

## Northamptonshire Safeguarding Adults Board

### NSAB COMPLAINTS POLICY

<b>Version number</b>	<b>Date</b>
<b>Version 1.3 - Ratified by NSAB Strategic Board</b>	<b>13<sup>th</sup> May 2020</b>
<b>Date of next review</b>	<b>December 2021</b>
<b>Version 1.4 - Interim review – Amend Independent Chair to Independent Scrutineer</b>	<b>November 2022</b>

## 1. Introduction

This Complaints Policy only deals with complaints which are specifically about Northamptonshire Safeguarding Adults Board (NSAB), or a Safeguarding Board process, such as for Safeguarding Adult Reviews (SAR), the Safeguarding Adult Review process or about other publications or campaigns led by NSAB.

## 2. The Process

When a complaint is received by NSAB, the Board's Business Manager will initially explore whether the complaint meets the criteria for other statutory complaints processes (for example, Social Care/NHS or Police complaints procedure etc.), liaising with partners where necessary.

The NSAB complaints process will only be followed when other statutory complaints procedures are not applicable.

NSAB's position in relation to complaints is based on the following 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 NSAB 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.

## 3. The Procedure

In light of this, NSAB's position in relation to complaints is as follows:

- Complaints from, or on behalf of an agency will be dealt with through the [Northamptonshire Escalation Policy – Resolving Professional Disagreements](#), rather than a complaints process.
- Complaints from a citizen regarding the conduct or performance of an employee/volunteer of a NSAB Board partner agency will be referred to the agency responsible for that person's employment.
- Complaints from a citizen about a NSAB process, for example, a Safeguarding Adult Review, will initially be acknowledged by the Board's Business Manager in consultation with their Line Manager, with a written response within 28 days of receipt.
- If the complainant is unsatisfied with the response, they should write to the NSAB Business Manager for consideration by the NSAB Independent Scrutineer who will consult with the Director of Adult Social Care or other relevant Director of Nursing at NHS organisation, before responding. The Independent Scrutineer will provide a further written response within 28 days of the complainant contacting the Business Manager.
- Where a citizen wishes to appeal a decision made by NSAB (for example a decision to initiate a SAR – see [Safeguarding Adult Review Protocol](#)) will be considered as a complaint, as in the paragraph above.
- Where a complaint from a citizen is about a process which the NSAB's Business Manager has been involved with, the Business Manager will consult their line manager who will decide whether or not the Business 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 Business Manager), the line manager will

consult with the Director of Adult Social Care to identify another suitable colleague who can provide a written response to the citizen.

- Complaints from a citizen about the Independent Scrutineer will be considered by the Director of Adults Social Care.
- All written complaint responses will include details of how to contact the Local Government Ombudsman.
- 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.

#### **4. Vexatious Complaints**

In a minority of cases people may pursue their complaint in way that is seen as unreasonable, and 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 complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints 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 trivial or 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 insists make these 'new' complaints.
- Refusing to accept the decision and repeatedly arguing points with no new evidence.

Where the NSAB Business Manager believes the complainant is behaving unreasonably, they will discuss this with their line manager and the NSAB Chair and use the local authorities vexatious processes if necessary.

#### **5. Failure to resolve the complaint**

Where there is little prospect of achieving a satisfactory outcome, the complainant may want to consider contacting the [Local Government Ombudsman](#).