
ANNUAL REPORT ON THE SOCIAL WORK STATUTORY COMPLAINTS PROCEDURES FROM 1 JANUARY 2016 TO 31 DECEMBER 2016; and NEW SOCIAL WORK COMPLAINTS HANDLING PROCESS

**Report by Chief Social Work Officer and Service Director
Neighbourhood Services**

EXECUTIVE COMMITTEE

21 March 2017

1 PURPOSE AND SUMMARY

- 1.1 This report provides information on the number and types of complaints received by Social Work from 1 January 2016 to 31 December 2016, summarising the changes arising from 113 complaints, and improvement actions.**
- 1.2 This report also outlines the new statutory social work complaints provisions introduced by the Scottish Public Services Ombudsman (SPSO) and seeks approval of the revised Social Work complaints handling procedure (SW CHP).

2 RECOMMENDATIONS

2.1 I recommend that the Committee approves

- (a) the annual report information on Social Work Statutory Complaints procedures from 1 January 2016 to 31 December 2016**
- (b) the Social Work Model Complaint Handling Procedure (SW CHP), as detailed in Appendix 1, for all complaints relating to Social Work services whether they are delivered through Scottish Borders Council, ALEOs or the Health and Social Care Partnership from 1 April 2017**
- (c) the changes to the Council's customer facing complaint handling procedure and the standard complaint handling procedure as detailed in Appendix 2 from 1 April 2017**
- (d) disbanding the Social Work Complaint Review Committee once all social work care complaints raised before the 1 April 2017 have been completed.**

3 BACKGROUND

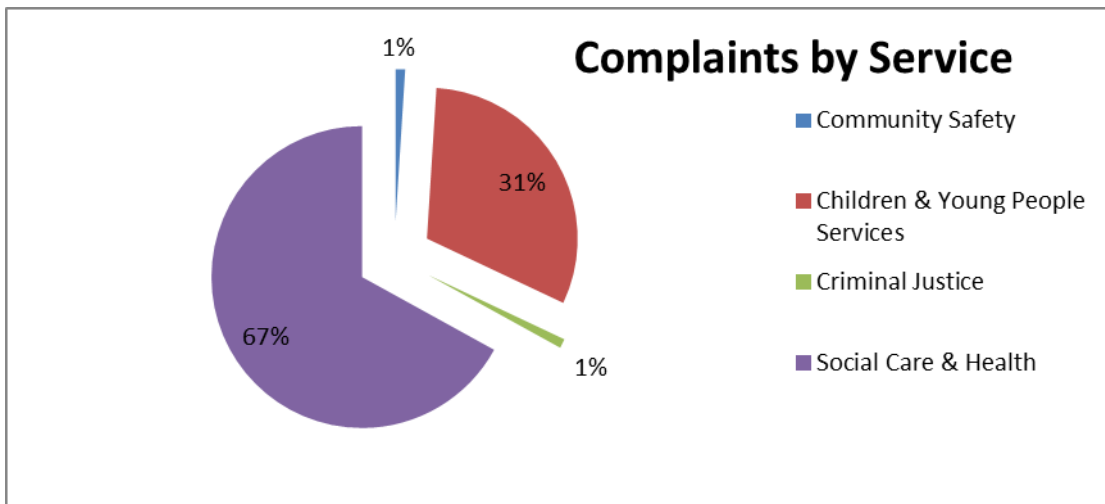
- 3.1 The Social Work Complaints annual report concentrates on those complaints processed under the National Health Service and Community Care Act 1990. This requires local authorities to have procedures for considering complaints that are made with respect to their Social Work functions. The statutory Social Work complaints procedure is a legal entitlement, restricted to service users, their representatives and those refused a service to which they have a statutory entitlement.
- 3.2 The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 (the Order) brought Social Work complaint handling into line with other local authority complaint handling by bringing it under the remit of the Public Services Reform (Scotland) Act 2010. Accordingly, future operation, monitoring and annual reporting of Social Work complaints will be done as part of a wider SBC approach to complaints across all services.

4 SOCIAL WORK COMPLAINTS ANNUAL REPORT

- 4.1 Many complaints are resolved quickly and informally at the point of service delivery by staff and managers. When complainants wish their complaint dealt with on a formal basis an Investigating Officer is appointed who reports their findings to the appropriate member of Senior Management. A response is then sent from the Senior Manager to the complainant. Where the service has fallen below standard, apologies are given with an outline of what the Department is proposing in order to improve practice and the service provided.
- 4.2 In line with its current statutory requirements, the Council operates a 3 stage social work complaints procedure:
- Stage 1 – Complaint dealt with directly at the point of service
Stage 2 – Complaint requires formal investigation and response
Stage 3 – Complaint Review Committee (CRC)
- 4.3 113 Complaints were received between 1 January 2016 and 31 December 2016, an increase of 22.82% from the previous year. The outcome of all complaints received is shown in the table below.

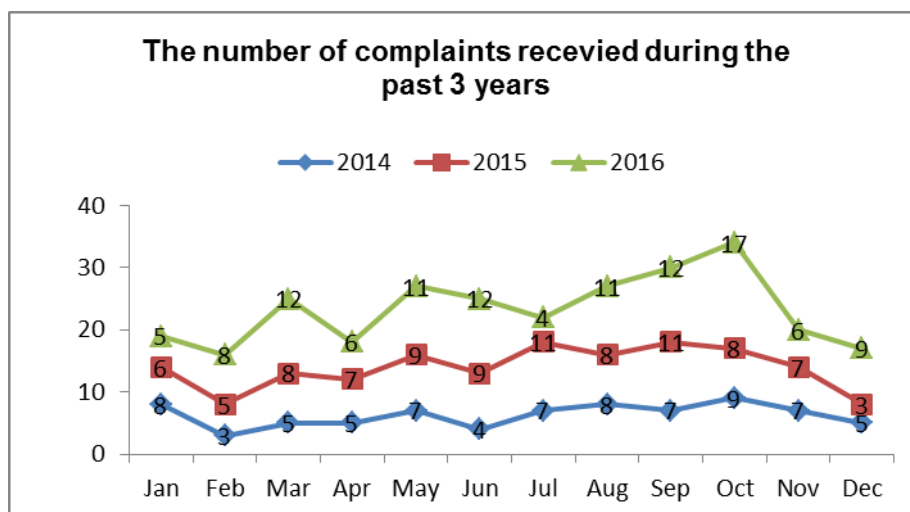
Outcome of Complaints 2016	No. of Complaints	% of Complaints
Not Upheld	36	33
Upheld	25	22
Partially upheld	25	22
Complaint withdrawn	9	8
Invalid	13	11
Complaint refusal to engage	4	3
Ongoing	1	1
Totals	113	100

4.4 The breakdown of complaints by service is shown below



4.5 There were a number of issues highlighted during this year and these are as follows

- A number of complaints highlighted delays in people being assessed and delays in being allocated a care manager
- There has also been a big increase in the number of complaints being submitted by relatives/friends of people known to Social Services without the individual's consent. These complaints are forwarded to relevant staff for their attention and subsequent action.
- The number of complaints has increased steadily each year, partly because people are aware of the complaints process and people's expectations of the department and having to wait to be assessed for a service.



- 4.6 The number of complaints received each month for the past 3 years are shown in the table below

Month	Year		
	2014	2015	2016
January	8	6	5
February	3	5	8
March	5	8	12
April	5	7	6
May	7	9	11
June	4	9	12
July	7	11	4
August	8	8	11
Sept	7	11	12
October	9	8	17
November	7	7	6
December	5	3	9
Total	75	92	113

- 4.7 Statutory timescales were met in all cases regarding the acknowledgement of complaints; indeed most were acknowledged on the day of receipt. Like most other Local Authorities in Scotland it has been a challenge to respond to most complainants within the expected timescale of 28 days.

- 4.8 The number of complaints acknowledged on time, within 2 working days, and answered on time within 20 working days are shown in the table below.

2016	Q1 Jan-Mar	Q2 Apr-Jun	Q3 Jul- Sep	Q4 Oct- Dec	Annual Total
Complaints received	25	29	27	32	113
Complaints acknowledged within 2 working days	25 (100%)	29 (100%)	27 (100%)	32 (100%)	113 (100%)
Complaints completed within 20 working days	14 (56%)	22 (76%)	10 (37%)	21 (66%)	67 (59%)

4.9 108 Complaints were investigated and the nature of the complaints is shown below:

	Total	Upheld	Partially Upheld	Not Upheld	Invalid	With drawn
Actions of staff	38	6	3	19	6	4
Attitude of staff	5		3	2		
Contracted Services	1					1
Communication /quality of information provided	5	2		1	1	1
Decision Making	6	1		3	1	1
Delay in service delivery	11	4	3	2	1	1
Difficulty in accessing service	8	2	1	3	2	
Financial	8	1	4	1	1	1
Provision of service	21	7	10	3	1	
Quality of service	1	1				
Refusal of service	4	1	1	2		
Totals	108	25	25	36	13	9

4.10 Examples of some of the complaints investigated under stage 2 are as follows:

- Difficulty in accessing service
- Provision of service
- Delay in service
- Actions of professional
- Disagree with financial assessment
- Delays in decision making

4.11 One of the strengths of the system is that all responses to formal complaints are signed by the Director or senior managers who have the authority to ensure that any lessons to be learned are taken on board and implemented to improve the service. Examples implemented in 2016 include:

- (i) Review the use of the duty and case work system to provide timely support when required
- (ii) That the process for dealing with reports of equipment failure will be fully reviewed to ensure improved response, management and allocation of resources
- (iii) The department is also currently reviewing training needs for the whole of Social Work and are ensuring all staff working within the mental health service are up to date with the necessary training to enable them to provide the best support to their clients.
- (iv) That people are contacted before any adjustments are made to any contributions paid to the Council via a direct debit

4.12 Improvements identified for 2017 arising from complaints-based intelligence include:

- implement the complaint process in regard to the integration of Social Care and Health;
- review the Council website in regard to Social Work complaints;
- review the process for complex complaints for Social Work to ensure timescales are met; and
- align processes and resources for Social Work complaints with those for other complaints across SBC.

4.13 Of the 113 complaints received, 27 were received by telephone, 44 by letter, 30 by email, 6 by postcard, and 6 complaints came from a third party.

4.14 During this past year a number of complainants have been supported in making their complaint and this was provided by Borders Carer Centre, MSP's, MP's, lawyers and Borders Independent Advocacy Service (BIAS).

4.15 SBC monitors to ensure that there are no barriers to the complaints process by virtue of ethnicity. Of the 113 complaints that were received 3 were anonymous, 36 were received from White Scottish Males, 58 from White Scottish Females, 5 from White English Males, and 11 from white English Females.

4.16 Letters are also received from clients/families thanking staff employed by the department for the services they received. These letters praise the staff for the commitment they showed and the professional way they carried out their duties, in particular their kindness to the people being cared for.

4.17 There was one meeting of the Complaints Review Committee, requested, and the outcome was that the complaint was not upheld.

4.18 During the last year one complainant contacted the Ombudsman; no further action was taken by the Ombudsman.

4.19 A sample of people who made a complaint during 1 January 2016 to 31 December 2016, were contacted for their views about how their complaint was handled and to ask if they were happy with the outcome of their complaint. This has enabled complaints handling to be continuously improved.

4.20 The results of complaints investigations, including any actions taken are made available to the public by way of this report. This is displayed in Social Work offices and is available on the Internet on the Council's website.

5 SOCIAL WORK MODEL COMPLAINT HANDLING PROCEDURE

5.1 The Public Services Reform (Scotland) Act 2010 (the Act) gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of a standardised Complaints Handling Procedure (CHP) for the public sector. The Act also places a duty on specified authorities to comply with the relevant CHP.

- 5.2 In 2011 the SPSO published their Model Complaints Handling Procedure which Scottish Borders Council (SBC) agreed to adopt in its entirety as their standard CHP in November 2012. The procedure applied to all complaints with the exception of Social Work care complaints.
- 5.3 The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 (the Order) brought Social Work complaint handling into line with other local authority complaint handling by bringing it under the remit the Act.
- 5.4 On 16 December 2016 - following a period of consultation - the SPSO published 'The Social Work Model Complaints Handling Procedure' together with associated guidance for implementation. This will provide a standard approach to handling customer complaints about Social Work services across Scotland, whether provided by local authorities, ALEOs or by health and social care partnerships.
- 5.5 Adoption and implementation of the standardised SW Model CHP is required from 1 April 2017 and will coincide with the implementation of a new National Health Service Model CHP bringing both social work and National Health Service (NHS) services into line with the existing local authority standard CHP. A new SBC SW Model CHP is attached at Appendix 1. It follows in its entirety the SPSO SW Model CHP.
- 5.6 From 2017/18 the requirement will be to assess social work complaint handling performance against the SPSO complaints performance indicators. Reporting will be in line with current governance arrangements.
- 5.7 There is no requirement for a new customer facing CHP for Social Work services. This is because the only differences between the standard Local Authority Model CHP and the NHS/SW Model CHPs are within the sections providing staff guidance, particularly in relation to information on extensions to timescales and specific guidance on issues which are more likely to arise with Social Work complaints.
- 5.8 Although there is no requirement for a new customer facing CHP, SBC will need to update their current customer facing CHP to remove all reference to a separate SW complaints process and to update contact details for the Care Inspectorate, the SPSO, the Scottish Independent Advocacy Alliance and for Customer Services.
- 5.9 The SW Model CHP is designed to:
- make it easier for service users to complain;
 - give staff and customers confidence in complaint handling;
 - encourage the organisation to identify lessons and learn from complaints.
- 5.10 The SW Model CHP removes the complexity from the existing SW complaints process providing an easy to understand and much quicker process.

- 5.11 The differences between the existing SW complaints process and the new SW Model CHP are as follows:
- a) Moving from a 3 or 4 stage process to a 2 stage process
 - b) At Stage 1:
 - no acknowledgement is required
 - the response time changes from 28 working days to 5 working days
 - where there was no provision for a timescale extension, there will now be an extension of up to 10 working days
 - c) At Stage 2:
 - the acknowledgement will be required within 3 working days rather than 5 working days
 - the response time changes from 28 working days to 20 working days
 - a timescale extension in exceptional circumstances will be available of up to 20 working days, whereas previously there was no limit to the extension, it was granted on agreement with the customer
- 5.12 This change benefits the customer as the response time at this stage, even including the 10 working day extension period reduces from 28 working days to 15 working days.
- 5.13 The differences between the new SW Model CHP and the local authority model CHP are:
- a) At Stage 1:
 - the timescale extension for the local authority model CHP is up to 5 working days, whereas the SW model CHP has an extension of up to 10 working days
 - b) At Stage 2:
 - the timescale extension for the local authority model CHP is up to 5 working days, whereas the SW model CHP has an extension of up to 10 working days
- 5.14 The reason for the difference in extension timescale is to take account of the complexity of Social Work complaints
- 5.15 Any organisation commissioned by SBC to provide social care on the Council's behalf must meet the requirements of the SW Model CHP. Work is underway to ensure that commissioned providers have a procedure in place that complies with the SW Model CHP and that mechanisms are in place to identify and act on any complaint handling performance issues that may arise.
- 5.16 Complaints that were received but not completed prior to 1 April 2017 will be concluded under the current SW CHP.
- 5.17 These new arrangements will allow for all complaints procedures across SBC and the deployment of related resources to be more consistent and efficient. Internal Audit have been asked to assist this process with a short review, which will lead to improvements over the coming year. This will be reported back to elected members as part of future corporate complaints updates.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to the recommendation contained in this report although it is hoped that streamlined processes may contribute to a reduction in back office costs.

6.2 Risk and Mitigations

Failure to provide a report would be contrary to guidance issued by the Scottish Office in 1996. (SWSG 5/1996)

If Scottish Borders Council does not implement the SW Model CHP there is a risk of reputational damage if the SPSO were to lay a disparaging report before the Scottish Parliament.

6.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is considered that there are no adverse equality implications.

Information recorded for complaints is regularly monitored to consider whether groups with protected characteristics are under represented in communications/ access to social work services.

6.4 Acting Sustainably

It is considered that there will be no economic, social or environmental effects caused by implementing this procedure.

6.5 Carbon Management

It is considered that there are no effects on the Council's carbon emissions arising from the report recommendation.

6.6 Rural Proofing

There is no requirement for any action.

6.7 Changes to Scheme of Administration or Scheme of Delegation

The Scheme of Administration will need to be amended to remove the Social work Complaints Review Sub Committee once all complaints outstanding at 1st April 2017 are completed.

7 CONSULTATION

- 7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council are being consulted and any comments received will be incorporated into the final report:
- 7.2 The Depute Chief Executive People, the Chief Social Work Officer, the Customer Services Manager, the Senior Manager Business Strategy and Resources, the Business Support Officer - Chief Executives and the Senior Policy Planning and Performance Officer are also being consulted.

Approved by

Elaine Torrance
Chief Social Work Officer

Signature

Jenni Craig
Service Director
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Signature

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Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Carole Douglas can also give information on other language translations as well as providing additional copies.

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