



## Complaints Policy

### THE MID AND WEST WALES SAFEGUARDING BOARD

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## The Mid & West Wales Safeguarding Board

### Complaints Policy



### **Making a Complaint**

Any individual member of the public (or someone acting on their behalf) may make a complaint about any multi-agency function of the Mid & West Wales Regional Safeguarding Board.

#### **A Complaint is:**

- An expression of dissatisfaction or concern in respect of any function, standards or actions of the Safeguarding Board
- Either written or spoken or made by any other communication method
- Made by one or more members of the public

#### **How to make a Complaint**

In the first instance, the complainant can raise or discuss their concerns with the Regional Board Manager in a number of ways.

- In person
- By telephone
- In writing
- By email

The complaint will be acknowledged within 5 working days.

#### Informal Complaints

It may be possible to resolve the identified issue or concern informally via a discussion. If this is the case the Board Manager will acknowledge the issues raised and outcome in writing within 5 working days of acknowledgement.

If the complaint cannot be concluded in this way it will progress into the formal complaints process.

#### Stage One:

- The Regional Board Manager will undertake an investigation into the identified concerns and inform the complainant of the outcome in writing within 10 working days.

- Every effort will be made to complete the investigation in a timely manner without unnecessary delays. However, depending on the nature or complexity of the issue identified, more time may be required to fully investigate the identified concerns. The need for this may be identified at any stage in the process and the Board Manager will inform the complainant in writing and a new agreed timescale for completion.
- On conclusion of Stage One, the Board Manager will inform the complainant in writing of the outcome of their investigation and any action to be taken as a result, where appropriate.

If the complainant is not satisfied with this outcome, they can ask for the complaint to be progressed to Stage Two.

### Stage Two:

The complaint will be forwarded to the Chair of the Board who will acknowledge it in writing within 5 working days.

- An independent person will be appointed to investigate the complaint, usually within 20 working days.
- Every effort will be made to complete the investigation in a timely manner without unnecessary delays. However, depending on the nature and complexity of the issues identified, more time may be required to fully investigate the identified concerns. This may be identified at any stage in the process and the complainant will be informed in writing and a new timescale agreed.
- The investigation will not start until the complainant and the Board Chair agree on what is to be investigated.
- The allocated independent person will prepare a report for the Board Chair on their findings.
- On conclusion of Stage Two, the complainant will receive a written response to their complaint from the Board Chair. This will explain the outcome of the investigation and what action is to be taken as a result of the complaint, where appropriate.
- All Stage Two complaints and their outcomes will be presented to the Executive Board for consideration.

### **What cannot be considered as a Complaint by the Safeguarding Board**

Any investigation undertaken by the Safeguarding Board cannot compromise any ongoing or completed investigation undertaken by any agency represented on the Safeguarding Board as part of its own complaints process. This includes issues or

concerns raised in relation to actions or standards in respect of a service provided by an individual organisation or agency, including:

- Any ongoing investigation. For example, a complaint presently being considered as part of the statutory social care complaints process.
- Any completed investigation that has taken place. For example, a complaint that has taken place as part of the statutory social care complaints process.
- Any other ongoing investigation either in progress or completed as part of Board members and their agencies own internal complaints or professional conduct process.
- Any ongoing complaint referred to the Ombudsman or under investigation by the Ombudsman.

The Safeguarding Board cannot re-investigate any complaints that have been undertaken and concluded as part of any of the above processes.

Any complaints or concerns expressed about the professional conduct or behaviour of any member of the Safeguarding Board will be dealt with under their employer's own internal procedures in relation to conduct and performance.

### **Process for Complaints in relation to a Child Protection Conference**

Children, young people and their families who have been part of a Child Protection Conference have the right to complain if they have concerns about

- Whether the conference process followed procedures
- The registration decision, including the category;
- A decision not to register or deregister

If it is not possible for the Chair of the Child Protection Conference to resolve the complaint within 10 working days, the next stage is for the complaint to be considered by an interagency safeguarding panel. The panel will be made up of at least 3 senior representatives from the Regional Safeguarding Children Board, who have not been directly involved with the family. The RSB Panel will be held under Regional Arrangements and in line with the Wales Safeguarding Procedures. The Regional Safeguarding Board may have a solicitor present at the panel to oversee the process and provide any relevant advice to the panel members. They will not however be part of the formal decision making process.

CYSUR will continue to follow the Wales Safeguarding Procedures **Process for handling complaints from parents, caregivers and children about the decisions and functioning of a Child Protection Conference.**<sup>1</sup>

All parents, children, young people and parents who are part of a Child Protection Conference will be made aware of their right to complain as part of the conference process.

**Complaints will only be heard where the complaint is regarding 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;**

**And where the complaint has been received within 14 days from the conference minutes being sent.**

**Any other or parallel complaints under investigation by a statutory partner and agency of the Regional Safeguarding Board, including the Local Authority, will be dealt with by that agency under their internal complaints process separately.**

**It will be made clear to all complainants that the only outcome of an upheld complaint will be a reconvened Child Protection Conference.**

### **Interagency Safeguarding Panel**

**A panel will be convened within 25 working days of receipt of the complaint.**

The person making the complaint may put their point of view to the panel, in person or in writing and may be accompanied by an advocate and/or a legal adviser.

Both the panel and the person making the complaint may call witnesses.

The panel will determine

- Whether the process followed adhered to the Wales Safeguarding Procedures;
- Whether the decision that is being complained about follows reasonably from the proper observation of the procedures;
- Whether the decision that is being complained about follows reasonably from the information available to the original conference.

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<sup>1</sup> *Wales Safeguarding Procedures, section 3 part 2, Post conference: Complaints from parents, caregivers and children about the decisions and functioning of a child protection conference*

**No new information not considered as part of the conference can be considered by the panel.**

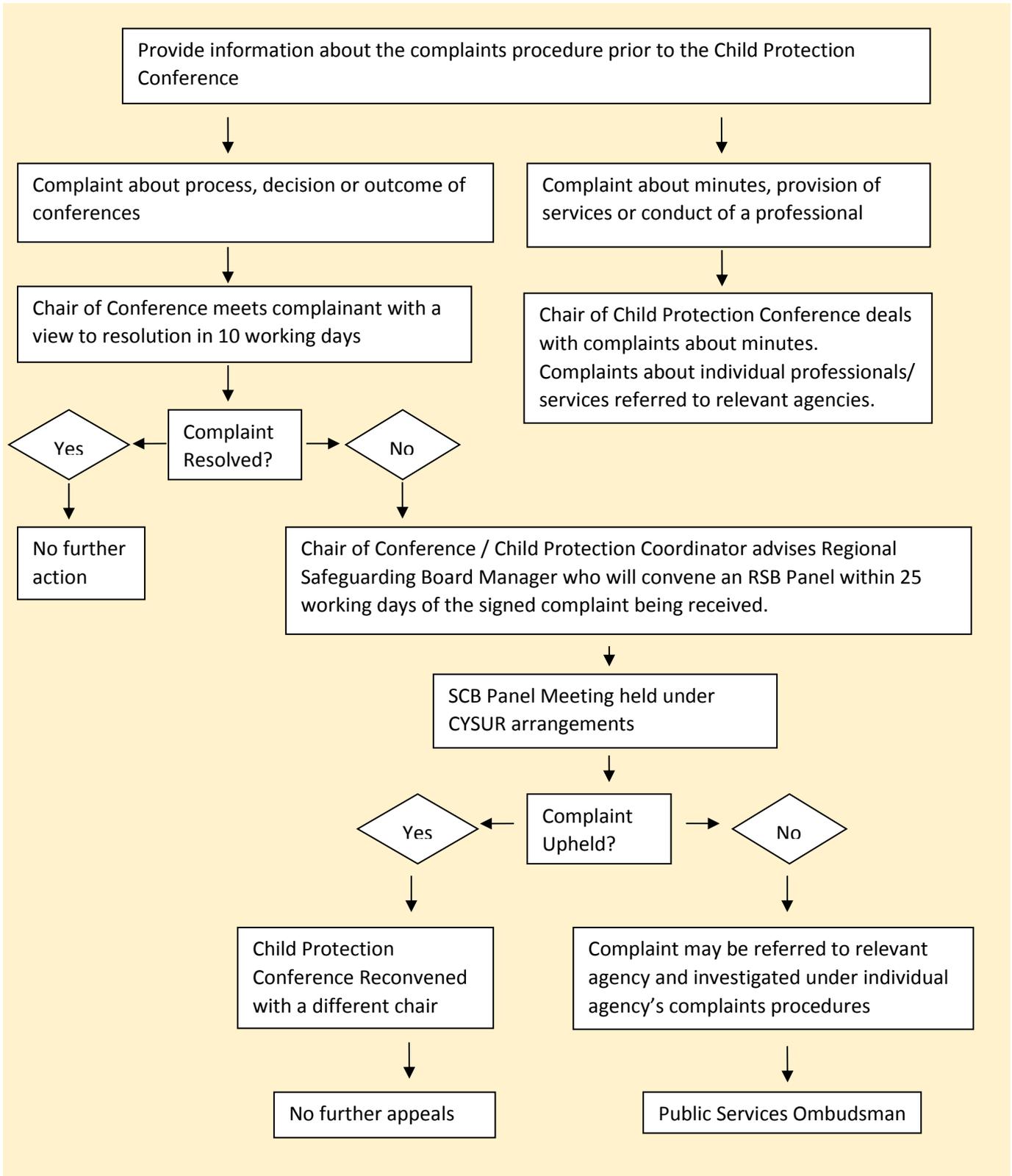
**The panel cannot remove a child's name from the Child Protection Register; this can only be done at a Child Protection Conference.**

If the complaint is upheld the panel will refer their recommendations to a reconvened Child Protection Conference, to reconsider the registration decision and category. The reconvened Child Protection Conference must have a different conference chair and must take place within 15 working days of the panel decision.

The original conference decision will remain in place until the reconvened conference has taken place.

Where the complaint is not upheld, no further appeals will be heard. Any parallel complaints will be investigated as part of Board statutory agencies' own internal complaints process.

**Flowchart**



## Managing Vexatious Complaints

In a small number of situations it may be necessary to restrict, or in exceptional circumstances cease contact with a person or persons who are considered to be displaying unreasonable behaviour and this behaviour takes up a disproportionate amount of time and resources which adversely affects the Safeguarding Board's ability to carry out its functions and duties.

Such behaviour includes:

- Aggressive and threatening behaviour
- Making unreasonable demands
- Displaying unreasonable persistent behaviour.

Any decision to put in place such restrictions will be made by the Board Chair. Examples of such restrictions include identifying one method of communication with the Board on set agreed days and times. In exceptional circumstances cessation of contact may occur when it is considered that every aspect of a complaint has been thoroughly investigated with no further action identified and where the complainant persistently refuses to accept the outcome of the complaint.

Examples of aggressive or threatening behaviour:

- Threats of physical violence
- Verbal abuse
- Derogatory remarks
- Rudeness

Examples of making unreasonable demands:

- Making constant phone calls, emails or enquiries
- Demanding responses in unreasonable timescales

Examples of unreasonable persistent behaviour:

- A refusal to accept the reason why a decision has been made in respect of a complaint
- Continually changing the substance of a complaint
- Continually raising new issues whilst a complaint is being investigated.

The complainant will be informed in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time these restrictions will be in place.