

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Social Work and Health

Social Work and Health Improvement Committee: 23 January 2008

Subject: Complaints Procedure

1. Purpose of Report

- 1.1** To seek Committee approval for the Department of Social Work and Health's revised Complaints Procedure.
- 1.2** To seek Committee approval for the establishment of a Complaints Review Sub-Committee.

2. Background

- 2.1** The National Health Service and Community Care Act 1990 places a duty on local authorities to establish a formal complaints procedure with regard to Social Work functions. Furthermore, the Care Commission, which was set up by the Regulation of Care Scotland Act 2001, has a duty to investigate complaints in relation to care services.
- 2.2** The Complaints Procedure required to be reviewed in line with Care Commission guidance on learning from complaints.
- 2.3** The Complaints Procedure sets out clear responsibilities for Social Work staff and third parties who are involved in service delivery to ensure full compliance with current legislation.
- 2.4** The Complaints Procedure applies to all fieldwork, day care and residential services provided by Social Work, as well as to those services provided by third parties on their behalf.
- 2.5** Implementation of the complaints procedure is the responsibility of the Executive Director Social Work and Health. In West Dunbartonshire this is delegated through the senior management team to Managers and Section Heads.
- 2.6** The complaints procedure for Social Work and Health differs from the Corporate Complaints procedure in that due to the often complex nature of complaint the response timescale is 28 days rather than 20 days. However every effort is made to ensure that the corporate timescales are met.

3. Main Issues

- 3.1** The purpose of the Complaints Procedure is to:

- enable service users, or their representatives, to register concerns about the actions or decisions of Social Work and to ensure these complaints are effectively examined;
 - ensure practice and service delivery is improved by learning from complaints; and
 - provide guidance to employees of Social Work and other service providers on how to deal with complaints and of the timescales involved.
- 3.2** The Complaints Procedure requires the approval of the current administration through the Social Work and Health Improvement Committee.
- 3.3** The establishment of a Complaints Review Sub-Committee also requires the approval of this Committee.
- 3.4** The Complaints Review Sub-Committee requires a minimum of two independent lay members one of whom must be the chair. Lay members require to have a knowledge of Social Work and also the conduct of appeals procedures or tribunals. The Reverend Ian Miller has agreed to chair the sub-committee if approved by this committee and a panel of other lay members is being established.
- 3.5** The Complaints Procedure is appended as Appendix 1.
- 4. Personnel Implications**
- 4.1** The main implication for personnel will be the requirement to comply and follow the approved complaints procedure and to organise and attend any meetings of the Complaints Review Sub-Committee.
- 5. Financial Issues**
- 5.1** It is expected that there are no financial issues arising from the above.
- 6. Risk Analysis**
- 6.1** No risk has been identified as a result of this review.
- 7. Integrated Impact Assessment**
- 7.1** An Integrated Impact Assessment has been completed and no issues have arisen.
- 8. Conclusions**
- 8.1** There is a legal requirement for Social Work Authorities to consider any complaints made in the discharge of their statutory functions.

8.2 Any such complaints require to be dealt with, reviewed and appealed within a specific framework. The Complaints Procedure sets out in detail the process and timeframe for acknowledgement, investigation, response, review and appeal of any complaints.

8.3 A requirement also exists for an independent Complaints Review Sub-Committee to be established.

9. Recommendations

9.1 Committee is asked to approve the revised Complaints Procedures and to agree the establishment of an independent Complaints Review Sub-Committee.

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Appendices: Complaints Procedure

Background Papers: None

Wards Affected: All Wards