

COMPLAINTS POLICY & PROCEDURE

Version 3.3



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Revision Number	Date Approved by the Board	Change Record	Links to Other Policies	Review Date:
3.2 (October 2019)	Not required, minor amendments	Included reference to LASS and NHS Complaint Regs 2009 and amended some terminology	Teeswide Inter-Agency Safeguarding Policy and procedures SAR Policy and Procedures. Added link to Professional Challenge Procedure.	Oct-21
3.3 (January 2021)	Not required	Formatting reviewed, no changes to content	Teeswide Inter-Agency Safeguarding Policy and procedures SAR Policy and Procedures. Added link to Professional Challenge Procedure.	January 2022

1. Introduction

Safeguarding is 'everyone's business'

The Care Act 2014 requires that Safeguarding Adults 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. Whilst protecting adults at risk of abuse or harm will always be the main priority of the Teeswide Safeguarding Adults Board (TSAB), the Board recognises the importance of raising awareness in order to prevent abuse and neglect and that partners share collective responsibility for ensuring that all efforts to keep people safe are effective and well-co-ordinated.

Everyone has a responsibility to take a 'Think Family' approach. 'Think Family' is an approach that requires all agencies to consider the needs of the whole family from working with individual members of it, making sure that support provided by children's, adults and family services is coordinated and takes account of how individual problems effect the whole family.¹

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 Teeswide Safeguarding Adults Board is able to meet its statutory duties by promoting the Teeswide Inter-agency Safeguarding Policy, and when necessary holding their own organisations to account.

2. Purpose

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 TSAB in the discharge of its duties. This policy is supported by the Teeswide Inter-agency Safeguarding Adults Policy and Procedures and the individual policy and procedural guidance of each partner agency.

3. Scope of this Policy

This policy sets out the TSAB's approach to the management of complaints made in relation to the discharge of its **core duties** in accordance with the requirements of the Care Act 2014 and the Local Authority Social Services and National Health Service Complaint (England) Regulations 2009².

Who may make a complaint?

This procedure is open to anyone who may wish to complain about the functioning of the TSAB 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 TSAB or directly to the TSAB Business Manager.

What may be complained about?

A complaint may include any of the following:

- Complainant alleges the TSAB has not followed its own policies and procedures
- Complainant is unhappy with the conduct or decision making of the Independent Chair
- Complainant is unhappy with the conduct, actions or omissions of a member of the TSAB.

What is not a Complaint?

There are some things that will not be treated as a complaint since there are other more appropriate processes to deal with them, for example:

- 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

¹ Think child, think parent, think family: a guide to parental mental health and child welfare

<https://www.scie.org.uk/publications/guides/guide30/>

² [LASS and NHS Complaint \(England\) Regulations 2009](#)

- Matters where there are other established review or appeal processes for example Professional Challenge Procedure.

Which Complaints are outside the scope of this policy?

There are other procedures for dealing with some particular types of complaint, for example, complaints in relation to the undertaking of Adult Safeguarding Enquiries. Any such complaints should be directed to the Local Authority with responsibility for co-ordinating Adult Safeguarding arrangements for the adult involved.

Such complaints may include:

- Complainant alleges that the Local Authority has not followed the Teeswide 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 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.

In addition, the TSAB is not responsible for the delivery of services by 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.

Complaints regarding decisions taken by a professional/organisation that do not fall within the duties of the TSAB under the terms of the Care 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 TSAB, any such concerns need to be raised with the relevant organisation.

4. Policy Statement

The TSAB works in partnership to safeguard and promote the well-being and independence of adults, living in the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees, 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. Teeswide Arrangements

The TSAB is the statutory body that sets the strategic direction for safeguarding and is responsible for protecting adults who are experiencing, or who are at risk of abuse or neglect living in the Boroughs of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees. The Board does this by assuring itself of local safeguarding arrangements including how partners act to help and protect adults. It comprises inter-agency representation and oversees the implementation of work undertaken by each of its sub-groups, including the operational delivery of the Teeswide Quality Assurance Framework. The Board is led by an Independent Chair who has responsibility for ensuring that it meets its statutory responsibilities and reports on the discharge of its functions.

Statutory members of the TSAB as outlined below are signatories to the **Teeswide Inter-agency Safeguarding Adults Policy and Procedures**:

- Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees Borough Councils
- Hartlepool and Stockton-on-Tees Clinical Commissioning Group and South Tees Clinical Commissioning Group
- Cleveland Police.

6. Who this policy applies to

This policy applies to all members of the Teeswide Safeguarding Adults Board when specifically undertaking functions in relation to the discharge of the Board's duties.

7. Anonymous Complaints

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

8. Complaints against the Independent Chair

Any complaint/concern about the TSAB Independent Chair in respect of his/her effectiveness, independence or conduct will be dealt with by the Managing Director of Stockton-on-Tees Borough Council. The Managing Director in discussion with the Chief Executives of Hartlepool, Middlesbrough and Redcar and Cleveland Borough Councils, will agree a course of action and if necessary appoint a suitable person to investigate the complaint/concern.

9. Giving people support and advice when they complain

Written consent to share information should be provided to the TSAB Business Manager in any situation where a complainant wishes for 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.

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 Business Manager will refer to an Independent Mental Capacity Advocate (IMCA).

10. Time limit for making a complaint

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

11. How will a complaint be dealt with?

The TSAB has a two stage complaints procedure, which is outlined on the summary sheet and diagram below.

At each stage of the process clarification will be sought from the complainant in order that the complaint is resolved as quickly as possible. The timeline is for guidance only and every effort will be made to complete investigations as quickly as possible. Where investigations are delayed for any reason, the complainant will be advised of this by the Investigating Officer and a new time frame given.

Any personal data received at any stage of the process will be dealt with in accordance with the current Data Protection legislation and the [TSAB Information Sharing Agreement](#).

Stage 1

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 TSAB Business Manager will determine whether the complaint is within the scope of the TSAB Complaints Policy and discuss with the Independent Chair how the complaint will be handled, and the complainant advised accordingly. 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.

Stage 2

If a complainant is dissatisfied with the response at Stage 1 a review may be requested, which will be undertaken by a person independent of the first investigation.

Remedial Action

In the event of a complaint being upheld a full apology explaining what happened and/or what went wrong will be given and remedial action taken if appropriate.

Conclusion

If a complainant remains dissatisfied with the way that the complaint has been handled or the outcome, he/she may contact the Local Government Ombudsman. The TSAB Business Manager will provide the complainant with details on how to contact the LGO.

12. Learning lessons

Details of complaints investigated and their recommendations will be shared with the Teeswide Safeguarding Adults Board, which will:

- Consider the investigation’s findings and recommendations
- Ensure through the TSAB, and its sub-groups, that any lessons learned from the complaint contribute to practice improvement and service planning
- Recommend any changes to the Teeswide Inter-agency Safeguarding Adults Procedures.

13. Complaints Procedure Summary and Diagram

Stage of Procedure	Role	Responsibility	Maximum Timeframe
Complaint Received	Complaint received into the TSAB Business Unit.	TSAB Business Unit	3 working days
	Business Manager or, in their absence, the Admin and Information Officer determines whether the complaint is within the scope of the TSAB Complaints Policy (if necessary in discussion with the TSAB Independent Chair).	TSAB Business Manager/ Admin and Information Officer/ Independent Chair	
	Complaint logged and letter of acknowledgment sent to complainant.	TSAB Business Unit	
	If the complaint is outside of the scope of the Complaints Policy, the complaint will be forwarded to the agency/person best placed to respond to it and the complainant advised of this course of action.	TSAB Business Manager/ Business Unit	
	Any complaints regarding the TSAB Independent Chair will be forwarded to the Managing Director of Stockton-on-Tees Borough Council for a response and the complainant advised.	TSAB Business Manager/ Business Unit	

Stage of Procedure	Role	Responsibility	Maximum Timeframe
	Anonymous complaints will be investigated.	TSAB Business Manager/Business Unit	
Decision Making	<p>Decision made on how the complaint should be handled and whether an investigating officer should be appointed.</p> <p>Plan of action agreed and complainant advised how the complaint will be dealt with.</p> <p>If an investigation is to be carried out, an appropriate person is identified to undertake it as the 'investigating officer'.</p> <p>Complaint sent to Investigating Officer.</p>	<p>TSAB Business Manager/ Independent Chair</p> <p>TSAB Business Manager/Business Unit</p> <p>TSAB Business Manager/ Independent Chair</p> <p>TSAB Business Manager</p>	5 working days
Stage 1 Investigation	<p>Investigating Officer meets with the complainant to confirm the details of the complaint and agree a timescale for completion.</p> <p>Investigation undertaken Report compiled.</p> <p>Meeting held with complainant to share the report and revise if appropriate.</p> <p>Letter sent to complainant confirming outcome.</p> <p>In the event of the complaint being upheld, an apology is made and remedial action taken if appropriate.</p> <p>Contact made with the complainant to check whether satisfied with the outcome or not.</p>	Investigating Officer	20 working days
If complaint has been resolved	Complaint closed and outcome recorded.	TSAB Business Unit	1 working day
If complaint is still unresolved	<p>TSAB Business Manager identifies where the complainant is dissatisfied after communication of the decision at Stage 1.</p> <p>TSAB Independent Chair identifies an Investigating Officer in discussion with the TSAB Business Manager for Stage 2 Investigation.</p> <p>TSAB Business Manager sends letter to complainant advising of the name and contact details of the</p>	<p>TSAB Business Manager</p> <p>TSAB Independent Chair</p> <p>TSAB Business Manager</p>	3 working days

Stage of Procedure	Role	Responsibility	Maximum Timeframe
	Investigating Officer at Stage 2 of the TSAB Complaints Procedure.		
Stage 2 Investigation	<p>Investigating Officer meets with the complainant to confirm the details of the complaint and agree a timescale for completion.</p> <p>Investigation undertaken.</p> <p>Report compiled.</p> <p>Meeting held with complainant to share the report and revise if appropriate.</p> <p>Letter sent to complainant confirming outcome.</p> <p>In the event of the complaint being upheld, an apology is made and remedial action taken if appropriate.</p> <p>Contact made with the complainant to check whether satisfied with the outcome or not.</p>	Investigating Officer	20 working days
Complaint resolved	Complaint closed and outcome recorded.	TSAB Business Unit	1 working day
Complaint dissatisfied	Complainant advised that they can take their complaint to the Local Government Ombudsman (LGO).	TSAB Business Manager	3 working days

14. Flow Chart of Complaint procedure

