ABSTRACT

Section 5B of the Social Work (Scotland) Act 1968, places a statutory responsibility on the Council 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 guidance issued by the former Scottish Office (Circular No SWSG 5/1996). The guidance requests that local authorities report annually on complaints investigated and their outcome.

This report informs Committee of the operation of the complaints procedure and the individual complaints investigated during 2007/2008. The report outlines actions taken to improve social work services in response to the outcome of completed complaints. The report also highlights the number of compliments received by staff/service areas within the department.

1 RECOMMENDATIONS

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

i) notes the content of the report;
ii) agrees that the report should be made available to the public through Angus Council's web site and by displaying a copy in all social work and health offices;
iii) instructs the Director of Social Work and Health to send a copy of the report to the Scottish Government.

2 BACKGROUND

Reference is made to previous reports by the Director of Social Work and Health: 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), 1111/03 (9 October 2003), 671/04 (3 June 2004); 215/04; (26 February 2004); 1186/04 (5 October 2004); 483/05(19 April 2005); 672/05 (31 May 2005); 1153/05 ( 4 October 2005); 481/06( 18 April 2006); 698/06(30 May 2006); 576/07( 12 June 2007)

Report No 425/96 deals with the implementation of the Social Work (Representation Procedure) (Scotland) Directions 1996. Other reports deal with the establishment of the Social Work Complaints Review Committee, appointment of a chairperson and membership of the Complaints Review Committee, Complaints Annual Reports since 1996, complaints progressed for review since 1996 and the dissolution of the Complaints Review Committee to be replaced by an Independent Review Panel.

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.

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 complainer will 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 with under the terms of the establishment's registration with the Scottish Commission for the Regulation of Care.

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 (Children’s Services), acting as the Designated Complaints Officer, monitors the operation of the complaints procedure on behalf of the Director of Social Work and Health.

3. SOCIAL WORK COMPLAINTS

3.1 Complaints Procedure

Handling complaints is an important part of good customer care. A clear and effective complaints procedure demonstrates that social work staff will listen to, and act upon, service users’ concerns, learn from identified gaps in their practice and are continually aiming to improve services. Complaint investigations are undertaken confidentially and without prejudice to the complainer's right to raise the matter through other routes. Angus Council Social Work complaints procedure involves three stages:

STAGE 1
Every attempt is made to mediate and resolve the complaint at a local level where services are being delivered;

STAGE 2
Where there are unresolved complaints or where the complainer does not wish the matter to be dealt with at the point of service delivery, this may lead to a second stage complaint investigation being undertaken outwith the area of service. In some cases this may mean the complaint will be investigated outwith Angus Council;

STAGE 3
Complainers who are dissatisfied with the outcome of this second stage complaint investigation have a right to refer their complaint to the Independent Review Panel. Before this route is taken every effort is made by the relevant Head of Service to try to resolve the complaint to the service user’s satisfaction.

3.2 Registered Establishments

The Regulation of Care (Scotland) Act 2001 established the Scottish Commission for the Regulation of Care. The Care Commission has a duty to investigate complaints, received from a user of a regulated care service or their representative, about regulated services, either residential or daycare. The Care Commission publish an annual report detailing complaints activity. Complaints relating to a specific care service will be included in their annual inspection report which is made available to the public. Service users, whose services are fully or partially funded by social work, have the right to access the Care Commission complaints procedure.
3.3 Clients' Rights

The Angus Clients’ Rights Service provides a confidential advisory, counselling, representation and advocacy service to the users of social work services. By seeking to resolve complaints, raised by service users, through mediation and negotiation the Clients’ Rights Service can prevent the need for further complaints investigation to be carried out.

A separate report about the activity related to the Clients' Rights Service is presented annually to the Social Work and Health Committee. Complaints received by the Clients’ Rights Service are therefore not included in this report.

4. ACCESS TO INFORMATION ABOUT COMPLAINTS

It is important to demonstrate that complaints have been dealt with seriously and fairly. Circular SWSG5/1996 advises local authorities to publish information about complaints and relevant action which has assisted with the assessment of the quality and effectiveness of social work policies and practice. The circular recommends that information about complaints, investigated through the statutory complaints procedure, should be available in social work offices.

In accordance with Angus Council’s public performance reporting mechanisms it is recommended that this report be made available to the public through the Council’s web site as well as having a copy displayed in each social work and health office.


Social work and health staff make every effort to deal with concerns and issues raised by service users informally and as close to the service user and service delivery as possible. Dealing with complaints at the point of service delivery allows for quick resolution for all parties. It provides ongoing feedback to managers and staff about their performance and can be seen as a positive step in the move towards improved services.

It is recognised that many matters are resolved quickly and “on the spot” by workers and team leaders. Where issues are being resolved at a local level this is being recorded. During 2007/08 170 Stage 1 complaints were made. 161 of these complaints have been resolved to the satisfaction of the service user or their representative and are now closed. Nine are currently being addressed by staff at a local level and should be resolved within the near future. This is an increase of three Stage 1 complaints from 2006/07 but is still a relatively small number of complaints in terms of the quantity of services being delivered and the number of service users accessing social work services. A recent Social Work and Health Customer Care survey has confirmed that service users are, in the main, happy with services provided. This will be reported further in a report to committee in August 2008.

Reasons for complaints in 2007/08 can be grouped into issues with waiting times and being turned down for services in older people’s services, delayed response times by Community Alarm, perceived changes in service delivery and issues with occupational therapy services in adult care and issues with confidentiality and lack of services for children with a disability in children’s’ services.

There have been three complaints referred for investigation at Stage 2 of the process between 1 April 2007 and 31 March 2008. Again this is an increase from 2006/07 when two complaints were investigated at Stage 2. These complaints have been investigated outwith the service area which was the subject of the complaint. Two of the complaints have been resolved to the satisfaction of the service users and one is still to be concluded. The complainer has however been kept fully informed.

The second complaint was in relation to the unprofessional behaviour of a staff member. This complaint has been fully upheld and the department is now progressing the matter using the relevant procedures.
Complaint three focussed on assessment and the payment of care home fees and was not upheld. The outcome of this complaint has been passed to the Senior Manager for action.

Report No 1153/05 recommended the establishment of an Independent Review Panel to replace the existing Complaints Review Committee, to consider Social Work and Health Stage 3 complaints. Following advertisement and interviews by the Social Work and Health Executive Sub Committee the minute, noting the appointment of four independent members of the review panel, was agreed by the Social Work and Health Committee on 28 February 2006.

The Independent Review Panel has not met during 2007/08 with none of the complaints progressing to Stage 3. This gives an indication of the positive impact of referring complaints for local resolution in the first instance and the efforts of staff to resolve complaints quickly and in conjunction with service users at the point of delivery or at the second stage of the complaints process.

6. **COMPLAINTS OUTCOMES**

It is important that staff take the opportunity to learn from any issues raised from complaints. During 2007/08 the Complaints Officer and the Principal Officer Quality Improvement have reviewed key themes, identified learning points and action to be taken within complaints and internal audits undertaken during the year.

7. **COMPLIMENTS**

It was recognised in 2004 that complaints while leading to improved practice are not the only way in which service users make contact with the Social Work and Health department. Many examples of good work are commended by service users almost daily however this has often gone no further than displaying the thank you card in the relevant local office.

Social Work and Health Senior Management Team agreed early in 2004 that compliments to staff should be recorded and reported within this annual report. All offices now have a recording system for compliments and it should be noted that 994 compliments were received across Social Work and Health during 2007/08. The reasons for the compliments can be grouped under attitude and support from staff, excellent service delivery, good customer care and good communication.

8. **PLANNED ACTION DURING 2008/09**

- The department will continue to review and revise the complaints procedure in line with changes to policy and practice.

- Training will be continue to be offered to new and existing staff to ensure awareness of the complaints procedure and that the outcome of complaints is being incorporated into practice.

- A draft policy statement to address the handling of persistent and vexatious complainers has been developed in conjunction with staff from Law and Administration. This has been piloted during 2007/08 with one persistent complainer. The policy required one or two minor amendments and will be brought to committee at a future date.

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 Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

11. **CONCLUSION**

This report informs members of the duty attached to the social work and health department under Section 5B of Social Work (Scotland) Act 1968 to investigate and report on the outcome of complaints on an annual basis. The report confirms the number of complaints investigated during the last year, their outcome and any actions taken by the department to improve policy and practice. It also highlights the number of compliments received by staff or service areas over the last year.

The number of complaints referred to stage two of the process remains low. The reason for this can partly be attributed to the policy of resolving complaints informally and as close to the source of the complaint as possible. Additional complaints’ training has allowed staff to discuss and debate how, as a department, we might respond to complaints in a different way. The change in the use of terminology, no longer referring to complaints as formal and informal, has given staff a sense of responsibility for action and has also allowed them to see the benefits of local resolution in improving their relationship with their customer. This change in policy has been well received by staff and is working well in practice.

It should be noted, however, that stage two complaints are often complex and require in depth investigation. This takes a considerable amount of time and effort on the part of the nominated and investigating officers who undertake these investigations over and above their normal duties. The learning from these investigations is of significant value to the department but the time and effort involved cannot be underestimated.

Linked to this is the establishment of a recording system for compliments. Staff are of the view that value is being attached to the good work which so often goes unnoticed. This approach to recognising the ‘good bits’ has encouraged them to respond with a more positive outlook and has in itself encouraged fewer complaints.

Additionally, the Clients’ Rights Service assists in resolving, through mediation and negotiation, matters raised by service users reducing the potential for further investigation of complaints.

The social work complaints procedure continues to form an important part of the department’s performance management and reporting framework. The complaints officer represents Angus at the complaints sub group affiliated to the Association of Directors of Social Work to ensure national discussion and development informs practice in Angus.

R Peat
Director of Social Work and Health

**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.
SOCIAL WORK AND HEALTH OFFICES

The following social work and health offices will display copies of the Complaints Annual Report 2007/08:

Forfar and Kirriemuir

Strang Street Office Ravenswood
2 Strang Street New Road
Forfar Forfar
DD8 2HR DD8 2AF

Kirriemuir Office
Fairlie House
Kirriemuir
DD8 4HU

Brechin and Montrose

Brechin Office Montrose Office
26 Panmure Street 208-210 High Street
Brechin Montrose
DD9 6AP DD10 8LZ

Monifieth, Carnoustie and Arbroath

Monifieth Office Library Carnoustie Office
High Street 41 Dundee Street
Monifieth Carnoustie
DD5 4AE DD7 7PG

Criminal Justice Services Academy Lane Office
8 Fergus Square Academy Lane
Arbroath Arbroath
DD11 3DG DD11 1EJ

Gowanlea
12-14 Seaton Road
Arbroath
DD11 5DT
### Appendix 2

**Complaints dealt with under Stage 2 of the Social Work Complaints procedure during 2007/2008**

<table>
<thead>
<tr>
<th>Ref No.</th>
<th>Date Received</th>
<th>Complaint</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACO/001/007</td>
<td>27/04/07</td>
<td>Complaint by service user about his treatment while in the care of local authority</td>
<td>Police Investigation concluded. Departmental issues almost concluded. Outcome not yet agreed</td>
</tr>
<tr>
<td>ACO/002/007</td>
<td>31/12/07</td>
<td>Complaint by service user about unprofessional conduct of a staff member</td>
<td>Fully upheld. Staffing issue now being dealt with internally</td>
</tr>
<tr>
<td>ACO/003/007</td>
<td>14/02/08</td>
<td>Complaint by service user about assessment and payment of care home fees</td>
<td>Not upheld. Outcome passed to Senior Manager for further action</td>
</tr>
</tbody>
</table>