

ANGUS COUNCIL

SOCIAL WORK & HEALTH COMMITTEE

9 OCTOBER 2003

SOCIAL WORK COMPLAINTS PROCEDURE  
ANNUAL REPORT 2002/2003

REPORT BY THE DIRECTOR OF SOCIAL WORK AND HEALTH LIAISON

**ABSTRACT**

Within the terms of Section 5B of the Social Work (Scotland) Act 1968, the Council has a statutory responsibility to establish and maintain a formal procedure for the receipt and consideration of complaints by, or on behalf of, service users. This duty is expanded upon in the guidance issued by the Scottish Office (refer to Circular No SWSG 5/1996). The guidance asks local authorities to report annually on the complaints investigated, and their outcome.

This report informs Committee of the operation of the complaints procedure and the individual complaints investigated during 2002/2003. The actions taken to improve social work services in response to the outcome of complaints is outlined. It is recommended that a copy of this report should be made available on the Council's web site and in social work offices for public performance reporting purposes.

**1 RECOMMENDATIONS**

It is recommended that the Social Work and Health Committee:-

- i) notes the contents of the report;
- ii) agrees that the report should be made available to the general public for their information, through the Council's web site and by displaying a copy at the main social work offices. These are listed in Appendix 1;
- iii) notes that the Director of Social Work and Health Liaison will send a copy of the report to the Scottish Executive for their information.

**2 INTRODUCTION**

Reference is made to the following previous reports by the Director of Social Work: Reports No 202/96 (16 April 1996); 425/96 (25 May 1996); 663/96 (20 August 1996); 592/97 (27 May 1997); 814/98 (18 August 1998); 754/99 (17 August 1999); 981/00 (3 October 2000); 874/01 (14 August 2001); 951/02 (20 August 2002). Report No 425/96 deals with the implementation of the Social Work (Representation Procedure) (Scotland) Directions 1996, and the other reports deal with the establishment of the Social Work Complaints Review Committee, appointment of a chairperson and the membership of the Review Committee, and complaints investigated during the previous year.

Section 5B of the Social Work (Scotland) Act 1968 provides for complaints made by or on behalf of:-

- (i) a person for whom the local authority provides a service either directly or indirectly;
- (ii) a person whose request for such a service has been refused by the authority;

- (iii) other persons whose need or possible need for service, which the local authority has a power or a duty to provide, has come to the authority's attention.

The procedure deals with complaints and representations made by service users, whether communicated verbally or in writing. The procedure is well established, and widely available to service users. The Principal Planning Officer, acting as the Designated Complaints Officer, monitors the operation of the complaints procedure on behalf of the Director of Social Work & Health Liaison.

Complaints may also be made about parties or agencies providing a service on behalf of, or contracted by, the local authority. This includes private and voluntary providers of residential and other care. However, the complainant may be referred, in the first instance, to that agency's internal complaints procedure.

Where persons wholly finance their own care within a residential establishment complaints are dealt within the terms of the establishment's registration with the new Scottish Commission for the Regulation of Care.

### **3. SOCIAL WORK COMPLAINTS PROCEDURES**

#### **3.1 Formal Complaints Procedure**

Handling complaints properly is an important part of good customer care and a clear and effective complaints procedure has a number of possible benefits. It demonstrates that social work staff listen to the service users' and stakeholders' views, that they learn from mistakes, and that they are continually trying to improve services.

Dealing with complaints within the formal complaint procedure involves three stages:

- (i) in the first informal problem solving stage every attempt is made to mediate and resolve the complaint;
- (ii) in the second stage, where there are unresolved complaints or where the complainant does not wish the matter to be dealt with informally, the complaint is formally recorded and investigated according to departmental procedures;
- (iii) in the third stage of the complaints procedure a referral to a Complaints Review Committee is used when all other avenues to resolve the complaint have been explored. Complainants who are dissatisfied with the outcome of the complaint investigation have a right to refer the complaint to the Review Committee.

Social work staff aim to resolve complaints as quickly as possible and as close to the point of service delivery as practicable. Complaint investigations are undertaken confidentially, without prejudice to the complainers' right to raise the matter through other routes. For more detailed information about the procedures members are referred to Report No 425/96.

#### **3.2 Complaints Regarding Registered and Inspected Establishments**

The Regulation of Care (Scotland) Act 2001 established the new Scottish Commission for the Regulation of Care. This Commission is obligated to investigate complaints received concerning regulated services, either residential or daycare, by a user of a regulated care service or their representative. The Care Commission will publish an annual report detailing its complaint activity, and will also include information about complaints relating to a specific service in inspection reports, which will be in the public domain.

Service users whose services are fully or partially funded by social work will also continue to have the right to access the social work formal complaints procedure.

### **3.3 Clients' Rights Service**

The Clients' Rights Service provides a confidential advisory, counselling, representation and advocacy service to the users of social work services. The service operates by seeking to resolve complaints raised by service users through mediation and negotiation, and it thus prevents the necessity for formal complaint procedures to be instigated.

A separate report on the operation of the Clients' Rights Service is presented to this Social Work & Health Committee.

## **4. INFORMATION ABOUT COMPLAINTS**

Circular SWSG5/1996 advises Councils to publish information about complaints received and action taken to assist in assessing the quality and effectiveness of their social work policies and practice. It is important to demonstrate that complaints have been dealt with seriously and fairly.

The above circular further recommends that information about complaints investigated through the statutory complaint procedure should be available for inspection in social work department offices.

As part of the Council's public performance reporting mechanisms this report will also be made available to the general public through the Council's web site, and a copy displayed in social work offices.

## **5. COMPLAINTS INVESTIGATED BETWEEN 1 APRIL 2002 AND 31 MARCH 2003.**

### **5.1 Informal Complaints**

Social work staff are expected to deal with any concerns and issues raised by service users informally and as close to the service user and service provision as possible. The Social Work complaints procedure provides advice on how to deal with informal complaints.

Dealing with complaints informally enables things to be put right quickly. It also provides ongoing feedback to the managers and staff about their performance. Therefore, dealing with service users concerns and resolving complaints informally and as close to the source of the complaint as possible is seen as a positive aspect of service delivery.

It is recognised in Social Work that mediating and resolving informal complaints and dealing with concerns and representations is a key task for all managers and staff, and that this is an ongoing aspect of that work. It is also recognised that many matters are resolved quickly and informally "on the spot" by workers and team leaders. Where issues are being resolved informally and appropriately there are difficulties in recording this in a way which is consistent and reliable. The Social Work Department is therefore currently looking at developing a system which will clarify how an informal complaint should be defined and recorded to provide accurate information in the future.

### **5.2 Formal Complaints**

A total of eleven complaints were referred to the formal complaints procedure between 1 April 2002 to 31 March 2003. This is an increase of five complaints from 2001/02.

Three complaints were made about community care services and eight about children's services.

Following investigation, three complaints were partially upheld and eight complaints were not upheld or were withdrawn. No complaints were referred to the Complaints Review

Committee. Appendix 2 gives details of the nature and outcome of individual complaints.

## **6. ACTION TAKEN IN RESPONSE TO THE COMPLAINTS**

As part of the social work performance management, measurement and reporting strategy, the findings of complaints that have been upheld following investigation are passed on to the senior manager responsible for the service. The manager addresses any recommendations arising from the investigation.

The findings of the complaint investigations have led to the following action being taken:

- In relation to one case a referral was made to the Children's Reporter;
- Issues relating to how absent parents who raise concerns about the welfare of their children are kept informed of the process of investigations have been addressed;
- Specific training issues relating to some groups of staff have been addressed.

## **7. FUTURE PLANNED ACTION**

A review of the departmental complaints procedure will be undertaken shortly to look at the issue raised by the Complaint Review Committee on 24<sup>th</sup> May 2002 and to take account of revised Scottish Executive Guidance which is currently being prepared. It had been planned to undertake this review sooner, but the Scottish Executive, having advised that the national guidance was being revised, have still to issue this new guidance.

Social Work, in partnership with the other relevant departments in Angus Council, will also be looking at new regulations and guidance on the provision of services for young people ceasing to be looked after by local authorities. These new regulations, due to come into force from April 2004, will require procedures to be in place to deal with informal and formal complaints. Work will be undertaken to look at how this should link with the existing Social Work Complaints Procedure and systems in operation in other departments to handle complaints.

## **8. FINANCIAL IMPLICATIONS**

There are no additional financial implications arising out of this report.

## **9. HUMAN RIGHTS ACT IMPLICATIONS**

There are no human rights implications arising from the recommendations contained in this report.

## **10. CONSULTATION**

The Chief Executive, the Director of Law and Administration and the Director of Finance have been consulted in the preparation of this report.

## **11. CONCLUSION**

This report has informed the Members of the operation of the social work complaints procedures, complaints investigated and their outcome. Actions taken to improve standards of practice have also been outlined.

The number of complaints referred to the formal complaints procedure remains low. Although low in number complaints can be complex to investigate requiring lengthy enquiries and interviews with a number of people. The reason for the relatively low number of complaints

received can partly be attributed to the policy of resolving complaints informally and as close to the source of the complaint as possible. This policy appears to be working well in practice.

Additionally, the Clients' Rights Service assists in resolving, through mediation and negotiation, matters raised by service users to their satisfaction thus further reducing the potential number of formal complaints.

Improvements have been made during the past year in the way social work managers and staff make use of the feed back received from service users about their performance and standards of practice. The social work complaints procedure forms an important part of the department's performance management, measurement and reporting framework.

R Peat  
Director of Social Work and Health Liaison

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

**A LIST OF SOCIAL WORK OFFICES.**

Information about complaints dealt with will be displayed in the following social work offices:

Criminal Justice Services  
8 Fergus Square  
Arbroath  
D11 3DG

Carnoustie Office  
41 Dundee Street  
Carnoustie  
DD7 7PG

Monifieth Office Library  
High Street  
Monifieth  
DD5 4AE

Brechin Office  
28 Panmure Street  
Brechin  
DD9 6AP

Strang Street Office  
2 Strang Street  
Forfar  
DD8 2HR

Ravenswood  
New Road  
Forfar  
DD8 2AF

Academy Lane Office  
Academy Lane  
Arbroath  
DD11 1EJ

Montrose Office  
208-210 High Street  
Montrose  
DD10 8LZ

Kirriemuir Office  
Fairlie House  
Kirriemuir  
DD8 4HU

Gowanlea  
12-14 Seaton Road  
Arbroath  
DD11 5DT

## Appendix 2

### A list of complaints referred to the formal complaints procedure in 2001/2002

Ref No.	Date Received	Complaint	Outcome
<b>ACO/007/0002</b> Community Care Services	24 June 2002	A complaint about the training of staff to deal with specific health problems.	Partially upheld. An apology was made to the service user and the issue of staff training needs was addressed.
<b>ACO/008/0002</b> Children's Services	19 June 2002	A complaint about arranging access to allow a child to see her grandparent.	This complaint was withdrawn.
<b>ACO/009/0002</b> Children's Services	26 June 2002	A complaint about workers not arranging for a child to have appropriate contact with his father.	This complaint was not upheld.
<b>ACO/010/0002</b> Children's Services	30 July 2002	A complaint about workers not investigating a parents concerns thoroughly.	This complaint was not upheld.
<b>ACO/011/0002</b> Community Care Services	19 September 2002	A complaint about inadequate care and support arrangements. This was a particularly complex case and an external investigator was brought in to conduct the investigation.	Partially upheld. There were six elements to the complaint. One was partially upheld. A number of changes were made to the care and support arrangements, and a small financial payment was made to cover care provision during a few overnight stays with a parent. Five elements of the complaint were not upheld.
<b>ACO/012/0002</b> Children's Services	4 October 2002	A complaint about workers not investigating a parent's concerns appropriately.	This complaint was not upheld.
<b>ACO/013/0002</b> Children's Services	15 October 2002	A complaint about the attitude of a worker on the telephone.	This complaint was not upheld.
<b>ACO/014/0002</b> Community Care Services	24 October 2002	A complaint about delays in responding to a request for support.	This complaint was not upheld.
<b>ACO/015/0002</b> Children's Services	6 December 2002	A complaint about workers not being responsive enough to the concerns of a parent about the welfare of their children.	This complaint was not upheld.

<p><b>ACO/016/0002</b> Children's Services</p>	<p>14 February 2003</p>	<p>A complaint about the conduct of a child protection investigation.</p>	<p>This complaint was partially upheld. There were six separate components to the complaint and four were not upheld. An apology about certain aspects of the investigation was given and specific issues identified to be addressed in staff training.</p>
<p><b>ACO/017/0002</b> Children's Services</p>	<p>26 March 2003</p>	<p>A complaint about a workers conduct in a child care case.</p>	<p>This complaint was not upheld.</p>