

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK COMMITTEE**

**REPORT ON: SOCIAL WORK COMPLAINTS PROCEDURE**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 660-2000**

### **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 1999 to 31 March 2000.

### **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Social Work Committee:

2.1.1 Note and approve the content of this report.

2.1.2 Instruct the Director of Social Work to inform the Scottish Executive Social Work Services Group of the content.

2.1.3 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**

Section 52 of the National Health Service and Community Care Act 1990 requires local authorities to establish procedures for considering complaints with regard to the discharge of their social work functions. The original guidance issued by the Scottish Office (Circular SWSG05/91) was updated and circular SWSG5/1996 provided revised directions and guidance to assist local authorities to consider complaints.

The guidance encourages councils to publish information about the complaints they receive to assist in assessing the quality and effectiveness of their social work services.

The Social Work Department issued a revised complaints procedure in 1998 which is consistent with the directions and guidance issued to Local Authorities. The procedure aims to promote customer care and wherever possible ensure resolution at the point of service delivery.

This report provides information regarding the complaints received.

### **6.2 Summary of Information**

During the period from 01 April 1999 to 31 March 2000 the Social Work Department investigated 33 formal complaints ( of the 38 originally received five were withdrawn). This represents 0.14% of the 23,967 people who received a service from the Social Work Department this year.

The total of 33 formal complaints indicates an overall improvement on the number of complaints received over the past three years although there is an increase on the 23 formal complaints investigated in the previous year. During the year 1997/98 there were 49 formal complaints. At the time of writing this report 28 investigations were complete and five were ongoing.

Full comparative data in relation to other local authorities is not yet fully available for the year 1999 / 2000. The last national collation which compared the level of complaints received per 1000 of population for all local authorities was prepared by the Scottish Office in 1998 . At that time the performance of Dundee City was within the upper half of the 32 councils i.e. compared favourably to most local authorities. The number of formal complaints received has fallen since that time.

### **6.3 Making a Complaint**

The Social Work Department complaints procedure ensures that a complaint can be received in any location and be made by any method people choose. The majority of complainants (61%) raised their concerns by writing to the Social Work Department using either a letter format (42%) or the complaints leaflet (8%). Complaints received by telephone represent 29% of the total. The remaining 10% of complaints were made through direct contact with social work staff.

#### 6.4 Responding to Complaints

Each complaint received should be acknowledged within five calendar days. The performance achieved was 83% which represents a slight decrease on the previous year. The department will consider the circumstances which led to complaint responses taking longer and actions will be identified to ensure improved performance.

Following receipt of a formal complaint a written response which deals with the substance of the complaint should be issued by the Department within 28 days. Where the investigation is highly complex, or when other factors impact on the investigation such as people's availability for interview, this may be re-negotiated with the complainant. Of the total number of concluded investigations 75% were completed within an agreed timescale. This is a 9% improvement in performance compared to the previous year and a 30% improvement on the year 1997/98. This indicates an improving standard of performance which compares favourably to the previously recorded national levels for response times. The most contemporary comparison is with a neighbouring authority who achieved a 27% response rate within agreed timescales.

#### 6.5 Category of service

The complaints received were spread across a number of service areas and generally compare favourably to previous years (see table):

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

The majority of complaints (72%) concern the two main operational sections (Adults and Children's Services) with the remaining 18% focusing on other areas of the Social Work Department. This is consistent with the pattern of service provision and those areas which deliver the greatest volume of support services and statutory interventions. It is noted that 15% of complaints are directed towards Third Party Providers and will provide key information regarding any commissioning activity.

A number of issues might be raised as a result of one complaint. Each issue is investigated and reported on. From the identified 33 complaints investigated during the year 93 issues were raised. The number of issues raised in comparison to previous years is reported. However, it should be noted that not all the points of complaint were upheld following investigation.

#### Issues Identified

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

#### 6.6 Outcome of Complaints

A complaint investigation may result in a number of possible outcomes. A complaint can be upheld; upheld in part; not substantiated or not upheld. The complainant receives a written response which records the outcomes and further comment on proposed remedies where this is appropriate. Apologies are offered to service users where complaints are upheld or action has caused concern.

The outcomes of the 28 complaint investigations completed at the time of writing this report are:

Year	Upheld	Part Upheld	Not Substantiated	Not Upheld
<b>1999-2000</b>	<b>4(14%)</b>	<b>15(54%)</b>	<b>2(7%)</b>	<b>7(25%)</b>
<b>1998-99</b>	<b>8(40%)</b>	<b>8(40%)</b>	<b>1(5%)</b>	<b>3(15%)</b>
<b>1997-98</b>	<b>8(20%)</b>	<b>17(41%)</b>	<b>6(15%)</b>	<b>10(24%)</b>

On receiving a written response the complainant is invited to indicate their satisfaction with the findings and proposed actions. Returns indicate that 14 complainants were not satisfied with some aspect of the formal investigation or outcomes. Where the complainant is dissatisfied they are asked to indicate whether they wish the complaint to be considered by the Complaints Review Committee. Three complainants have had their complaints reviewed by the Committee resulting in changes in the original investigation outcomes. One

complainant has expressed dissatisfaction with the Complaints Review Committee outcomes and has approached the Ombudsman. For the remaining complainants who felt dissatisfied a further discussion was arranged either with the Director of Social Work or the Head of Service to reconsider the concerns raised.

#### 6.7 **Action Taken in Response to Complaints**

People with social care needs and their carers are entitled to have a second look at assessments, service decisions and the way in which matters have been handled. One of the key principles within the Scottish Office guidance on complaints procedures (Circular SWSG/5 1996) is that all complaints are acted on. Complaints provide the department with valuable information from members of the public which is analysed by staff to inform future action. This process of review is applied whatever the outcome of the complaint investigation.

A wide range of actions were recorded as a result of complaint information. Whilst 60% of the changes implemented related to practice a number of alternative actions were identified. Some examples are given under each action area:

TRAINING IMPLICATIONS	IMPROVED COMMUNICATION	POLICY TO BE EXAMINED	PROCEDURE AMENDMENTS	CHANGES TO PRACTICE
11%	21%	2%	6%	60%

#### **Training Implications:**

Future child protection training programmes for professional staff will include more input on the implications of residence and contact disputes and their impact on families.

Provide a training programme for children's services staff through the welfare rights team as well as utilising them to review current assessment practices in relation to benefit entitlement for children.

Consideration will be given by Head of Service to ensure that basic training in communication skills is made available to all new employees where appropriate as part of an induction programme.

#### **Improved Communication:**

Senior Social Worker will visit the complainer to discuss how a move was managed and to resolve any outstanding issues.

A meeting will be held involving staff and the family to discuss the opportunities available to help the service user integrate more.

#### **Policy to be Examined:**

Implications of unmet need will be considered in relation to developing local resource or considering the options available outwith Dundee.

**Procedure Amendments:**

Unit managers will ensure there is a clearly worded procedure to determine when medical opinion should be sought in relation to any injury or physical complaint.

**Changes to Practice:**

Consideration will be given to the need for routine “network” meetings to discuss who is most appropriate to attend LAC (Looked After Children) reviews.

Senior Social Workers will always ensure that Social Workers acknowledge the weight of a court order and the obligation placed upon the Social Work Department to take all reasonable steps to ensure that the terms of the order are met.

Service user will be given assistance to review the current personal assistance arrangements and to seek alternatives which are more flexible.

The child’s involvement in their care planning needs to be negotiated and agreed explicitly and the involvement of an advocate to be considered.

Staff will reappraise their approach to individual tenants and ensure that the relationship affords mutual respect and understanding at all times. The needs of the tenant must be paramount and staff approaches must be informed by these needs.

**6.8 Informal Complaints**

It is a further key principle that complaints should be resolved as quickly and as close to the point of service delivery as possible. A number of complaints are therefore resolved locally and do not enter the formal complaints procedure. These informal complaints also provide quality assurance information to local authority managers.

There were 16 informal complaints received and 63% of these were acknowledged within five calendar days. A written response to the complainant should be provided within 14 days of receiving the complaint. This was achieved for 53% of the complaints indicating a need to review the Social Work Department arrangements for responding to informal complaints.

**6.9 Conclusions**

This report provides information about the complaints received and how they have been responded to within the Social Work Department. This information will contribute to the assessment of the quality and effectiveness of Dundee City Council social work policies and practice and will reassure service users that complaints are considered seriously and fairly.

The number of complaints has fallen over the past 3 years although there is an increase on the previous year and this will be the subject of further analysis as part of the ongoing departmental performance review. Increases can arise due to an improved public awareness of and access to the complaints procedure. This provides the department with invaluable information regarding how people experience social work services and how they can be improved.

The practice of resolving complaints at the informal stage will be reviewed. From the limited comparative data available regarding other local authorities it is interesting to note that where one council received less formal complaints (15) their total number of informal complaints was 101.

The findings of this report will be presented to the social work Directorate by the arms length Quality Assurance Unit. Appropriate actions will be identified to ensure continuous improvement.

Both formal and informal complaints received by the Social Work Department will continue to be monitored as a means of ensuring the views of service users and their carers are heard and are acted upon. Through the effective use of an accessible complaints procedure the right to challenge decisions on service provision or other matters of concern to service users is protected.

**7.0 CONSULTATIONS**

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**

Director of Social Work .....

Date .....