

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE – 17 APRIL 2006
REPORT ON: SOCIAL WORK COMPLAINTS PROCEDURE
REPORT BY: DIRECTOR OF SOCIAL WORK
REPORT NO: 235 - 2006

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 2005.

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 when required for the purpose of inspection
- 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 by ensuring all sections of the community are empowered to participate in decision-making

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 Access to the Complaints Procedure is open to people in 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 information taken from complaints, both formal and informal is now recorded on a database, which was installed in 2004. 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.

This report provides information regarding complaints investigated during the calendar year 2005.

6.2 Complaints Received and Public Information

From 1 January to 31 December 2005 a total of 39 complaints were received. This figure should be taken within a context of 1900 staff providing services to approximately 9,200 service users.

There are a number of ways a complaint can be made and the Social Work Department's complaints procedures must be easily accessed by those people who use, or come in contact with, social work services. The Social Work Department's complaints leaflet also advises 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 and the contact details of the Customer Care Officer.

During the year 35% of complainants made use of the complaints form, which is available at all Social Work offices, and also on the Council's website; 33% of complainants raised their concerns by letter; 13% on an office visit; 8% by email; 5% were made by telephone and 3% on a home visit.

6.3 Complaints

The complaints procedure sets a target of 5 calendar days for acknowledgement of a complaint. This was achieved for 72% of complaints. This is a decrease in performance over last year when 98% of complaints were acknowledged within 5 calendar days. It is difficult to ascertain the exact reason for this reduction but the customer care officer will be undertaking some training with operational administrative staff with a view to improving this figure.

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 2005, 62% 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 82% (47% in 2005) of first level complaints were not able to be resolved within the 14 days. Under these circumstances an extended timescale must be agreed with the complainer giving a reason for the delay.

6.3.2 Second Level Complaints

During the calendar year 2005, 38% of the complaints were second level. A complaint at this stage of the complaints procedure is 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 a further 28 days. It is recorded that 27% (25% in 2004) of complaints were completed within the timescale and similarly to first level complaints extensions have become routine practice.

It is clear that the current timescales in the complaints procedure are no longer appropriate. The nature of complaints has become more complex and the investigation of a complaint often involves an investigating officer in numerous interviews with many witnesses. This aspect of the procedure will be addressed in the planned review of the current procedural guidance.

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 is located within Children's Services and the majority of complaints received concerned this operational section. This has been a consistent trend over time, however, it is important to note the significant decrease of complaints received in relation to this service area during 2005. The Criminal Justice Service has undertaken work to ensure that their service users are aware of their right to be heard. It is likely that the increase in complaints received by this Service is as a direct result of increased publicity on the right to complain.

Table 1 Number of Complaints Received by Service

SECTION	2000-01	2001-02	2003	2004	2005
Children	15	11	11	26	14
Adults	7	3	4	8	9
Criminal Justice	0	1	1	3	11
Other	0	1	2	2	5
TOTAL	22	16	18	39	39

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 disputed assessments or decisions and service provision. It is encouraging, however, that complaints relating to staff conduct have reduced considerably.

Table 2 Issues Raised through Complaints

CATEGORY	2000-01	2001-02	2003	2004	2005
Disputed Assessment/Decision	1	1	16	5	13
Breach of Confidentiality	3	1	1	1	1
Service Provision	56	53	5	18	15
Staff Conduct	12	5	10	15	9
Other			4		1
TOTAL	72	60	36	39	39

6.6 Outcome of Complaints

The complainant 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, 10% were upheld, 21% were upheld in part, 28% were not upheld, a further 21% were not substantiated, 5% were withdrawn and 15% are still in progress.

Table 3 Outcome of Complaints

CATEGORY	UPHELD	PART UPHELD	NOT UPHELD	NOT SUBSTANTIATED	WITHDRAWN	IN PROGRESS
Staff Conduct	1	0	3	3	1	1
Service Provision	2	3	3	3	1	3
Disputed Decision	1	4	5	2	0	1
Breach of Confidentiality	0	1	0	0	0	1
TOTAL	4	8	11	8	2	6

When the investigation is complete the complainant is invited to indicate whether they are satisfied or dissatisfied with the investigation and the outcome. Comments returned show that 24 (25 in 2004) 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. This option has not been used in this calendar year but one complainant has referred to the Local Government Ombudsman. This matter is currently under investigation.

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 2005.

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 complaint 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.

- The number of complaints has remained constant during this period.
- The nature of complaints now being received has resulted in very few complaints being able to be finalised within the current timeframes. As a result, the Social Work Department intends to review its procedural guidance and determine more realistic response times. While it is important that people have their complaints responded to timeously, it is also vital that sufficient time is available to allow complaints to be investigated thoroughly.
- The level of first level (informal) complaints has remained fairly static (23 in 2004 and 24 in 2005).
- The level of formal complaints has remained fairly static (16 in 2004 and 15 in 2005)
- The number of complaints is very small, when considered against the annual volume of customer contact often undertaken under difficult circumstances.

The information from complaints and from the complainants themselves is invaluable. It is an important source of information, which is used to help further develop the quality and our range of services. This information is continually being added to from other sources of customer information.

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 and development.

The Social Work Department has recently developed a customer complaints database which is proving to be an important monitoring tool. The Department plans to collate and analyse information from this database to contribute to its agenda of continuous improvement.

New Customer Care standards were developed during the year 2004. These standards express the Social Work Department's commitment to customers through positive accessibility: respect; effective communication; involvement and partnership. Arrangements are being made to distribute a copy of these and other expected standards of behaviour to every member of staff. The philosophy of "listen, learn and improve" will continue to be applied throughout the Department.

Over the coming year, the Customer Care Officer will produce a Customer Charter, which will include key information for service users, and an annual report on all aspects of her work.

As well as complaints, the Director of Social Work and his staff also received letters of appreciation and compliments from other providers, service users and their carers. The monitoring database has now been modified to also capture information on letters of appreciation and other written compliments. This information will be reported from next year.

7.0 CONSULTATION

- 7.1 The Chief Executive, Depute Chief Executive (Finance), Depute Chief Executive (Support Services) and the Assistant Chief Executive (Community Planning) have been 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 : 7th April 2006