



DERBYSHIRE AND DERBY SAFEGUARDING ADULTS BOARDS (SAB) COMPLAINTS POLICY AND PROCESS

Document owner	Derbyshire and Derby Safeguarding Adults Boards
Document author and enquiry point	Natalie Gee – Board Manager, Derbyshire SAB
Enquiry Point	Natalie Gee – Board Manager, Derbyshire SAB Sana Farah – Derby SAB Business Manager – Derby City Council
Date of document	13 07 2020 (signed off as a Derbyshire SAB document) 07 04 2022 Minor updates made to become a joint policy across Derbyshire and Derby City SABs and signed off by the Joint SAB Policy and Procedures subgroup 12 07 2022 signed off by Derby SAB
Version	2.0
Last Review	13 07 2024
Next document review date	13 07 2026

Introduction

This Complaints Policy applies to complaints specifically about the Derbyshire or Derby Safeguarding Adults Board (DSAB), or a Board process. This is likely to be limited to a complaint about Safeguarding Adult Reviews (SARs), about a Board process, or other publications or campaigns managed by the SABs. The SABs Complaints Policy acknowledges the Local Government and Social Care Ombudsman's (LGSCO) guidance that any complaints should be processed in accordance with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (<http://www.legislation.gov.uk/uksi/2009/309/contents/made>) and it will endeavour to do so where possible.

Derbyshire and Derby SABs' approach to complaints is based on the following key principles:

- Viability – The system for dealing with complaints has to be one that can be adequately resourced in order to provide a robust and timely response. It is essential that only complaints which are legitimately about Derbyshire or Derby SAB are dealt with through the Board's process.
- Efficiency – The system has to avoid duplicating or overlap with other existing measures. This would include both escalation processes and other complaints systems/processes.
- Informed – The system needs to be delivered by those with the expertise to provide a balanced and knowledgeable response.
- Problem solving – Experience indicates that a positive, solution focussed approach will minimise the number of formal complaints received.

In light of this, Derbyshire and Derby SAB's position in relation to complaints is as follows:

- Complaints from, or on behalf of an agency will be dealt with through the Derbyshire or Derby SAB Escalation Process, with the Derbyshire or Derby SAB Independent Chair acting as final arbiter (who has ultimate authority in the matter).
- Complaints from a member of the public regarding the conduct or performance of an employee or volunteer of a Derbyshire or Derby SAB partner agency will be referred on to the agency that employs or is responsible for that person's work (known as a Complaint Referral). The Board will direct the complainant to the relevant partner agency or offer to forward the complaint onto the partner agency if the complainant consents to this. The complaint referral to the relevant partner agency should be made as soon as reasonably practicable.
- Complaints from a member of the public about a Derbyshire or Derby SAB process, for example, a Safeguarding Adult Review (SAR), will be dealt with by the Derbyshire or Derby SAB Complaints Process, which is detailed further below. These complaints can be made verbally or in writing by the complainant.

Derbyshire and Derby SAB Complaints Policy

When a complaint is received by the Board office, the Board Manager will explore (liaising with partners where necessary) whether the complaint meets the criteria for another statutory complaints process, (for example NHS, DCC Adult Care or Police Complaints). This Board Complaints process should only be followed when other statutory complaints processes are not applicable.

The Derbyshire and Derby SAB has a two stage complaints policy:

- **Stage 1** – A complaint will initially be acknowledged by the Board office within 3 working days of receipt. The Board Manager, in consultation with the Group Manager for Safeguarding Adults and Quality, Derbyshire County Council Adult Social Care and Health or Head of Service, Safeguarding Adults & Professional Standards, Adults Social Care, Derby City Council will send a written response within 28 days from acknowledgement. Information on how to take the complaint to the second stage of the process will be included in the response.
- **Stage 2** - If the complainant is dissatisfied with the Board Manager's response, they should contact the Board Manager in writing, who will arrange for their complaint to be considered by the Independent Chair. An acknowledgement will be sent from the Board office within 3 working days of receiving written confirmation that the complainant is dissatisfied, and the Independent Chair will provide a further written response within 28 days of the acknowledgement.

Failure to resolve the complaint

When the 2-stage process of this policy and procedure has not resolved the issue to the complainants satisfaction the complainant has the right to take their complaint to the Local Government and Social Care Ombudsman: <https://www.lgo.org.uk/make-a-complaint>.

A flowchart detailing the Complaints Process for Derbyshire and Derby SAB is shown at Appendix 2. Where it is considered appropriate to adopt the Derbyshire and Derby SAB Complaints Policy, the following principles will apply:

- A complaint must be made not later than 12 months after the date on which the matter, which is the subject of the complaint occurred or, if later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.
- The time limit referred to above does not apply if the Independent Chair is satisfied that the complainant has good reason for the delay in making their complaint and is further satisfied that it remains possible for the Derbyshire or Derby SAB to investigate the complaint effectively and fairly, notwithstanding the delay.

- Where a member of the public wishes to appeal a decision made by the Derbyshire or Derby SAB (for example a decision to initiate/not initiate a SAR) this will be considered as a complaint, in accordance with the policy detailed above.
- Where a complaint from a member of the public is about a process which the Board Manager has been involved with, the Board Manager will consult with the Group Manager for Safeguarding Adults and Quality/Head of Service: Safeguarding Adults Professional Standards, who will decide whether or not the Board Manager is too compromised to respond to the complaint. In those cases (and in all cases where the complaint is directly or substantially about the Board Manager), the Group Manager/Head of Service will consult with the Executive Director of Derbyshire Council County, Adult Social Care and Health / Derby City Council, People Services to identify another suitable colleague who can provide a written response to the complainant.
- Complaints about the Independent Chair will be considered by the Executive Director of Derbyshire County Council / Chief Executive of Derby City Council.
- All written complaint responses will include details of how to contact the Local Government Ombudsman (LGSCO) using the information below

'The LGSCO provides a free, independent service. The LGSCO Advice Team can be contacted for information and advice, or to register your complaint. Contact details are:

- Telephone: 0300 061 0614
- Web form: www.lgo.org.uk/adult-social-care/ (there are links to an enquiry form and a complaint form on this page)
- By Post: The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH

The LGSCO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.'

The Board Office will ensure that a record is kept of complaints received, responded to and those referred to partner agencies. Complaints and copies of responses will be securely retained in accordance with the principles of data protection legislation.

DSAB Escalation Process for Professionals

The Derbyshire and Derby SABs seek to promote challenge between agencies to ensure continuous improvement in safeguarding arrangements across Derbyshire and Derby City. Board partner agencies are expected and encouraged to provide constructive challenge to each other.

Where a colleague in a partner agency wishes to raise a concern about a Board process, they should escalate to their Board member in the first instance, who will decide whether it can be addressed within their agency. The Board Manager will send a written response to the Board Member who raised the concern. (For partner agencies who are not members of the Board, concerns should be escalated to their safeguarding lead to raise with the Board Manager).

If the concern remains unresolved, the Board member should escalate the concern to the Independent Chair who has the final authority in the matter.

There may be exceptional circumstances in which partner agencies have concerns about another partner which cannot be raised through the existing structures of the subgroups and the Board. In these circumstances colleagues should escalate concerns to their Board member. The Board member will then decide whether this is a matter which can be resolved through existing partnership arrangements, or whether to escalate to the Independent Chair.

Where concerns are escalated which relate to a commissioned service (including health providers) the Board member and/or Independent Chair should involve the relevant commissioner.

A flowchart detailing the Derbyshire and Derby SAB Escalation Process for Professionals is appended at Appendix 1.

Vexatious Complaints

In a minority of cases a complainant may pursue their complaint in a way that is seen as unreasonable or may be unreasonably persistent in their contact. This can impede investigating a complaint which can result in significant resource issues. These actions can occur either whilst the complaint is being investigated or once the complaint has been completed.

Some of the actions and behaviours caused by unreasonable and persistent behaviour include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint's investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint's procedure.

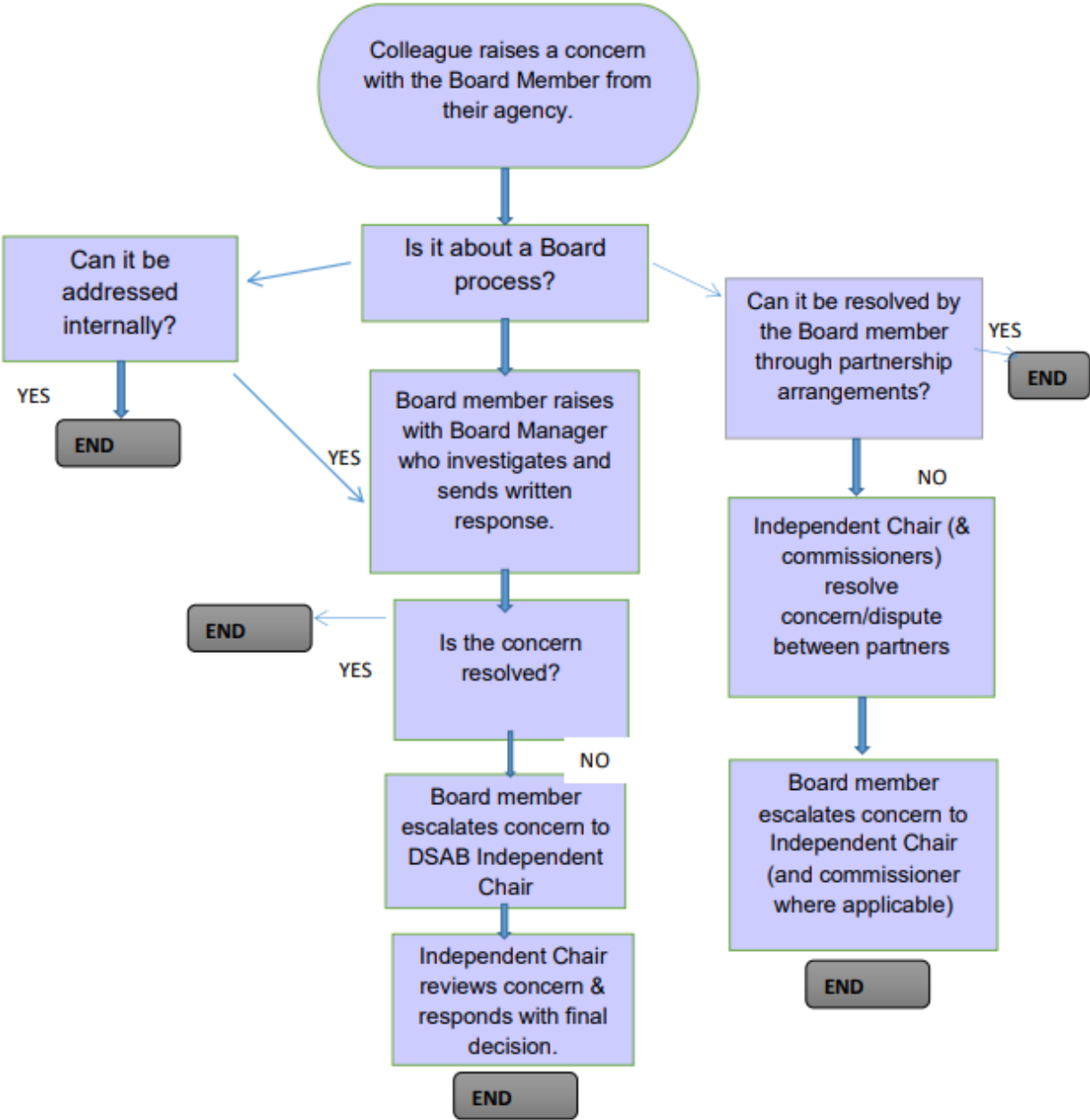
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insisting these are 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Where the Board Manager believes the complainant is behaving unreasonably, they will discuss this with the Group Manager / Head of Service and the Derbyshire or Derby SAB Independent Chair, where necessary, Derbyshire County Council's, '*Procedure for dealing with unreasonably persistent complaints and unreasonable complainant behaviour*' or Derby City Council's '*Customer Feedback Policy*' will be adopted.

Appendix 1 Derbyshire SAB Escalation Process

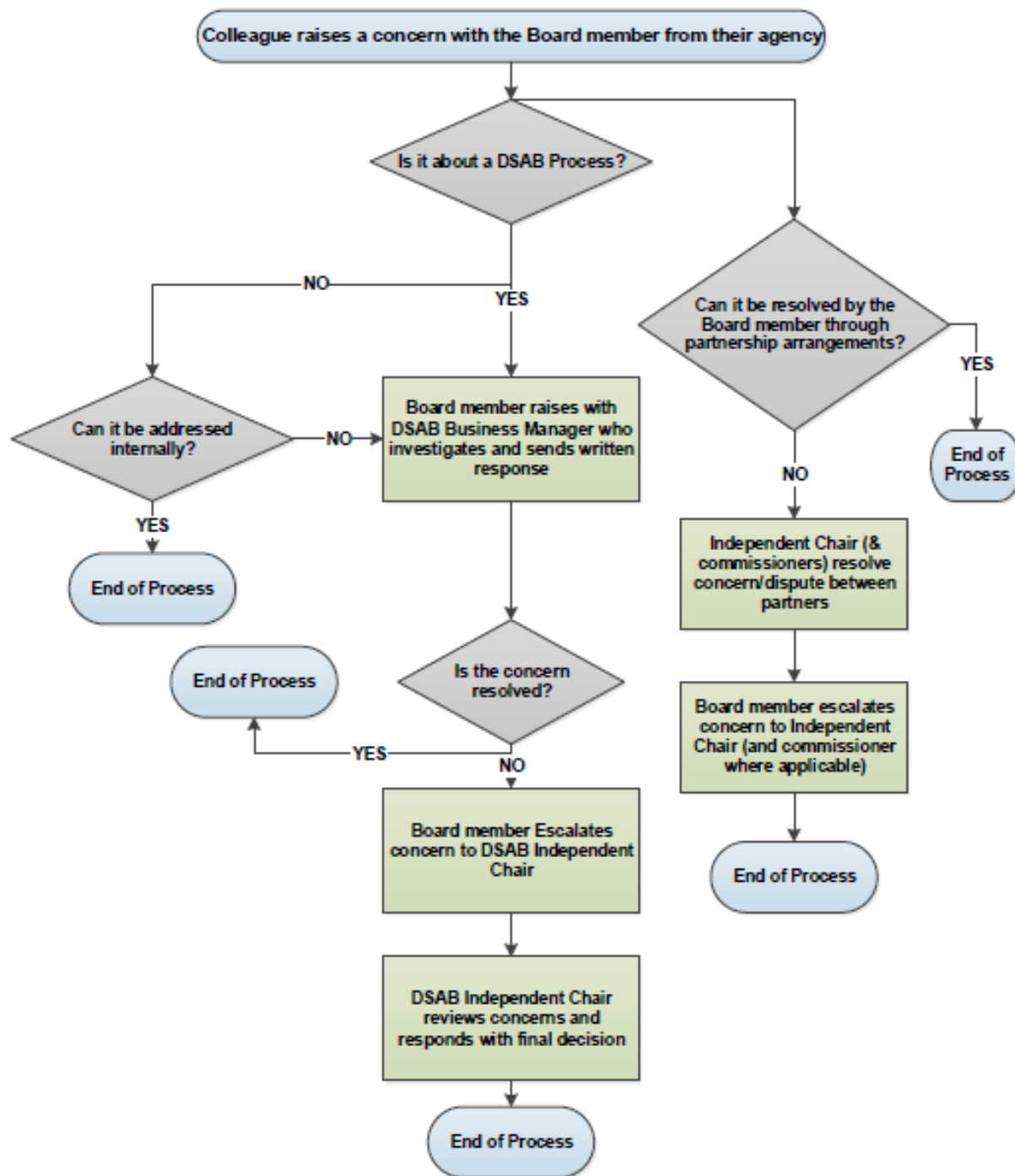
Derbyshire SAB Escalation Process

Appendix 1 DSAB Escalation Process chart for Professionals



Where the concern is about the Board manager, this should be raised with the Group Manager for Safeguarding and Quality, DCC Adult Social Care and Health. If the concern is about the Independent Chair, this should be raised with the Executive Director of DCC Adult Care and Health.

**Derby Safeguarding Adults Board (DSAB)
Escalation Process Flow Chart**

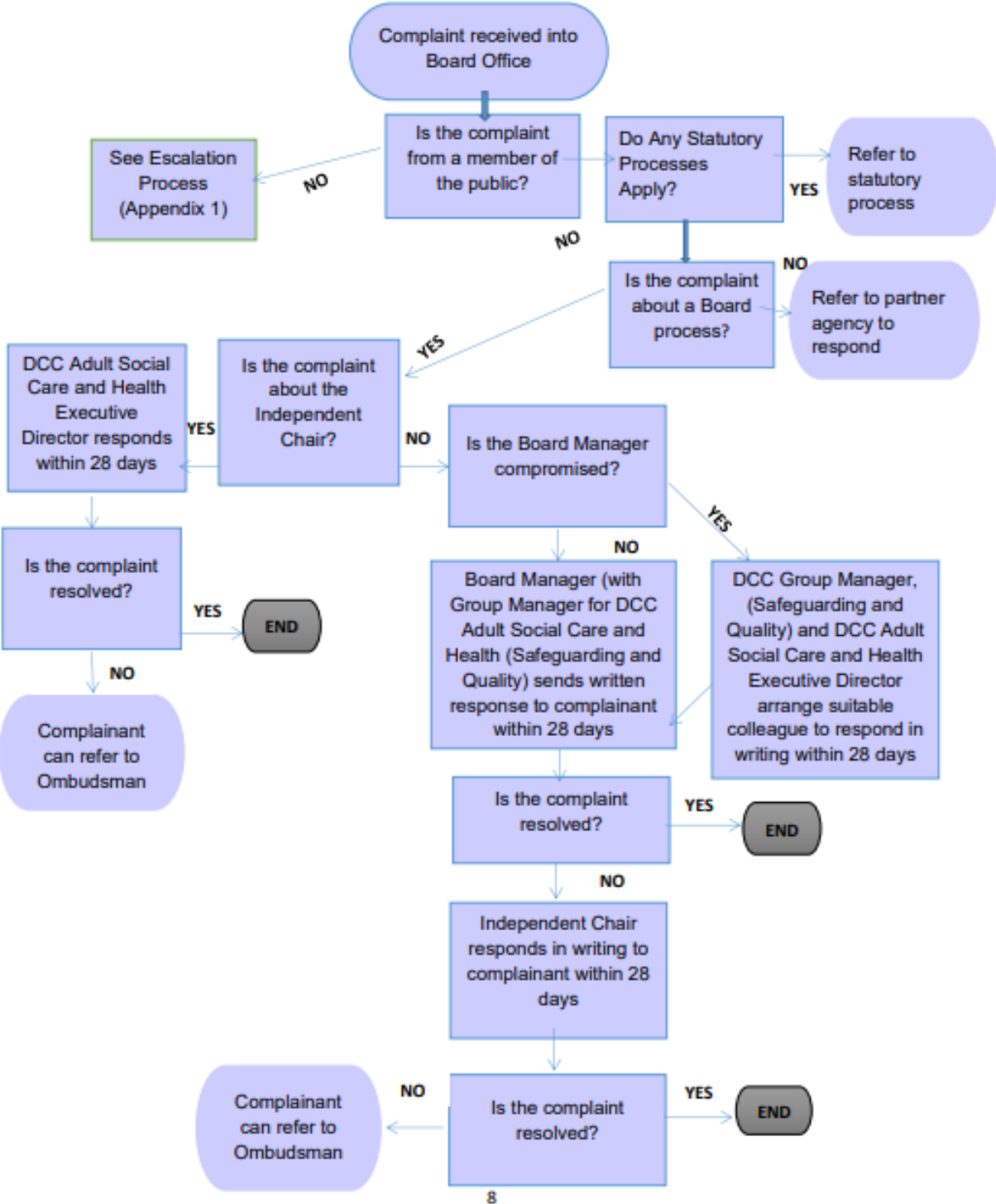


Where the concern is about the DSAB Business Manager, this should be raised with the Head of Service – Safeguarding Adults and Professional Standards, Derby City Council Adult Social Care. If the concern is about the Independent Chair, this should be raised with the Executive Director of Derby City Council.

Appendix 2 Derbyshire SAB Complaints Process

Derbyshire SAB Complaints Process

Appendix 2 DSAB Complaints Process flow chart



Derby Safeguarding Adults Board (DSAB)
Complaints Process Flow Chart

