



Derby and Derbyshire Safeguarding Adults Boards Complaints Policy and Process

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1. Introduction

This Complaints Policy explains how complaints and concerns relating to the work of the Derbyshire Safeguarding Adults Board (Derbyshire SAB) and Derby Safeguarding Adults Board (Derby SAB) are managed. It applies only to complaints specifically about the Derbyshire or Derby Safeguarding Adults Board (SABs), or a Board process, such as Safeguarding Adult Reviews (SARs), Board guidance, or other publications or campaigns managed by the SABs. This policy does not apply to complaints about individual agencies, services, or staff. Where a concern relates to the actions of a specific organisation or practitioner, the Board will ensure the complaint is referred to the appropriate organisation to respond through its own statutory complaints process.

This policy applies to:

- **Members of the public**, including people with lived experience, carers, families, and representatives
- **Partner agencies and professionals** who sit on, or work with, the Safeguarding Adults Boards

The Boards will handle complaints in line with the principles set out in the [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#), which provide the national framework for handling complaints about health and social care services.

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 must 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.

2. Derbyshire and Derby SABs complaints policy: complaints from members of the public

Support to make a complaint

If you require assistance to make a complaint, or need the information in an alternative format, please contact the Board Office. Reasonable adjustments will be made wherever possible.

Derbyshire Safeguarding Adults Board

- Email Derbyshire SAB: DerbyshireSAB@derbyshire.gov.uk
- Write to Derbyshire SAB: Derbyshire Safeguarding Adults Board, The Quad, Dock Walk, Chesterfield, S40 2GQ.

Derby Safeguarding Adults Board

- Email Derby SAB: DSAB dsab@derby.gov.uk
- Write to Derby SAB: Council House, Corporation Street, Derby, DE1 2FS

The Boards operate a two-stage complaints process. Full details of each stage are set out below.

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 SABs have a two stage complaints policy:

Stage 1

- Complaints can be made verbally or in writing to the relevant Board Office
- A complaint will initially be acknowledged by the Board office within 3 working days of receipt.
- The Board Manager, in consultation with the Assistant Director for Safeguarding Adults and Quality, Derbyshire County Council Adult Social Care or Head of Service, Safeguarding Adults & Professional Standards, Adult 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, they may request a Stage 2 review by writing to the relevant Board Manager, 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.

| Stage | Action | Timescale |
|---------|----------------------------|-----------------------|
| Stage 1 | Acknowledgement | Within 3 working days |
| Stage 1 | Written response | Within 28 days |
| Stage 2 | Acknowledgement | Within 3 working days |
| Stage 2 | Independent Chair response | Within 28 days |

Failure to resolve the complaint

When the two-stage complaints process has not resolved the issue to the complainant's satisfaction the complainant has the right to raise their complaint to the Local Government and Social Care Ombudsman (LGSCO): <https://www.lgo.org.uk/make-a-complaint>.

A flowchart detailing the Complaints Process for Derbyshire and Derby SAB is shown at Appendix 1. 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 relates directly to the Board Manager, alternative arrangements will be made to ensure independence and fairness, in consultation with the relevant local authority Director or Chief Executive.
- Complaints about a SAB Independent Chair will be considered by the Director of Derbyshire County Council or the Director of Derby City Council Adult Social Care as appropriate.

- 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.

3. DSAB escalation process for professionals and partner agencies

The Derbyshire and Derby SABs seek to promote challenge between agencies to ensure continuous improvement in safeguarding arrangements across Derbyshire and Derby City. Partner agencies are expected and encouraged to raise concerns and 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 is the final decision maker 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 2.

4. Vexatious Complaints

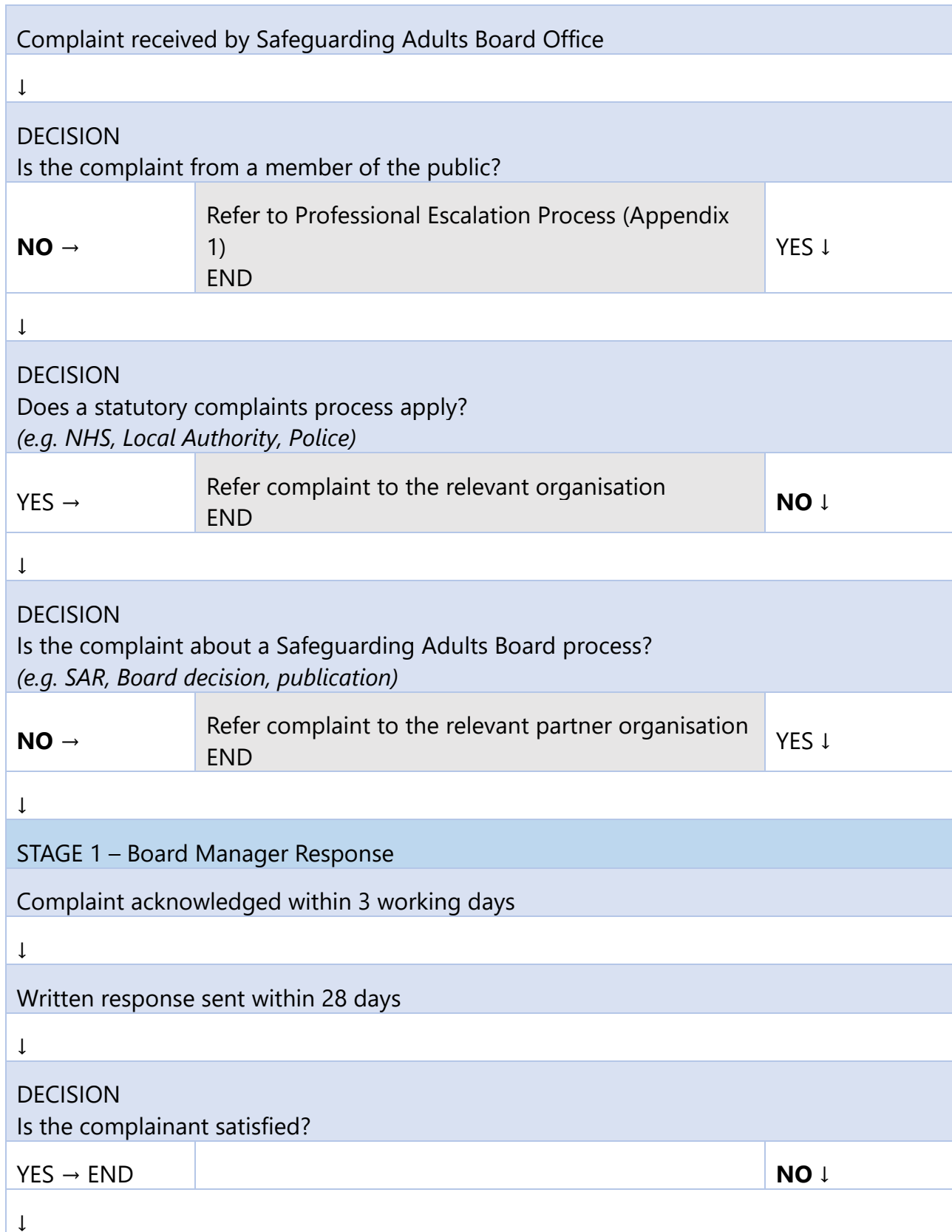
In a small number of cases the way a complaint is pursued may place unreasonable demands on staff and resources, which can hinder the fair handling of complaints.

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 and 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 Assistant Director/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 – Safeguarding Adults Board complaints process flowchart



| | | |
|---|--|-------------|
| STAGE 2 – Independent Chair Review | | |
| Complaint acknowledged within 3 working days | | |
| ↓ | | |
| Independent Chair provides a written response within 28 days | | |
| ↓ | | |
| DECISION | | |
| Is the complainant satisfied? | | |
| YES → END | | NO ↓ |
| ↓ | | |
| Complainant may refer the complaint to the Local Government and Social Care Ombudsman | | |
| ↓ | | |
| END | | |

Appendix 2 – Safeguarding Adults Board escalation process flowchart

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|--|---|-------------|
| Professional raises a concern with the Board member for their agency | | |
| ↓ | | |
| DECISION Is the concern about a Board process or Board member? (e.g. SAR, Board decision, publication) | | |
| YES → | Board member (or relevant lead) discusses and attempts to resolve via internal Board processes | NO ↓ |
| ↓ | | |
| DECISION Can it be resolved by the Board member via partnership discussions? (e.g. NHS, Local Authority, Police) | | |
| YES → | Board member leads partnership resolution <ul style="list-style-type: none"> • Agree actions, ownership, timescales and escalation route if actions are not progressed • Record agreed outcome and confirm back to the referrer/complainant END | NO ↓ |
| ↓ | | |
| Board member escalates concern to SAB Manager | | |
| ↓ | | |
| STAGE 1 – Board Manager Response | | |
| Escalation request acknowledged within 3 working days | | |
| ↓ | | |
| Written response sent within 28 days | | |
| ↓ | | |
| DECISION Is the complainant satisfied? | | |
| YES → END | | NO ↓ |
| ↓ | | |

| | | |
|--|--|-------------|
| STAGE 2 – Independent Chair Review | | |
| Complaint acknowledged within 3 working days | | |
| ↓ | | |
| Independent Chair provides a written response within 28 days | | |
| ↓ | | |
| DECISION | | |
| Is the concern resolved? | | |
| YES → END | | NO ↓ |
| ↓ | | |
| Independent Chair reviews concern and responds with final decision | | |
| ↓ | | |
| END | | |

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