

## **West Dunbartonshire Council**

### **Report by the Interim Executive Director of Social Work and Health**

**Social Work and Health Improvement Committee: 20 January 2010**

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#### **Subject: Social Work Complaints**

#### **1. Purpose**

- 1.1 The purpose of this report is to advise Committee on progress made regarding recommendations of the Scottish Public Service Ombudsman (SPSO) and the Complaints Review Sub-Committee regarding Social Work and Health complaints.

#### **2. Background**

- 2.1 Section 52 of the *National Health Service and Community Care Act 1990* inserted section 5B into the *Social Work (Scotland) Act 1968* giving the Secretary of State powers to require local authorities to establish procedures for considering complaints with regard to the discharge of their social work functions. The *Social Work (Representations Procedure) (Scotland) Order 1990 (No 2519 (s213))* was made by the Secretary of State on 8 December 1990 requiring local authorities to establish such procedure in respect of all their social work functions whether now or in the future, including those for children.
- 2.2 The social work complaints process has 3 stages:
- In the first informal problem solving stage, every attempt is made to mediate and resolve the complaint;
  - In the second stage unresolved complaints are formally recorded and investigated by senior officers. Where a complaint is upheld, we endeavour to resolve the issue amicably and reach an agreed outcome; and
  - In the final stage the formal Complaints Review Sub-Committee (CRSC) should aim to bring an objective and independent eye to bear on complaints to give the public additional safeguards that their wishes and needs are being fairly considered and their complaints properly investigated. This requires a level of objectivity and independence in the membership of CRSCs. Complaints should only be referred to the CRSC when all avenues of redress have been explored. This requirement is detailed in paragraph 10 (2) of the directions.

### **3. Main Issues**

- 3.1 As a result of a Social Work complaint failing to be heard by a Complaints Review Sub-Committee (CRSC) within the agreed timescale the SPSO made the following recommendations that the Department of Social Work and Health should:
- Review their procedures to ensure that the CRSC membership is kept up to date at all times;
  - Ensure that, in future, any extension to the time limits, as set out in the Directions, is agreed by the complainant(s); and
  - Consider, as part of their review of procedures, whether there is a need for specific literature to be provided to Social Work complainants on the complaints procedure.
- 3.2 In addition to the above the Complaints Review Sub-Committee of September 2009 also made recommendations as follows:
- A review of Social Work and Health Complaints Procedures should be carried out at both lower and senior management level;
  - That this should contain training in handling procedures for the complaints process; and
  - That the Social Work and Health Complaints procedure should be made readily available and easily accessible to the public in all mediums.

### **4. Progress to date**

- 4.1 An agreed protocol has been put in place between Legal and Regulatory Services and Social Work and Health detailing the respective roles and responsibility of each department.
- 4.2 The Social Work and Health complaints procedure has been reviewed to include a requirement that any deviation from the relevant timescales be agreed with the complainant.
- 4.3 In order that the opportunity for complaints to be heard by a CRSC is better publicised a leaflet and poster have been produced and will be widely publicised.
- 4.4 Two officers have attended a complaints handling seminar; and

- 4.5 Training on complaints handling at both a senior and operational level has been identified in conjunction with the SPSO and will be rolled out between January and March 2010.

## **5. Personnel Implications**

- 5.1 The main implication will be the requirement to comply and follow the approved complaints procedure and the organisation of training sessions.

## **6. Financial Implications**

- 6.1 It is expected that there are no financial issues arising from the above apart from the cost of training at around £1,000 which will be met from within existing resources.

## **7. Risk Analysis**

- 7.1 No risk has been identified as a result the above progress and developments.

## **8. Conclusion and Recommendations**

- 8.1 Social Work and Health has progressed the recommendations of both the SPSO and the Complaints Review Sub-Committee.
- 8.2 Committee is asked to agree the minor amendments in the Social Work and Health Complaints procedures and process.
- 8.3 Committee is also asked to note the progress made and to request further reports as required.

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**Wards Affected:** All wards

**Appendix:** None

**Background Papers:** None