

# Complaints Procedure

(This Procedure replaces the previous Cwm Taf Safeguarding Board Children and Adults Complaints Processes)

Cwm Taf Safeguarding Board	Date: January 2018	Status: J3 - Final Version (9) Approved March 2018
Author: Complaints Procedure Task Group	Previous Version: NA	Review Date: January 2019

## **PURPOSE**

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 Cwm Taf Safeguarding Board's multi-agency child and adult protection processes.

The procedure reflects the statutory guidance in relation to Part 7 of the Social Services and Well-being (Wales) Act 2014 and relates to the following aspects of the Board's multi-agency safeguarding functions:

- Child Protection Conferences
- Adult Protection Meetings and Conferences
- Child and Adult Practice Reviews

Any other complaints about the child or adult protection processes should be directed to the relevant local authority.

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 child, young person or 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

These complaints should be made via the relevant agencies complaints process.

## **WHO CAN MAKE A COMPLAINT?**

Anyone directly involved in the adult or child protection process can make a complaint which will be considered by the Safeguarding Board. If the complaint is deemed not appropriate then an explanation will be made in writing outlining the reasons for this decision.

## **CHILD PROTECTION CONFERENCES**

Parents, caregivers and children/young people who are involved in the conference process may wish to raise a complaint in respect of one or more of the following aspects of the functioning of the child protection conference:

- The process of the conference in terms of adherence to procedures;
- The registration decision, including the category;
- The decision not to register or to de-register.

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

The Cwm Taf 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 Conference Chair.

A complaint should be made in writing, by telephone or in person to the Conference Chair. The Chair will attempt to resolve the complaint within 10 working days of receiving the complaint. If the matter is resolved, the Conference Chair will send a response letter to the complainant confirming the agreed resolution. The local authority Manager for Child Protection will keep a log of all complaints and their outcomes.

If the complaint is not resolved, the local authority Manager for Child Protection will provide the complainant with an opportunity to proceed to the next stage of the procedure and make the referral to the interagency Safeguarding Board Complaints Panel.

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).

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

***If the complaint is about the conduct of the Conference Chair it should be addressed in writing, by telephone or in person to the local authority Manager for Child Protection, who will attempt to resolve the complaint within 10 working days of the receipt of the complaint.***

***If the matter is resolved, the Manager concerned will send a response letter to the complainant confirming the agreed resolution and inform the relevant Complaints Department, if appropriate. If the matter is not resolved then the local authority complaints procedure will be initiated.***

The local authority Manager for Child Protection will keep a log of all complaints and their outcomes.

## **Stage 2 - Inter-agency Complaints Panel**

If the complaint cannot be resolved at Stage 1 then the Manager for Child Protection will share all information about action taken to resolve the complaint with the Safeguarding Board Business Manager.

The Business Manager will convene a meeting of the Inter-agency Complaints Panel. The panel should consist of a minimum of three representatives from the Board, one of whom will act as chair. The Panel shall not include any agency that has had direct involvement in the case being heard.

The Business Manager will circulate all relevant documentation to members of the panel including the original complaint and any action already taken to resolve the

complaint under Stage1, any relevant reports and the written record(s) of the meeting in question.

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.

At the Panel meeting the chair will be responsible for:

- Introducing the meeting and explaining its purpose
- Explaining what the 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 panel and call evidence relating to his/her complaint.

Both the panel and the complainant may call witnesses.

The Panel has 25 working days from the date that the complaint was **signed** to inform the complainant of their findings.

#### Decision of the Panel

The Complaints Panel will determine:

- Whether the process followed adhered to the All Wales Child Protection 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.

The Complaints Panel cannot change the decision of the conference, but can reconvene the child protection conference to take account of the Panel's findings.

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

- The child, if appropriate to their age and understanding
- Any other parent or caregiver with parental responsibility
- The Chair of the Child Protection Conference, subject to the complaint
- The local authority Manager for Child Protection
- Any other relevant person involved in the case that is identified by the Panel

If any part of the complaint is upheld and the Complaints Panel is of the view that this has affected the decision of the conference, the Complaints Panel will recommend that the Conference be reconvened. A different conference chair must be nominated and the conference reconvened within 15 working days of the panel decision. The original conference decision will remain in place until the reconvened conference has taken place.

If any part of the complaint is upheld but the Complaints Panel is of the view that this has not affected the decision of the conference, they may make recommendations for

future learning, including raising the matter in the Quality Assurance Sub Group, or about specific issues to be addressed in any subsequent conference.

In some cases complainants may raise concerns about individual agencies during the course of the 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 Panel meeting.

All complaints about conferences will be reported to the Quality Assurance Sub Group.

## **ADULT PROTECTION MEETINGS AND CONFERENCES**

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 protection meeting or conference:

- The process of the conference in terms of adherence to procedures;
- The decision/outcome of the conference

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

The Cwm Taf 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 meeting/conference Chair.

A complaint should be made in writing, by telephone or in person to the Chair. 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 Manager for Adult Protection.

If the complaint is not resolved, the Chair should inform the local authority Manager for Adult Protection that the complainant wishes to go to next stage of the procedure, the interagency Safeguarding Board Complaints Panel.

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).

### **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 Manager for Adult Protection, who will attempt to resolve the complaint within 10 working days of the receipt of the complaint.***

***If the matter is resolved, the Manager concerned will send a response letter to the complainant confirming the agreed resolution and inform the relevant Complaints Department, if appropriate. If the matter is not resolved then the local authority complaints procedure will be initiated.***

## **Stage 2 - Inter-agency Complaints Panel**

If the complaint cannot be resolved at Stage 1 then the Manager for Adult Protection will share all information in relation to the complaint with the Safeguarding Board Business Manager.

The Business Manager will convene a meeting of the Inter-agency Complaints Panel. The panel should consist of a minimum of three representatives from the Board, one of whom will act as chair. The Panel shall not include any agency that has had direct involvement in the case being heard.

The Business Manager will circulate all relevant documentation to members of the panel including the original complaint and any relevant reports.

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.

At the Panel meeting the chair will be responsible for:

- Introducing the meeting and explaining its purpose
- Explaining what the 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 panel and call evidence relating to his/her complaint.

Both the panel and the complainant may call witnesses.

The Panel has 25 working days from the date that the complaint was **signed** to inform the complainant of their findings.

### **Decision of the Panel**

The Complaints Panel will determine:

- Whether the process followed adhered to the All Wales Adult Protection 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.

The Complaints Panel cannot change the decision of the meeting/conference, but can reconvene the meeting/conference to take account of the Panel's findings.

The Business Manager 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 Meeting/Conference, subject to the complaint
- The local authority Manager for Adult Protection
- Any other relevant person involved in the case that is identified by the Panel

If any part of the complaint is upheld the Complaints Panel will refer their recommendations to a reconvened Adult Protection Meeting/Conference. A different Chair must be nominated and the meeting/conference reconvened within 15 working days of the panel decision. The original meeting/conference decision will remain in place until the reconvened meeting/conference has taken place.

In some cases complainants may raise concerns about individual agencies during the course of the 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 Panel meeting.

## **CHILD AND ADULT PRACTICE REVIEWS**

The Welsh Government statutory guidance (Volumes 2 & 3 of 'Working Together to Safeguard People'), issued in accordance with the Social Services & Wellbeing (Wales) Act 2014 requires Safeguarding Boards to have a process in place to manage complaints in relation to Child & Adult Practice Reviews. This process needs to take into account the multi-agency nature of Practice Reviews.

### **What can be Complained About?**

Any person directly involved or affected in the adult or child practice review process can make a complaint that will be considered by the Board. Complaints will be considered in respect of one or more of the following aspects of the process:

- The decision on whether or not to proceed with a Child or Adult practice Review;
- The process followed in terms of adherence to the statutory guidance
- The content of the report

### **Stage 1 - Resolution by Cwm Taf Safeguarding Board Co-Chairs**

The Cwm Taf Safeguarding Board is committed to resolving complaints at the earliest opportunity and at a local level where this is possible.

A complaint should be made in writing or by telephone to the Cwm Taf Safeguarding Board Co-Chairs via the Business Manager. The Co-Chairs will attempt to resolve the complaint within 10 working days of receiving the complaint. If the matter is resolved, the Business Manager will send a response letter to the complainant confirming the

agreed resolution and inform the Chair of the relevant Review Sub Group and the Chair of the Review Panel, if appropriate.

If the complaint is not resolved, the Business Manager should inform the Chair of the Safeguarding Board's Child or Adult Practice Review Sub Group that the complainant wishes to go to next stage of the procedure, the Interagency Safeguarding Board Complaints Panel.

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).

## **Stage 2 - Inter-agency Complaints Panel**

The Business Manager will convene an Inter-agency Complaints Panel. The panel should consist of a minimum of three representatives from the Board, one of whom will act as chair. The Panel shall not include any agency that has had direct involvement in the case/review.

The Business Manager will circulate all relevant documentation to members of the panel including the original complaint and any relevant reports.

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.

At the Panel meeting the chair will be responsible for:

- Introducing the meeting and explaining its purpose
- Explaining what the 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 panel and call evidence relating to his/her complaint.

Both the panel and the complainant may call witnesses.

The Panel has 25 working days from the date that the complaint was **signed** to inform the complainant of their findings.

### **Decision of the Panel**

The Complaints Panel will determine:

- Whether the process followed adhered to the statutory guidance under Part 7 of the Social Services and Wellbeing (Wales) Act 2014, Volumes 2 and 3 on Child and Adult Practice Reviews;
- Whether the decision that is being complained about followed reasonably from the proper observation of the statutory guidance;
- Whether the decision that is being complained about followed reasonably from the information available to the original Sub Group meeting or CPR/APR Panel.

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

- The child/adult at risk, if appropriate
- Any other person with care-giving responsibility if appropriate
- The Co-Chairs of the Cwm Taf Safeguarding Board
- The Chair of the relevant Child/Adult Practice Review Sub Group
- The Chair of the CPR/APR panel, if appropriate
- Any other relevant person involved in the case that is identified by the Panel

The Complaints Panel can recommend that the original Sub Group meeting or CPR/APR Panel is reconvened to take account of the Panel's findings. A different Chair can be nominated and the meeting reconvened within 15 working days of the panel decision.

If any part of the complaint is upheld the Complaints Panel will refer their recommendations to the reconvened meeting. The original decision will remain in place until the reconvened meeting has taken place.

In some cases complainants may raise concerns about individual agencies during the course of the 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 Panel meeting.

### **UNRESOLVED COMPLAINTS**

The Inter-Agency Complaints panel is the final stage of the Safeguarding Complaints Procedure. If the complainant is dissatisfied with the way the complaint has been handled or the outcome he / she may contact the Public Service Ombudsman for Wales.

Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ  
Tel: 0300 790 0203 Fax: (01656) 641199

### **REPORTING**

The number of complaints resolved at Stage 1 of the Child or Adult Protection Meetings or Conferences will be reported by the Manager for Child/Adult Protection to the relevant Child or Adult Quality Assurance Group.

Information regarding complaints made under Stage 2 of the Child or Adult Protection Meetings or Conferences will be reported to the relevant Child or Adult Quality Assurance Group by the Cwm Taf Safeguarding Board Business Manager.

All complaints relating to the Adult or Child Practice Review process will be reported to the relevant Child or Adult Quality Assurance Group by the Cwm Taf Safeguarding Board Business Manager.

### Appendix 1 - Cwm Taf Safeguarding Board Complaint Form

<b>Name of person involved:</b>	
<b>Address:</b>	
<b>Date of meeting (if applicable):</b>	
<b>Chair of meeting (if applicable):</b>	
<b>Name of person making the complaint:</b>	
<b>Relationship to the person above:</b>	
<b>Address:</b>	
<b>Telephone number:</b>	
<b>E-mail address:</b>	

<b>Please provide details of your complaint below (continue on a separate sheet if required):</b>

<b>Signed:</b>	<b>Date:</b>
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Please return to:

Cwm Taf Safeguarding Children Board Coordinator  
 Safeguarding Unit  
 Unit 1, Maritime Industrial Estate  
 Maesycoed  
 Pontypridd, CF37 1NY