

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 16 September 2002

REPORT ON: SOCIAL WORK COMPLAINTS PROCEDURE

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 689 - 2002

1 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 2001 to 31 March 2002.

2 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 Instruct the Director of Social Work to make the contents of this report publicly available.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4 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 EQUAL OPPORTUNITIES IMPLICATIONS

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

6 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 are responded to. This arrangement helps the Council to assess the quality and effectiveness of their social work services.

The 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 will most easily facilitate this.

For those complainants wishing to approach complaints in a more formal manner, the Councils 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.

Dundee City Council has endeavoured to ensure that complaints are managed as independently as possible. To assist with this process the Head of Registration and Inspection, whose role was at arms length to the Social Work Department, had responsibility to oversee the implementation of the complaints procedure. On the 31st of March 2002, the function of registration and inspection was moved to the Scottish Commission for National Care Standards. The requirement to operate and manage a complaints procedure remains with the local authority.

Maintaining the fairness and effectiveness of the complaints procedure will be a prime focus for the Social Work Department during the change over period.

This report provides information regarding complaints investigated during the year 2001 – 2002. Further comments are made regarding the application of the complaints procedure within the Social Work Department.

6.2 Formal Complaints Received

From 1 April 2001 to 31 March 2002 a total of 16 formal complaints were received which led to 12 investigations (of the original 16 received 4 were withdrawn). This number of investigations represents a significant decrease in complaints compared to the previous year when 22 were investigated.

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 68% of complainers raised their concerns in writing either by submitting a completed complaints leaflet or compiling a letter. The remaining 32% of complaints were made by face to face contact at the person's home or by visiting the Social Work Department. There were no complaints received by telephone. During this financial year, the complaints leaflet has been amended to advise complainants of their right to complain directly to the commission regarding registered services.

6.4 Responding to Complaints

The complaint procedure aims to acknowledge each complaint received within 5 calendar days. This was achieved for 88% of complaints. This is marginally less than last year where 92% of complaints were acknowledged within 5 calendar days.

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 within 28 days. During the year 2001 – 2002, only 16% of the completed investigations failed to issue a response in writing within the agreed timescales. This represents an improvement in performance of nearly 50% since last year.

6.5 Category of Service

The incidence of complaints ranges across a number of service areas within the Social Work Department.

SERVICE	1997-98	1998-99	1999-00	2000-01	2001-02
Adoption	0	0	1	0	0
Care Management/Home Care	0	0	1	0	1
Care Management Older People	5	2	0	1	2
Charging Policy	6	0	0	0	0
Child Disabilities/Illness	0	3	1	0	4
Child and Families	10	5	9	11	7
Child Protection	1	0	0	0	0
Community Alarm	0	1	0	0	0
Criminal Justice	2	1	0	0	1
Day Care – Learning Disabilities	1	0	0	0	0
Duty Team	2	0	0	0	1
Early Years	0	3	2	0	0
Finance	1	0	0	0	0
HIV/AIDS	0	0	0	1	0
Home Care	2	0	0	0	0
Learning Disabilities	1	0	3	0	0
Mental Illness	0	1	0	0	0
Occupational Therapy	2	2	0	1	0
Out of Hours	2	1	5	0	0
Permanency	0	0	0	1	0
Physical Disabilities	1	0	1	0	0
Residential – Non-Registered Unit	2	0	0	0	0
Residential – Young People	0	1	0	0	0
Residential - Learning Disabilities	0	0	1	3	0
Sheltered Housing	3	0	0	0	0
Third Party Provider	2	0	5	2	0
Welfare Rights	1	0	1		0
Young People Services	2	3	3	2	0
TOTAL	49	23	33	22	16

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. Children Services staff work with some of the most vulnerable families within our community and parents of children are more aware of both their rights and children's rights.

SECTION	1997-98	1998-99	1999-00	2000-01	2001-02
Children	20	15	16	15	11
Adults	27	6	11	7	3
Criminal Justice	2	1	0	0	1
Other	0	1	6	0	1
TOTAL	49	23	33	22	16

6.6 Issues Raised Through Complaints

A single complaint can highlight a number of issues, which require investigation. From the 12 complaints received during the year, 60 issues were raised. These mainly concerned issues regarding service provision. This is consistent with previous years. It is re-assuring to note that complaints relating to staff conduct continue to reduce.

CATEGORY	1997-98	1998-99	1999-00	2000-01	2001-02
Disputed Assessment/Decision	19	0	1	1	1
Breach of Confidentiality	0	4	1	3	1
Service Provision	72	54	65	56	53
Staff Conduct	37	14	21	12	5
Refusal of service	1	0	0	0	0
Delay in Service Provision	0	0	1	0	0
Council Policy	0	0	4	0	0
TOTAL	129	72	93	72	60

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 34% were upheld, 7% were part upheld and 25% were not upheld. A further 34% were not substantiated.

CATEGORY	UPHELD	PART UPHELD	NOT UPHELD	NOT SUBSTANTIATED
Staff Conduct				5
Service Provision	20	5	14	14
Disputed Decision			1	
Breach of Confidentiality				1
TOTAL	20	5	15	20

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 6 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). No such requests were received. In 5 cases a review by the Director of Social Work on request leading to 5 expressions of satisfaction. One complaint remains incomplete due to the complainant's circumstances.

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 range of actions were recorded as a result of complaint information received during the year 2001 – 2002.

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.

Action Areas

TRAINING IMPLICATIONS	IMPROVED COMMUNICATION	POLICY TO BE EXAMINED	PROCEDURE AMENDMENTS	CHANGES TO PRACTICE
1	8	1	2	4

Action taken in response to complaint can impact on the delivery of services in a number of ways. In the majority of complaints communication issues lay at the heart of the complainants grievance. To resolve this we have taken action to improve communication with the parents and relatives of individuals who use our residential and respite services. Specific actions include the development of respite unit users meetings to consult and agree on changes and individual communication with service users to ensure the most up to date information is presented. We will improve our care planning to reflect individual needs and highlight risk and the agreed levels of response. We will also develop protocols for medication administration and ensure staff are trained to carry this out.

The complaints procedure has contributed to the recognition of a need for a more co-ordinated strategic approach to services for children with disabilities and their families

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 2001 – 2002 there were 16 informal complaints recorded. These complaints should be responded to within 14 days and there was a 63% achievement rate for this performance target. This is an improvement on last year's performance of 50% but requires to be improved. Although complaints received at this stage of the process are classified as 'informal', they are afforded the same level of attention regarding investigation and response. Informal complaints can be complex and in some instances may take time to investigate.

6.10 Conclusions

It is encouraging to note that the number of complaints has fallen this year. In general the Social Work Department's performance has improved this year, with complaints acknowledged timeously and response time to complaints improving. The number of complainants dissatisfied with the response has improved, with the introduction of the Director's review proving to be instrumental in reaching an agreed way forward.

The main objectives of the complaint procedure have been met and the Social Work Department has discharged their statutory responsibilities effectively. The main objective of the complaint 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. This was demonstrated.

7 CONSULTATION

- 7.1 The Director of Support Services and the Director of Corporate Planning were consulted in the preparation of this report.

8 BACKGROUND PAPERS

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

9 SIGNATURE

A G Baird
Director of Social Work

Date

5 September 2002