

## DUNDEE CITY COUNCIL

**REPORT TO: SOCIAL WORK COMMITTEE - 21 MARCH 2005**

**REPORT ON: SOCIAL WORK COMPLAINTS PROCEDURE**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 185 - 2005**

### **1.0 PURPOSE OF REPORT**

1.1 The report informs members about the operation and effectiveness of the statutory Social Work Department Complaints Procedure during the calendar year 2004.

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work Committee:

2.1 note and approve the content of this report

2.2 instruct the Director of Social Work to inform the Scottish Executive Social Work Services Inspectorate of the content

2.3 instruct the Director of Social Work to make the contents of this report publicly available.

### **3.0 FINANCIAL IMPLICATIONS**

3.1 There are no financial implications arising from this report.

### **4.0 LOCAL AGENDA 21 IMPLICATIONS**

4.1 Enabling the general public to raise issues and make complaints regarding social work services is consistent with the principles and values expressed in the Agenda 21 programme.

### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 Access to the Complaints Procedure is open to all care groups, their carers and their representatives.

### **6.0 MAIN TEXT**

#### **6.1 Background**

Local Authorities are required to consider any complaints made regarding the discharge of their Social Work function. This requirement is detailed in Section 5A Social Work (Scotland) Act 1968 as amended by Section 52 of the National Health Service and Community Care Act 1990. The revised guidance issued by the Scottish Office in 1996 (SWSG5/1996) encourages councils to publish information about the complaints they receive and how they respond to them. This arrangement helps Councils to assess the quality and effectiveness of their social work services.

Dundee City Council Social Work Department complaints procedure enables service users to have their complaints considered at both an informal or formal level. Both routes will ensure that a complaint made by the member of the public will be listened to, addressed and action taken to resolve any difficulties. Research has shown that complainants prefer to have complaints resolved quickly and as close to the point of delivery as possible. The informal routes to complaint resolution allows for this to happen.

For those complainants wishing to approach complaints in a more formal manner, the procedure is in line with guidance set out by the Scottish Executive. Complainants not satisfied with the response made after an initial investigation are offered an opportunity to discuss their complaint in person with the Director of Social Work.

In November 2003 the function of monitoring the use of the complaints procedure and ensuring its effective application became the responsibility of the Customer Care Officer. Part of this officer's remit is to collate information from complaints received for the purpose of quality control and continuous improvement. The Customer Care officer is structurally independent from operational functions and is based in the department's Strategy and Performance Service and is managed by the Senior Officer, Business and Quality.

The information taken from complaints, both formal and informal is now recorded on a database, which was installed in 2004. Using a standardised method of information collection will allow for greater accuracy and improved monitoring.

This report provides information regarding complaints investigated during the calendar year 2004.

## 6.2 **Complaints Received**

From 1 January to 31 December 2004 a total of 39 complaints were received.

### **Note 1**

**In previous years the figures reflected Second Level Complaints only but as from 2004 these figures also incorporate First Level Complaints.**

There are a number of ways a complaint can be made and the Social Work Department procedures must be easily accessed by those people who use or come in contact with social work services. During the year 59% of complainants raised their concerns by letter, 18% were received by telephone, 5% by email and a further 18% of complainants made use of the complaints form which is available at all Social Work offices and also on the Council's website.

The complaints leaflet has been amended to advise complainants of their right to complain directly to the Care Commission regarding registered services. There is also information on the role of the Public Services Ombudsman. The complaints information been further revised to include the contact details of the Customer Care Officer.

## 6.3 **Complaints**

The complaints procedure sets a target of 5 calendar days for acknowledgement of a complaint. This was achieved for 98% of complaints. This is an improvement over last year when 95% of complaints were acknowledged within 5 calendar days.

### 6.3.1 **First Level Complaints**

Informal complaints constitute an important part of a responsive system. The principle of local resolution is central to the procedure and complaints should be resolved as quickly and as close to point of service delivery as possible.

During the calendar year 2004, 59% of the complaints were informal/first level. The complainant should receive a letter informing him/her of the outcome of the complaint within the 14 days of the Department receiving the complaint. The letter should advise the complainant that if he/she is not satisfied with the outcome he/she can enter a more formal stage of the complaints procedure. It should also ask him/her to confirm that he/she is satisfied with the outcome of the complaint, and state that if no response is received within 28 days it will be assumed that he/she is satisfied. It is recorded that 47% of first level complaints were not resolved within the agreed timescale.

### 6.3.2 Second Level Complaints

During the calendar year 2004, 41% of the complaints were second level. A complaint at this stage of the complaints procedure should be acknowledged within 5 calendar days and a response in writing dealing with the substance of the complaint should be issued within 28 days of the department receiving the complaint. The letter should ask the complainant to confirm whether or not he/she is satisfied with the outcome. It should also state that if he/she wishes the matter to be further reviewed he/she should respond within 28 days. It is recorded that 75% of complaints were not completed within the agreed timescale.

In total 62% of complainants were satisfied with the results, 13% were not satisfied and 20% were either withdrawn or required no further action and 5% are still being progressed.

### 6.4 Category of Service

The incidence of complaints ranges across a number of service areas within the Social Work Department. The greatest volume of statutory interventions delivered by the Social Work Department are located within Children's Services and the majority of complaints received concerned this operational section. This has been a consistent trend over time. Children Services staff work with some of the most vulnerable families within our community and parents of children are aware of both their rights and children's rights.

**Table 1 Number of Complaints Received by Service**

SECTION	1999-2000	2000-2001	2001-2002	2003	2004
Children	16	15	11	11	26
Adults	11	7	3	4	8
Criminal	0	0	1	1	3
Other	6	0	1	2	2
<b>TOTAL</b>	33	22	16	18	39*

\* See Note 1

The actual figure for Second Level complaints in 2004 was 16 showing a downward trend from 2003.

### 6.5 Issues Raised through Complaints

A single complaint can highlight a number of issues, which require investigation. From the 39 complaints received during the year, the main issues, which attracted complaints, were related to service provision and staff conduct. It is encouraging however that complaints relating to disputed assessment/decision have reduced considerably.



**Table 2 Issues Raised through Complaints**

<b>ATEGORY</b>	<b>1999-2000</b>	<b>2000-2001</b>	<b>2001-2002</b>	<b>2003</b>	<b>2004</b>
Disputed Assessment/Decision	1	1	1	16	5
Breach of Confidentiality	1	3	1	1	1
Service Provision	65	56	53	5	18
Staff Conduct	21	12	5	10	15
Refusal of Service	0	0	0	2	0
Delay in Service provision	1	0	0	1	0
Council Policy	4	0	0	1	0
<b>TOTAL</b>	<b>93</b>	<b>72</b>	<b>60</b>	<b>36</b>	<b>39</b>

### 6.6 Outcome of Complaints

The complainer receives a written account of the outcome of the investigation. There are a number of possible outcomes, which may arise from a complaint. It may be upheld in whole or in part, not substantiated, or not upheld.

Following investigation of all the issues raised 22% were upheld, 15% were part upheld and 36 % were not upheld. A further 21% were not substantiated and 5% are still in progress.

**Table 3 Outcome of Complaints**

<b>CATEGORY</b>	<b>UPHELD</b>	<b>PART</b>	<b>NOT UPHELD</b>	<b>NOT SUBSTANTIATED</b>	<b>IN PROGRESS</b>
Staff Conduct	4	3	5	2	1
Service Provision	4	3	6	4	1
Disputed Decision	1	0	2	2	0
Breach of Confidentiality	0	0	1	0	0
<b>TOTAL</b>	<b>9</b>	<b>6</b>	<b>14</b>	<b>8</b>	<b>2</b>

When the investigation is complete the complainant is invited to indicate whether they are satisfied or dissatisfied with the investigation and the outcome. The comments returned show that 25 complainants were satisfied with the outcome or the proposed action to be taken. Where the complainant is dissatisfied they are asked to indicate if they wish their complaint to be considered by the Complaints Review Committee (CRC). No such requests were received. In 1 case the complainant requested a review by the Director of Social Work.

### 6.7 Action Taken in Response to Complaints

Complaints should be treated seriously and be acted upon promptly. This is an important principle within an effective complaints system and a range of actions were recorded as a result of complaint information received during the calendar year 2004.

Where a complaint is upheld an apology is made on behalf of the Director of Social Work and an action plan is developed to redress the issue and ensure continuous improvement to services.

## 6.8 **Conclusion**

The main objectives of the complaints procedure have been met and the Social Work Department has discharged its statutory responsibilities effectively. The main objective of the complaints procedure is to ensure that service users are able to raise concerns regarding their contact with the Social Work Department and be assured that these are taken seriously.

The following performance issues have been noted.

- It is noted that the number of complaints has fallen during this period.
- The Social Work Department's performance has improved this year as far as complaints acknowledged timeously.
- The time taken to investigate and report back to the complainant needs to be improved.
- The number of complainants dissatisfied with the response has improved.
- There has been a decrease in first level (informal) complaints from 32 to 23.
- There has been a decrease in second level (formal) complaints from 18 to 16.

The information from complaints and from the complainants themselves is invaluable and an important source to further develop our range of services and responses for customers of this department.

## 6.9 **THE WAY FORWARD**

In addition to meeting its statutory obligations by responding to complaints, the Social Work Department regards any views or comments expressed as important and a valuable contribution to service improvement. The customer complaints database is also an important tool for service development and improvement and this has shown up areas that we must improve on. These improvement issues will now be included in the Social Work Department Directorate Data Set for the purpose of monitoring performance.

New Customer Care standards have been developed during the year 2004. These standards will express the Social Work department's commitment to customers through positive accessibility; respect; effective communication; involvement and partnership. The philosophy of "listen, learn and improve" will be applied throughout the Department.

Revised public information on the complaints procedure has been produced, including details of the role of the Customer Care Officer.

## 7.0 **CONSULTATION**

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), and the Assistant Chief Executive (Community Planning) were consulted in the preparation of this report.

## 8.0 **BACKGROUND PAPERS**

- 8.1 Social Work Department Operational Instruction No. 5.34 Circular SWSG5/1996 – Local Authority Complaints Procedures.

A G Baird  
Director of Social Work  
Date: 11 March 2005