North Wales Safeguarding Adults Complaints Panel**

- 5.1. If the complaint cannot be resolved at Stage 1 then the local authority Safeguarding Service Manager will share all information in relation to the complaint with the North Wales Safeguarding Business Unit.
- 5.2. The Business Unit will convene a meeting of the Inter-agency North Wales Safeguarding Complaints Panel. The Inter agency panel should consist of a minimum of three representatives from the relevant Board, one of whom will act as chair. The Inter-Agency Panel shall not include any agency that has had direct involvement in the case being heard and therefore will ensure maximum independence within this process.
- 5.3. The Business Unit will circulate all relevant documentation to members of the panel including the original complaint and any relevant reports.
- 5.4. The complainant will be advised of the meeting and be provided with an opportunity to attend. They will be entitled to be accompanied by a person of their choice.
- 5.5. At the Inter-Agency Panel meeting the chair will be responsible for:
- Introducing the meeting and explaining its purpose;
  - Explaining what the Inter- Agency Panel will and will not consider;
  - Outlining any previous measures that have attempted to resolve the complaint and any background issues;
  - Providing the complainant with an opportunity to make a statement in person or in writing to the Inter-agency panel and call evidence relating to his/her complaint.

- 5.6. The Inter –agency panel may request the Chair Person to attend.
- 5.7. The Inter-Agency Panel has **25 working days** from the date that the initial complaint was **signed** to inform the complainant of their findings.

#### **4.0. Decision of the Inter-Agency Panel**

- 6.1. The Complaints Panel will determine:
  - Whether the process followed adhered to the Wales Safeguarding Procedures;
  - Whether the decision that is being complained about followed reasonably from the proper observation of the procedures;
  - Whether the decision that is being complained about followed reasonably from the information available to the original conference.
- 6.2. The North Wales Inter-Agency Adults Safeguarding Complaints Panel **cannot change the decision of the Strategy Meeting/ Conference** but can request the Strategy meeting/ Conference to be reconvene to take account of the panel's findings.

The Chairperson will write to the complainant informing them of the decision of the panel. Copies of the letter will be sent to:

- The adult, if they have capacity;
  - Any other person with care-giving responsibility (if the adult lacks mental capacity to consent to this information-sharing and it is in their best interests to share);
  - The Chair of the Adult Protection Strategy Meeting/ Conference, subject to the complaint;
  - The local authority Safeguarding Service Manager;
  - Any other relevant person involved in the case that is identified by the Panel.
- 6.3. If any part of the complaint is upheld, the North Wales Inter-Agency Adults Safeguarding Complaints Panel may make recommendations for future learning, including raising the matter in the Local Delivery group, or about specific issues to be addressed in subsequent conferences.
  - 6.4. Where a part of the complaint is upheld but the panel is of the view that this has not affected the decision of the Strategy Meeting/ Conference, the Strategy Meeting/ Conference decision will stand.
  - 6.5. If the North Wales Inter-Agency Adults Safeguarding Complaints Panel is of the view that the decision of the Strategy Meeting/ Conference was affected, the Inter-Agency Complaints Panel will recommend that the Strategy Meeting/ Conference be reconvened. A different chair must be nominated and the Strategy Meeting/ Conference reconvened within **15 working days** of the panel decision. The original Strategy Meeting/ Conference decision will remain in place until the reconvened Conference has taken place.

- 6.6. In some cases, complainants may raise concerns about individual agencies during the course of the Inter-Agency Panel meeting, should this happen and the information provided raises concerns about the quality of practice within that agency, the Chair of the Panel will discuss these with the designated senior manager of the agency concerned immediately following the Inter – Agency Panel meeting.

Appendix 1:

North Wales Safeguarding Adults Board  
**Stage 1 Informal Resolution  
Meeting Template**

<b>Date of Meeting</b>	
<b>Venue</b>	
<b>Present</b>	
<b>Areas of Complaint Discussed</b>	
<b>Resolutions Suggested</b>	<b>Resolution Agreed/Not Agreed</b>
<b>Further Action Required - Yes/No</b>	
<b><u>Issues to be addressed through Formal Stage 2 Panel</u></b>	
<b>Please specify which of the above aspects of the strategy meeting/ case conference process is/are being complained about</b>	
<ul style="list-style-type: none"><li>▪ Whether the process followed adhered to the Wales Safeguarding Procedures;</li><li>▪ Whether the decision that is being complained about followed reasonably from the proper observation of the procedures;</li><li>▪ Whether the decision that is being complained about followed reasonably from the information available to the original meeting/ conference.</li></ul>	
<b>Signed Complainant</b>	<b>Signed Chair</b>
<b>Date</b>	<b>Date</b>

## Appendix 2: Process Flow Chart

