

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 17 September 2001

REPORT ON: SOCIAL WORK COMPLAINTS PROCEDURE

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 615 - 2001

1.0 PURPOSE OF REPORT

1.1 The report informs members about the operation and effectiveness of the statutory Social Work Department Complaints Procedure from 1 April 2000 to 31 March 2001.

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 Group 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 ENVIRONMENTAL IMPLICATIONS

4.1 Enabling the general public to raise issues and make complaints regarding social works 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 52 of the National Health Service and Community Care Act 1990. The revised guidance issued by the Scottish Office in 1996 (SWG5/1996) encourages councils to publish information about the complaints they receive and how they are responded to. This arrangement helps the Council to assess the quality and effectiveness of their social work services.

Dundee City Council social work department operates a complaints procedure based on statute and developed to incorporate Scottish Office directions and guidance. The procedure was revised and re-issued to staff in 1998. The aim is to ensure that complaints are resolved quickly and fairly and as close as possible to the point of service delivery. All efforts should be made to ensure that the individuals involved and the department as a whole benefit from the experience.

This report provides information regarding complaints investigated during the year 2000 – 2001. Further comments are made regarding the application of the complaints procedure within the social work department.

6.2 Summary of Information

From 1 April 2000 to 31 March 2001 a total of 26 complaints were received which led to 22 investigations (of the original 26 received 3 were withdrawn by the complainer and 1 was directed to the corporate complaints procedure).

This number of investigations represents a significant decrease in complaints compared to the previous year when 33 were investigated. There is no contemporary data which enables councils to compare their performance with other local authorities. The last national comparison was reported in 1998 when the number of complaints received per 1000 of population for all local authorities were collated. Dundee City Council compared favourably to most local authorities at that time and subsequent analysis suggests improved performance based on the number of complaints received.

6.3 Making a Complaint

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 54% of complainers raised their concerns in writing either by submitting a completed complaints leaflet or compiling a letter. There were a number received by telephone (27%) and 19% were made by face to face contact either at the person's home or by visiting the social work department .

6.4 Responding to Complaints

The complaints procedure aims to acknowledge each complaint received within 5 calendar days. This was achieved for 92% of complaints which compares favourably with previous response rates for each year since 1997 and represents a significant improvement on last year (83% of complaints were acknowledged within 5 calendar days during 1999 – 2000).

When a complaint is received and acknowledged an investigation officer is nominated by a senior member of staff and a written account of the investigation findings should be issued by the social work department within 28 days. During the year 2000 – 2001 65% of the completed investigations failed to issue a response in writing within 28 days.

Following three consecutive years of improved performance this represents a significant downturn. Many factors can influence this target response time. Investigations can be highly complex. People may not be available for interview or there may be multiple components to the complaint. Detailed background information may be required .

In such circumstances the time taken to conclude the investigation can be re-negotiated with the complainer. Nevertheless it remains an important principle of the complaints system that concerns are resolved as quickly as possible.

6.5 Category of Service

The incidence of complaints ranges across a number of service areas within the social work department. Most services areas received either no complaints or reduced the number received compared to the previous year.

SERVICE	1997-98	1998-99	1999-00	2000-01
Adoption	0	0	1	0
Care Management/Home Care	0	0	1	0
Care Management Older People	5	2	0	1
Charging Policy	6	0	0	0
Child Disabilities/Illness	0	3	1	0
Child and Families	10	5	9	11
Child Protection	1	0	0	0
Community Alarm	0	1	0	0
Criminal Justice	2	1	0	0
Day Care – Learning Disabilities	1	0	0	0
Duty Team	2	0	0	0
Early Years	0	3	2	0
Finance	1	0	0	0
HIV/AIDS	0	0	0	1
Home Care	2	0	0	0
Learning Disabilities	1	0	3	0
Mental Illness	0	1	0	0
Occupational Therapy	2	2	0	1
Out of Hours	2	1	5	0
Permanency	0	0	0	1
Physical Disabilities	1	0	1	0
Residential – Non-Registered Unit	2	0	0	0
Registered Unit	3	0	0	0
Residential – Young People	0	1	0	0
Residential - Learning Disabilities	0	0	1	3*
Sheltered Housing	3	0	0	0
Third Party Provider	2	0	5	2
Welfare Rights	1	0	1	
Young People Services	2	3	3	2
TOTAL	49	23	33	22

* Not possible to complete 2.

The greatest volume of support services and statutory interventions delivered by the social work department are located within Adults and Children's services and all the complaints received concerned these two main operational sections .

SECTION	1997-98	1998-99	1999-00	2000-01
Children	20	15	16	15
Adults	27	6	11	7
Criminal Justice	2	1	0	0
Other	0	1	6	0
TOTAL	49	23	33	22

6.6 Issues Raised Through Complaints

A single complaint can highlight a number of issues which require investigation. From the 22 complaints received during the year 72 issues were raised. These mainly concerned issues regarding service provision.

CATEGORY	1997-98	1998-99	1999-00	2000-01
Disputed Assessment/Decision	19	0	1	1
Breach of Confidentiality	0	4	1	3
Service Provision	72	54	65	56
Staff Conduct	37	14	21	12
Refusal of service	1	0	0	0
Delay in Service Provision	0	0	1	0
Council Policy	0	0	4	0
TOTAL	129	72	93	72

6.7 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 40% were upheld, 3% were part upheld and 39% were not upheld. A further 18% were not substantiated.

CATEGORY	UPHELD	PART UPHELD	NOT UPHELD	NOT SUBSTANTIATED
Staff Conduct	6	0	2	4
Service Provision	19	2	26	9
Disputed Decision	1	0	0	0
Breach of Confidentiality	3	0	0	0
TOTAL	29	2	28	13

When the investigation is complete the complainer is invited to indicate whether they are satisfied or dissatisfied with the investigation and the outcome. The comments returned show that 9 complainers were not satisfied with aspects of either the outcome or the proposed action to be taken. Where the complainer is dissatisfied they are asked to indicate if they wish their complaint to be considered by the Complaints Review Committee (CRC). Two such requests were received and considered by the CRC. Both resulted in no change to the outcomes. In 8 cases a review by the Director of Social Work on request leading to 5 expressions of satisfaction. The outcome of one remains pending.

6.8 Action Taken in Response to Complaints

Complaints should be acted upon. This is an important principle within an effective complaints system and a wide range of actions were recorded as a result of complaint information received during the year 2000 – 2001.

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. This report details the action areas identified and gives some examples of remedial work:

Action Areas

TRAINING IMPLICATIONS	IMPROVED COMMUNICATION	POLICY TO BE EXAMINED	PROCEDURE AMENDMENTS	CHANGES TO PRACTICE
7%(11%)	20%(21%)	10%(2%)	29%(6%)	34%(60%)

Examples of Remedial Actions:

Training Implications

The provider has set up 'shadowing' of care staff to assess competence. Dundee City Council should ensure that the provider has a comprehensive induction and training package available to new staff.

Improved Communication

Senior Care Managers to be asked to ensure that service users receive a copy of the outcome of assessment and that key decisions are communicated in writing.

Policy

A shared protocol should be developed to ensure better co ordination and communication between children's services , OT services and other parts of the department such as Housing when pursuing complex socially inclusive packages of care for children with disabilities. Action should be taken to appropriately involve carers in the development of any improved systems.

Procedure Amendments

A completed assessment of both the service user and carer's needs should focus on a long term plan, as well as a response to current circumstances.

Changes to Practice

The department should clarify the principles which inform the practice of sharing assessment information and consider the advice and support necessary to allow workers to operate a policy of open recording.

6.9 Informal Complaints

The main body of this report details the monitoring of the social work department's performance in relation to formal complaints. However 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 year 2000 – 2001 there were 18 informal complaints recorded. These complaints should be responded to within 14 days and there was a 50% achievement rate for this performance target. This is consistent with last year's performance rate of 53% and indicates an ongoing need to review the arrangements for responding to informal complaints. One complaint which was investigated at this level proceeded to a formal investigation.

6.10 Conclusions

It is encouraging to note that the number of complaints has fallen this year. The number of people who received a social work service during the year was 27,585. The receipt of 22 formal complaints within this context represents a 0.08% rate. This compares favourably with the rate of 0.14% reported last year.

There is nevertheless a need to improve performance with regard to responses to complaints and the time taken to conclude investigations. Despite the high level of complexity and the sometimes extensive enquiries which can often characterise complaint investigations it is important to conclude within the agreed timescales. This may be a factor in the relatively low satisfaction rate felt by complainers. Details of the findings of this report will be presented to the Social Work Directorate for consideration.

The monitoring of complaints for the year 2000 – 2001 indicates that the main objectives of the statutory complaints procedure are being met. The social work department fully supports the rights of people with social care needs and their carers to have a second look at the way in which matters affecting them have been handled. It is considered central to the safeguarding of vulnerable people that services, procedures and professional decision making is exposed to scrutiny through an effective and accessible complaints system and the department needs to continue to develop improved performance in this area.

7.0 CONSULTATION

7.1 The Director of Support Services and the Director of Corporate 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.

9.0 SIGNATURE

Acting Director of Social Work

Date

6 September 2001