

Bristol Health and Social Care Safeguarding Adults Complaints Protocol

Approved and adopted by Bristol Safeguarding Adults Board
25 July 2012

Next review: July 2014

Introduction

In Bristol, Health & Social Care lead in managing the safeguarding adults process, via the policy No Secrets in Bristol. However, the following statutory agencies are Partners in taking the multi agency No Secrets in Bristol policy forward

- NHS Bristol
- University Hospitals Bristol NHS Foundation Trust
- North Bristol NHS Trust
- Bristol Community Health
- Bristol City Council (with Neighbourhood and Housing Partners on the Safeguarding Adults Board)
- Safer Bristol
- Avon and Somerset Probation service
- Avon and Somerset Police

These agencies are also frequently represented at multi agency decision-making meetings about individual cases of abuse. Given the number of agencies involved, it is felt appropriate to develop a complaints protocol for dealing with complaints specifically about the safeguarding process. This complaints protocol does not supercede any agency's own statutory complaints procedure and will only be referred to in relation to complaints about the safeguarding process. The protocol will:

1. ensure that individual complainants do not have to separate out the elements of their complaint arising from a safe guarding adult investigation and raise different issues with different agencies.
2. ensure that other agencies agree to be bound by any recommendations made by the Chair of the Safeguarding Adults Board (SAB) or delegated representative from the Board.
3. avoid, as far as possible, individuals going through the Health and Social Care(HSC) procedure and then going to the other agencies such as health or the police, with effectively the same complaint.

The Safeguarding Adults Board has endorsed this Protocol and it will be reviewed within a year of its implementation. SAB partner agencies signed up to the Safeguarding Adults Complaints Protocol are signed up to accepting and implementing the findings and recommendations, ie outcomes, of investigations into complaints about multi agency safeguarding working.

Purpose of Complaints Protocol

The purpose of this protocol is to ensure a prompt, sensitive and professional response to the management of complaints arising from the implementation of the No Secrets in Bristol safeguarding adults policy. Safeguarding and

promoting the welfare of the service user will be considered of paramount importance in operating the complaints protocol.

The responsible officer for Safeguarding Adults complaints is the Complaints Manager, Bristol HSC, (See Appendix 1 for contact details).

Who May Complain?

A service user who has been considered a vulnerable adult under the No Secrets in Bristol policy may complain. A vulnerable adult's carers or representatives may also do so.

Where the vulnerable adult has the capacity to make such a decision they must give permission, written where possible, for the carer or representative to complain on their behalf.

If the vulnerable adult does not have the capacity to make this decision, or has died, the complaints protocol can be used by carers or representatives who wish to act in the vulnerable adult's best interests/ or can be considered as having a sufficient interest in the vulnerable adult's welfare to be eligible to make a complaint.

A complainant may wish to be supported by someone of his/her choice throughout the complaints process. The Complaints Manager can advise the complainant about sources of independent advocacy

What May be Complained About?

Bristol HSC has a duty to initiate the Safeguarding Adults process on receipt of a safeguarding adults concern or allegation of abuse. Complaints will be received in relation to the way that the Safeguarding Adults procedure has been carried out (for example how information was shared, how decisions were made, how investigations were conducted).

Complaints about failure in the duty to initiate the safeguarding adults procedure will be investigated. Complaints that the safeguarding process was initiated will not be considered.

Challenges to the outcome of a safeguarding procedure will not be considered under this protocol. New significant information that challenges the outcome will not be considered under this process but it will be considered under the safeguarding process.

In general complaints are considered on completion of the Safeguarding Adults process. This is to avoid either jeopardising or hindering the investigation. Complaints that may be considered before completion of the safeguarding adults process could be a complaint that the vulnerable adult is being harmed or put at risk by the process, or is not being enabled to participate as fully as they are able.

If the complaint is about individual agencies, their performance or their provision or non-provision of services, it will be responded to in accordance with the relevant individual agency's complaints procedure. The role of the Complaints Manager in this instance is to signpost the complainant to the relevant agency/agencies.

If the complaint is about how all the agencies working together during a safeguarding adults process used some aspect of the policy or procedure (eg how they came to a decision together, how they shared information) then the Complaints Manager will alert complaints officers in each of those agencies. There may be a need to access records kept in each agency or for any appointed investigator to interview staff in that agency that were part of the safeguarding adults process.

Time Limit for Making a Complaint

We will not normally consider complaints made more than one year after the date of the event that gives rise to the complaint. In these cases, the Complaints Manager will write and advise the complainant that their complaint cannot be considered and explaining the reasons why.

What is the process for making a complaint?

All complaints should be addressed either in writing, by telephone, or in person to the HSC Complaints Manager who will then, upon receipt of the complaint:

- consult with relevant partners, on behalf of the Safeguarding Adults Board, to determine whether the complaint should be dealt with through the relevant individual agency's complaints procedures or through Bristol City Council HSC complaints procedure in accordance with this protocol.
- a decision should be reached within 3 working days of receipt of the complaint
- the Complaints Manager will inform the complainant, in writing, of the decision, within 5 working days of receipt of the complaint.
- If a decision is taken that the complaint should be dealt with by an individual agency, the Complaints Manager will inform the complainant of this, in writing, signposting them to the relevant person within that agency.

If a decision is taken to respond to the complaint through the Health and Social Care complaints procedure in accordance with this protocol, the Complaints Manager will:

- inform the Safeguarding Adults Co-ordinator of the complaint
- inform the Chair of the Safeguarding Adults Board of the complaint

- inform complaints officers in other relevant agencies
- act as point of contact for the complainant throughout the process
- ensure that appropriate means of communication with the complainant are provided
- provide advice about sources of advocacy, where required.

The Complaints Process

When a complaint about safeguarding processes has been received, a decision will be made about whether it meets the criteria for handling under this protocol, and it will be acknowledged in writing within 3 working days of receipt of the complaint.

A senior manager will allocate the complaint, in most instances, to the identified team manager or senior practitioner in HSC, who was responsible for the co-ordination of the safeguarding process, to investigate the complaint. If this is not appropriate, the Complaints Manager will identify a suitable Officer/Manager to investigate the complaint.

The team manager/senior practitioner or suitable Manager will:

- Contact the complainant to clarify the issues complained about and the desired outcomes
- Agree a timescale for response, ideally within 15 working days of receipt of the complaint, but it may take longer
- Investigate the complaint
- keep the complainant informed in writing of any delays in resolving the complaint
- send a response letter to the complainant including advice about how to progress the complaint if they are unhappy with the initial response
- send copy of letter to the Complaints Manager
- If the matter is resolved, the manager handling the safeguarding complaint will inform the Complaints Manager.

The Complaints Manager will:

- consider the lessons to be learned from the complaint and discuss with the Safeguarding Adults Service Manager, who will report to the chair of the SAB Quality sub group and through the sub group to the SAB.
- Ensure that learning from complaints about the safeguarding process will be reported on and published by the Complaints Team.

If the complainant is not happy with the outcome of their complaint they must inform the Complaints Manager what it is they reject about the outcome, and what they would see as an appropriate outcome.

The Complaints Manager will acknowledge, inform Complaints Managers in other relevant agencies, and request that a senior manager (3rd tier) reviews

the conduct of the investigation, the findings and outcome. To do this, the manager undertaking the review may:

- Seek further clarification about the nature of the complaint and what the complainant wishes to happen as a result of his/her complaint
- interview relevant participants in the safeguarding adults process, in particular the coordinator of the process
- consider whether the No Secrets in Bristol Policy and Procedures for Safeguarding Adults has been implemented correctly and whether decisions or outcomes follow reasonably from the proper implementation of the Procedures.
- Initiate further actions to conclude the complaint
- confirm whether the complaint is upheld or not

If it appears that it is possible to take further actions that may lead to a resolution to the complaint, arrangements should be made to implement these actions. If it appears that no further action is indicated, the complaint will be referred to the appropriate 2nd tier manager or other appropriate head of service in the relevant agency for a final response to the complainant. Further recourse would be to the LGO, whose contact details should be included in the final response letter.

In the event of a Serious Case Review (SCR) being initiated the complaints protocol may be suspended until the SCR is completed and the outcome reported to the Bristol Safeguarding Adults Board.

The 2nd tier manager/head of service will

- write to the complainant explaining the outcome of the investigation into the complaint, provide a copy of the investigating officer's report where appropriate, inform the complainant this is a final response and next recourse is the LGO, and note any action taken or to be taken
- copy the response to the Complaints Manager
- ensure a report is sent to the SAB via the Quality Assurance sub group so the lessons to be learned from the complaint are considered.

The SAB will:

- consider and recommend any changes to No Secrets in Bristol Policy and Procedures for Safeguarding Adults.
- Receive action plans from partner agencies regarding implementing outcomes of multi agency safeguarding complaints investigations
- Receive agreed progress reports on action plan implementation.

July 2012