

ANGUS COUNCIL

CHILDREN AND LEARNING COMMITTEE– 10 JANUARY 2017

SOCIAL WORK COMPLAINTS HANDLING PROCESS

REPORT BY MARGO WILLIAMSON, STRATEGIC DIRECTOR – CHILDREN AND LEARNING

ABSTRACT

This report sets out changes to the social work complaints system from 1st April 2017.

1. RECOMMENDATION(S)

It is recommended that the Children and Learning Committee:

- (i) agree that from 1 April 2017 the complaint handling procedures in respect of Social Work services will be aligned with Angus Council's Complaints Handling Procedures.
- (ii) agree that the Head of Legal and Democratic Services write to the independent members of the Social Work Complaints Review Committee thanking them for their service once the need for this provision is no longer required

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

Individuals are supported in their communities with good quality services

3. BACKGROUND

3.1 On 4 December 2012 the Council's Strategic Policy Committee agreed to a revised Angus Council complaints handling procedure (Report 703/12). The new two stage corporate process was implemented in April 2013 (<http://intranet/CC/Pages/Process.aspx>). However, this process excluded social work complaints.

3.2 Under the complaint procedures for social work there is a legislative requirement to include an additional independent step for complaints not resolved at stage two. Currently this is undertaken by the Complaints Review Committee (CRC). The membership of the CRC consists of three lay people. The role of the CRC is to examine the facts and to make recommendations to the relevant committee. On receiving the CRC's recommendations the local authority must decide what action to take and notify the Complainer in writing of the decision.

4. CURRENT POSITION

4.1 The Scottish Government has completed a review of the social work complaints system. As a result the complaints system will change from 1st April 2017 in line with the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016.

4.2 There will be a new two stage model complaints handling procedure for social work services. The requirement for local authorities to set up a CRC will be removed.

- 4.3 There will be a period of overlap in moving from the current to the new social work complaints systems. Complaints which are recorded up to and including 31 March 2017 will be dealt with under the existing procedures. This means local authorities will still need to hold CRCs for some time after 1st April 2017. Complaints which are recorded from 1st April onwards will be dealt with under the new procedures.
- 4.5 The new two stage model complaints handling procedure for social work services will closely align with the current Angus Council complaints handling procedure. Under both procedures if a Complainant remains unhappy with the response to their complaint after stage two they will be able to refer their complaint directly to the Scottish Public Service Ombudsman (SPSO).
- 4.6 When reviewing social work complaints the SPSO will be able to consider social work professional judgement as part of their review of the complaint. The SPSO will be able to call upon advice from Independent Professional Advisers when needed.
- 4.7 A Pan-Tayside Complaints Working Group has been established to consider aligning complaints processes across local authorities and NHS Tayside. However, for the present time it has been agreed that in situations where a complaint involves both social work and health concerns that Angus Council and NHS Tayside will undertake separate investigations relating to those aspects of the complaint which relate to their services. Where complaints cross boundaries of health/social care, a joint response will be compiled, if possible, to avoid duplication/confusion.

5. PROPOSALS

- 5.1 The current social work complaints procedures will be used for all complaints received up to and including 31st March 2016.
- 5.2 We shall acknowledge the service provided by those individuals who voluntarily work as members of the CRC. A letter commending their work shall be sent by the Head of Legal and Democratic Services once the need for this provision is no longer required.
- 5.3 Feedback received from the SPSO with regard to complaints dealt with under the new procedures shall be included in reports to the Scrutiny and Audit Committee.

6. FINANCIAL IMPLICATIONS

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

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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