



## **SOCIAL WORK SERVICES**

### **Part One - Context**

#### **Comments and Complaints Procedure**

**February 2007**

# COMMENTS AND COMPLAINTS PROCEDURE

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### PART ONE – Context

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## Section One

### Introduction and Purpose

#### 1. Introduction

- 1.1 The Highland Council Social Work Service is committed to achieving high standards of professional practice & customer care and to be open, fair and accountable. We work with individual users and their carers on a personal basis respecting their dignity, individuality and rights, seeking to agree what needs we should be trying to address and how.
- 1.2 We manage our resources so that they can be responsive to people's needs and, where possible, maximise their choices. We try to use our resources to best effect, making considered and fair decisions about priorities. An essential element of our commitment to delivering high quality services is our belief that procedures and professional decision making should be exposed to public scrutiny and that any comments and concerns raised are valued and used to improve services.
- 1.3 Occasionally, our service users feel unhappy with the quality of the service they have received and tell us this by way of registering a complaint with us. We are keen that any complaint that we receive is dealt with promptly, fairly and sympathetically. We have a dedicated Customer Care & Consultation Officer who provides a central point of contact to assist service users contemplating or making complaints, as well as providing advice to Social Work Service staff. This post-holder has a key role in the administration and co-ordination of the comments & complaints procedure, seeking the views of service users and capturing any feedback to ensure continuous improvement.

#### 2. Aims of the Comments and Complaints Procedure

- 2.1 To act as a vehicle which uses consumer feedback to influence policy, practice and service development.
- 2.2 To ensure that complaints are resolved quickly, fairly and as close as possible to the point of service delivery by:
- i) Achieving early resolution of complaints, avoiding delay, maintaining confidentiality as appropriate and keeping the person making the complaint properly informed
  - ii) Enabling service users, or their representatives, to register concerns about Social Work Services, be given help as appropriate, and ensure complaints are dealt with and resolved as promptly as possible.
  - iii) Promoting consistency, thoroughness, equity and sensitivity in terms of how complaints are dealt with and responded to across the Highlands.
  - iv) Providing clear information on:
    - What constitutes a complaint
    - Who can make a complaint
    - Who should be contacted when making a complaint
    - How the complaint will be dealt with
    - Timescales for acknowledging, investigating and reporting back to the complainer
    - How the complaints process is publicised

## Section Two

### Definitions and Scope

#### **1. The Statutory Framework**

- 1.1** In March 1996 the Social Work Services Group issued Circular SWSG 5/1996: Local Authority Complaints Procedures which outlined the statutory framework. Detailed guidance as to the operation of the Procedures is contained in the Social Work Representation Procedures (Scotland) Directions 1996. Both documents have informed this procedure.
- 1.2** Members of the Public can also use other means for seeking redress – such as approaching the Scottish Public Services Ombudsman (SPSO) or by taking legal action. Complaints referred in the first instance to the SPSO or such bodies as the Mental Welfare Commission will normally be passed by them to Social Work Services for further action. The Care Commission can also be contacted in relation to services registered and inspected by them.
- 1.3** A person complaining has the right to ask the SPSO to make further enquiries into their complaint if they remain dissatisfied after the local independent review of the complaint (the Complaints Review Committee) has been completed or refused.
- 1.4** It should be noted that whilst the SPSO can only investigate matters about process, it may request other bodies, for example, where the complaint concerns a mental health matter, the Mental Welfare Commission, to undertake further enquiries on their behalf, and these other bodies can investigate all aspects of the complaint.

#### **2. Who Can Complain?**

- 2.1** A complaint may be made by, or on behalf, of:
- A person or group directly or indirectly seeking or receiving a Social Work service (including carers and parents)
  - Anyone who has been referred for an assessment for service
  - A person who has been refused a service
  - Other persons whose possible need for a service, which the Authority has the power or duty to provide, has come to the Authority's attention
- 2.2** If the complaint is being made on someone's behalf, the Social Work Service will need to establish if the person making the complaint is acting with the service user's knowledge and agreement.

#### **3. Children Looked After and Accommodated by the Local Authority**

- 3.1** The complaints procedure will apply equally to children who receive a service from the Local Authority, including those who are Looked After at home and those who are Looked After & Accommodated by the Local Authority. Children are likely to require extra support and guidance to use the procedure, which will need to be applied in a children-friendly manner. The involvement of the Children's Rights Officer at an early stage, and dedicated publicity material, will assist with this. Social Workers and Carers should ensure children know about the procedure, that their complaints will be treated confidentially and there will be independence in the way the complaint is looked at. Each young person should also be given the Contact Card which contains details for relevant organisations, including the Children's Rights Officer, Who Cares? Scotland and Childline Scotland. The parent or child may also seek legal advice.

**3.2** Children in secure accommodation are particularly vulnerable by nature of the restricted opportunities to communicate freely with the outside world. They will require particular assistance to voice complaints about the care and controls exercised over them. Children in secure care will be presented with written information about the complaints procedure through the Contact Card and must be given verbal explanation by Social Workers at the time they are first admitted to the unit, and on each visit to the child in the unit. Social Workers should ensure that children have access to a telephone to speak to the Customer Care Officer, Children's Rights Officer or their own Social Worker as and when they may wish to complain.

#### **4. Special Considerations for the application of the Complaints Procedure**

**4.1** Inter-agency & Single Shared Assessments (SSA) Increasingly the Social Work Service provides a range of services in conjunction with partners in health, education, housing and the voluntary and independent sector. As such the Local Authority can only be held to be responsible for complaints arising from the Authority's action, ( See 6.1.) or that of a third party which is acting on its behalf under the terms of the complaints procedure. Particular attention should be paid to situations in which the Social Work Services carries responsibilities regarding the notification of decisions arising from an inter-agency assessment which has involved the contribution from another agency or third party. Consultation between statutory or other agencies may be called for where a complaint concerns decisions reached following an assessment in which another Authority or agency was involved and deals with matters for which that other body has some responsibility.

**4.2** Social Work Services in Secondary Settings - Complaints about Social Work Services operated by Social Work Staff in secondary settings such as prisons, schools or hospitals fall within the scope of this complaints procedure

**4.3** Foster parents / carers - The Service provided by foster carers on behalf of the Local Authority is covered by the complaints procedure and children they look after should be informed about the procedure. Foster carers are also able to complain about services from Social Work. When arrangements are made with foster carers for their services they should be informed of their right of access to the complaints procedure

#### **5. Complaints about Services provided by Third Parties on behalf of the Local Authority**

**5.1** Highland Council must exercise judgement about the effectiveness and appropriateness of complaints procedures operated by third parties. The Social Work Service is required to ensure that voluntary organisations or other persons or bodies who provide a service on its behalf (in accordance with Section 4 of the 1968 Act) have established an effective complaints procedure and that details of the operations of the procedure are made available to actual and prospective users

**5.2** The Social Work Service will delegate the handling of initial complaints (to include the responsibility for investigating as well as receiving) to the relevant service provider, along with the provision of the service itself. All formal complaints made to the third party, together with that agency's response must be recorded and maintained as part of the monitoring process performed by the Social Work Service. The existence of a complaints procedure that meets these requirements will be a pre-condition of authorised provider status and an essential component of any commissioning or contracting arrangements entered into by the service.

## **6. Complaints involving other agencies**

- 6.1 A complaint may involve not only Highland Council Social Work Services but other agencies (for example NHS Highland, Northern Constabulary). Should this occur the Customer Care Officer will take steps to ensure the Director of Social Work is informed and will liaise with the other agencies involved regarding respective timescales to respond to the person who has made a complaint. A separate response to the complaint made to Social Work will be sent. Where a complaint involves a range of Council Services, other services will follow the corporate complaints procedure.

## **7. People Financing Their Own Care Arrangements**

- 7.1 Unless the arrangements have been made by the Local Authority (including Free Personal Care), or the complaint relates to a failure by the Authority to make appropriate arrangements, a person financing his / her own care can only use the providing organisation's complaints procedure. Where a complaint is about a service that is registered by the Scottish Commission for the Regulation of Care ("The Care Commission") the person making the complaint may elect to notify the care commission of his / her concerns.

## **8. Confidentiality**

- 8.1 Anyone who complains has a right to request and be granted anonymity. They should however be made aware of the implications of such anonymity for the effectiveness of the investigation.

It is good practice for staff to be kept informed about complaints as this can aid early resolution in some cases.

- 8.2 All personal information held and recorded by the Social Work Service will be processed in line with the Data Protection Act 1998 and the Freedom of Information Scotland Act 2002.

## **9. Disciplinary / Grievance Procedures**

- 9.1 In most cases complaints are against the service itself. The complaints procedure has distinctly different aims and objectives to Highland Council's disciplinary procedure and the two should be kept quite separate. In the event that whilst investigating a complaint it is found that the actions of an employee may represent serious misconduct the relevant member of the Service's Management Team may stop the complaints procedure and initiate the disciplinary procedure. Where this happens, the person complaining must be informed. In less serious cases, the complaints process will be allowed to run its course to enable the service user to receive redress. Thereafter, if appropriate, disciplinary measures will be initiated. Staff subject to such action and disciplinary measures will be advised of their rights, in accordance with Highland Council's disciplinary procedure.

## **10. Complaints outwith scope of the Complaints Process**

- 10.1 Complaints against decisions made in relation to the following matters are subject to a separate appeals procedure and should be considered outwith the scope of the complaints process.

For example:

- Reviews of Looked After Children
- The Adoption and Fostering Panel
- Highland Care Charge Review Group

**10.2** Aspects of service delivery which are prescribed or mandatory in statutory terms will not be considered as appropriate for an investigation under the complaints procedure.

## Section 3

### Making comments and complaints

#### 1. Comments

Any comments or suggestions for improving services or compliments regarding the quality of service are always welcome. This feedback helps in the process of looking at ways to improve and develop Social Work Services in the Highlands.

Comments can be made by either contacting the Customer Care Officer on Freephone 0800 214708, completing a comments & complaints leaflet or speaking directly to Social Work staff.

#### 2. Complaints

##### What is a complaint?

A complaint is an expression of dissatisfaction, however made, which alleges failure on the part of the Council to perform a function, or to provide a service in line with stated Council practices and policies.

##### How can someone complain?

A complaint can be made to any point in the Social Work Service. Once received it will be directed to the relevant Social Work team

##### A complaint can be made by:

- speaking to a member of the social work team
- sending a letter / fax
- completing a comments & complaints leaflet
- sending an E mail to [socialwork@highland.gov.uk](mailto:socialwork@highland.gov.uk)
- telephoning – this may be to the local Social Work office, to a service point or contacting the Customer Care Officer (see below)

##### Address to send a complaint to:

Anyone wishing to make a complaint may make or send their complaint to:

- Their local Social Work office. A list of Social Work offices can be found on the Highland Council website at [www.highland.gov.uk](http://www.highland.gov.uk) within the Social Work section.
- Alternatively they may prefer to make / send their complaint to the Customer Care Officer at:

Social Work Services  
Kinmylies Building  
Leachkin Road  
Inverness  
IV3 8NN

Tel: 01463 – 703575, Fax: 01463 – 713237, Freephone 0800-214708

The Customer Care Officer can provide information, advice and assistance to the service user or employee at any point during the complaint process

### **3. The Care Commission**

If the complaint relates to a service that is registered by the Care Commission a complaint can be sent directly to the Care Commission at their local office:

Care Commission  
1<sup>st</sup> floor Castle House  
Fairways Business Park  
Inverness  
IV2 6AA  
Tel: 01463 227630  
www.carecommission.com

### **4. Responding to complaints**

The Service aims to address complaints quickly at the point of service delivery. The process involves front-line staff being sensitive and alert to the concerns of the public and responding to them as part of normal service delivery. Staff are encouraged to be open in their dealings with the public, to listen and try and resolve any difficulties. This may include an apology if it is clear that there has been a problem with the service (e.g. delay in services, missed appointment).

#### **Stage One complaints**

- Most complaints are dealt with at this stage whether they are made in person or by letter.
- Staff will try to sort out the issues as quickly and easily as possible.
- Should there be a delay in responding within a ten day timescale, the person complaining will be kept informed.

#### **Stage Two complaints (a formal complaint)**

- If a complaint has been dealt with at stage one and the person complaining remains unhappy with the outcome and complains again, then this will be investigated as a stage two complaint
- A written acknowledgement will be sent to the person making the complaint with the name of the investigating officer appointed.
- The investigating officer will meet with the person making the complaint and commence the investigation
- A response should be sent by the relevant Head of Service, within timescale (28 days). In the event of delay or a risk of investigations taking longer the Investigating Officer will negotiate an extension with the person making the complaint. This should involve an explanation for the delay and revised timetable and where appropriate an apology for any inconvenience.
- Should the person complaining remain dissatisfied following receipt of the formal response to their complaint they have the right to have the matter reviewed by the Director of Social Work Services by appealing within 28 days. The Director will review and send a full written response.

#### **Stage Three complaints**

- If the person complaining is dissatisfied following receipt of the formal response they can request that their complaint is referred to a Complaints Review Committee (CRC)
- A CRC is made up of three people who are not employees of the Council and have had no prior involvement in the matter which is the subject of the

complaint. They are trained in dealing with complaints and also have access to an independent social work adviser and legal adviser as required.

- Any request for a CRC must be made within 28 days of receipt of the formal response from the Director of Social Work.
- On receipt of the request for a CRC the person making the complaint will be given details of the process

## 5. Overview of Timescales

Stage	Procedure	Timescale
One	Complaint received and investigated	Staff will try to resolve the complaint within 10 working days
Two	Complaint acknowledged, investigating officer appointed  Responding to a formal complaint  Request for a review by Director of the complaint	Within 5 days of receiving complaint  Within 28 days (or within agreed timescale)  Within 28 days of receiving formal response
Three	Request for complaint to be referred to CRC	Within 28 days of receiving a final response from Director

## 6. Information for the public

- 6.1 Notices and leaflets should be displayed in all Social Work Service premises as well as Service Points advising service users of how to complain. Information should be provided in formats which are sensitive to the cultural differences across the Highlands and the diverse needs of users who depend on Social Work Services.
- 6.2 In addition details of how to make a complaint should be made available to all organisations providing Social Work Services under contract from the Local Authority, and to other organisations to which members of the public might turn for advice. All contracted services are expected to have and operate an effective complaints procedure
- 6.3 The Customer Care Officer should be contacted if complaint information is needed in alternative formats (eg Braille, audio disk, and other languages)
- 6.4 Where someone has difficulty in accessing or comprehending written information staff will assist the service user in making their complaint.
- 6.5 The Director of Social Work submits an annual report to the Housing & Social Work Committee on the operation of the of the complaints procedure, detailing the number and nature of complaints and how they were resolved or resulted in changes of practice. In addition where a complaint is considered by the Complaints Review Committee the Director of Social Work and Director of Corporate Services will report the outcome to the Housing & Social Work Committee. The report will be available at all Social Work Offices and Service Points and will be made available to the public on request.

## 7. Monitoring of Complaints

- 7.1 The Customer Care Officer will:

- Prepare monthly & quarterly reports for Social Work Service management, to include details of progress in meeting timescales and implementation of recommendations
- Prepare an annual report on complaints which will identify the outcome of complaints received in the period April through to March of each year. There will be an overview in this report of the Service's response to stage two complaints together with a summary of complaints resolved at appeal stage and recommendations / actions taken following any Complaint Review Committee

**7.2** Reports will highlight any recurrent themes about services and provide an analysis of whether timescales have been met and the effectiveness of the complaints procedure. The reports will also be used by strategic planning and contract staff as a measure of quality control and to assist in the planning of future services and the monitoring of contracts.