

EAST RENFREWSHIRE COUNCIL**19 April 2017****Joint Report by Deputy Chief Executive and Chief Officer, HSCP****CHANGES TO SOCIAL WORK COMPLAINTS HANDLING PROCESS****PURPOSE OF REPORT**

1. To advise members of changes in the way social work complaints are to be dealt with from 1 April.

RECOMMENDATION

2. The Council is asked to:-
- (a) note the report; and
 - (b) agree to extend the term of office of the members of the Complaints Review Committee panel until all complaints where there is the potential for a Complaints Review Committee to be convened have been dealt with.

BACKGROUND

3. Members will be aware that there has been in place a statutory process for dealing with social work complaints as part of which if a complainer was dissatisfied with the final stage response they received to their complaint from the HSCP Chief Officer, they were entitled to ask that it be elevated to a Complaints Review Committee. This is a committee set up by the Council, the purpose of which is to consider the complaint and thereafter to make recommendations in writing to the Council body responsible for social work matters. Membership of the Complaints Review Committee is drawn from a panel of independent persons who are experienced in social work and tribunal matters.

4. Although the Council has delegated responsibility for the delivery of social work services to the IJB, the statutory responsibility for the delivery of social work services remains with the Council. In order to comply with the requirements and to consider the Complaints Review Committee's recommendations, the Council has in place a Social Work Committee, membership of which comprises the 4 Council representatives on the IJB, and the terms of reference of which are to consider and respond to recommendations made by the Complaints Review Committee.

REPORT

5. In March 2016, The Public Services Reform (Social Work Complaints Procedure)(Scotland) Order 2016 was made.

6. The proposals contained in the Order, which came into force on 1 April 2017, include the repeal of the former arrangements for the consideration of social work complaints. In short, if a complainer is not satisfied with the response they receive to a complaint from the

Chief Officer, they are no longer be able to request that a Complaints Review Committee be convened to consider their complaint. The next stage following the response from the Chief Officer is for the complainer to take their complaint to the Ombudsman.

7. It is important to note that although the new arrangements took effect from 1 April, these only apply to new complaints received from that date. Any complaints received prior to 1 April will need to be dealt with using the former process. At the time of writing there is one complaint which has already reached the stage where a Complaints Review Committee is being convened. There are also a number of other complaints in the pipeline which will need to be dealt with using the former process. These also may result in the need for further Complaints Review Committees to be convened in due course.

8. The term of appointment of the members of the Complaints Review Committee panel ends at the forthcoming local elections. In order to enable the remaining complaints from the former system to be dealt with with a minimum delay, it is recommended that their term of office now be extended until all complaints where there is the potential for a Complaints Review Committee to be convened have been dealt with.

9. It is also likely that the Council's own Social Work Committee may need to be reconvened following the local elections to consider Complaints Review Committee recommendations. This can be considered further by the new Council following the elections.

New complaints handling process

10. During December 2016 the Scottish Public Services Ombudsman published the Social Work Model Complaints Handling Procedure. This sets out how complaints about social work services must be handled from 1 April 2017. It will bring social work complaints largely in line with the complaints handling arrangements in place across the wider public sector, and with NHS complaints handling which is also set to change from 1 April 2017.

11. The Social Work Model Complaints Handling Procedure will apply to all organisations that deliver social work functions, including both local authorities and health and social care partnerships.

12. This means that from 1st April both NHSGG&C and East Renfrewshire Social Care services will manage complaints using the same Complaints Handling Procedure.

13. The Complaints Handling Procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff. The focus of the new Complaints Handling Procedure is on ensuring that customers have easy access to an efficient, customer focused complaints service which responds to their concerns quickly and as close to the point of service as possible.

14. An important aspect of the new Complaints Handling Procedures is the requirement to learn from complaints. The new Complaints Handling Procedure requires organisations to assess and report their complaints handling performance against the Scottish Public Services Ombudsman performance indicators (Appendix 1.) This will help to facilitate continuous improvement through the benchmarking of performance within and across sectors. Importantly, it will help the HSCP to use the outcome of complaints to improve service delivery.

15. The process provides two opportunities to resolve complaints internally:

- frontline resolution
- investigation

Stage one: frontline resolution

16. Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

17. The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking an appropriate member of staff to handle the complaint.

Timelines

18. Frontline resolution must be completed within **five working days**. You may need to get more information to resolve the complaint at this stage. However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.

Extension to the timeline

19. In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of up to ten working days with the customer. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

Stage two: investigation

20. Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the Complaints Handling Procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

21. An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents our final position.

Timelines

22. The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within three working days
- we should provide a full response to the complaint as soon as possible but not later than **20 working days** from the time you received the complaint for investigation.

Extension to the timeline

23. It is important that every effort is made to meet the timeline, as failure to do so may have a detrimental effect on the customer. Not all investigations will be able to meet this

deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

Complaints and appeals

23. The Scottish Public Services Ombudsman under the new Complaints Handling Procedure will have the power to consider professional social work decisions. These appeals currently are considered by Social Work Complaint Review Committee (SWRC). Social Work complaints received before 1st April 2017 will still be considered under the current complaint handling process including the opportunity for a dissatisfied client to have their appeal heard by the SWRC.

CONSULTATION

24. The model social work Complaints Handling Procedure was developed in partnership with representatives from social work, health and social care, the Scottish Government and third sector organisations, together with other key partners from the public sector.

IMPLEMENTATION PLAN

25. To support the introduction of the new Complaints Handling Procedure we produced an implementation plan which includes the following:-

- Changes to complaint management systems and reporting tools
- Staff training on these systems
- Communication with staff and partners
- Creation of a complaints information hub
- Publish a guide to HSCP complaints for staff and clients
- Ensure changes are made to web presence reflecting changes
- Making an online training module available to all HSCP staff
- Production of an HSCP complaint form

26. To further support staff and improve investigation and responding to complaints we have engaged with the Scottish Public Services Ombudsman training section who will provide in training to managers.

IMPLICATIONS OF THE PROPOSALS

27. Whilst there are no implications of the new arrangements in terms of property, IT, equalities and sustainability, there are both staffing and legal implications as set out below.

Staffing implications

28. Additional staff training on the new complaints management systems will be required.

Legal Implications

29. Whilst under the new procedures there will be no need for either a Complaints Review Committee or Social Work Committee, these cannot be disbanded until all complaints received by 31 March where a Complaints Review Committee has been requested have been dealt with in full.

30. As outlined above it may be necessary for the Complaints Review Committee and the Social Work Committee to be reconvened following the local elections in May.

CONCLUSIONS

31. The new arrangements for dealing with social work complaints will see the procedures brought broadly into line with the procedures for dealing with complaints across the Council. They will also in due course remove the need for the Council to retain a panel to enable Complaints Review Committees to be convened and to establish a Social Work Committee to consider the recommendations from the Complaints Review Committee.

RECOMMENDATIONS

32. The Council is asked to:-

- ((a) note the report; and
- (b) agree to extend the term of office of the members of the Complaints Review Committee panel until all complaints where there is the potential for a Complaints Review Committee to be convened have been dealt with.

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BACKGROUND PAPERS

None

KEY WORDS

HSCP, Scottish Public Services Ombudsman, SPSO, NHS, Complaints; Social Work, Social Care

A report detailing changes to the HSCP complaint handling process,

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Recording complaints /Performance Indicators

To collect suitable data it is essential to record all complaints in line with Scottish Public Services Ombudsman minimum requirements, as follows:

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage, and
- the underlying cause of the complaint and any remedial action taken.

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