

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 29 September 2015

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Social Work Complaints and Feedback Annual Report 2014-2015

1 PURPOSE

- 1.1 To report on the use of the Council's Social Work complaints procedure for the year 2014/2015.

2 RECOMMENDATIONS

- 2.1 To note the report.

3 BACKGROUND

- 3.1 Section 52 of the NHS community care Act 1990 and the Social Work (Representations Procedure) (Scotland) Directions 1996 requires every Local Authority Social Work service to develop and implement a complaints procedure. The council is also required to consider, in public business, an annual report on the use made of the procedure and the outcome of complaints
- 3.2 Feedback (comments complaints and compliments) about social work services are recorded on a customer feedback module on the Council's Customer Relationship Management System (CRM) which allows for the recording, monitoring, and reporting of client feedback.
- 3.3 In line with its statutory requirements the Council operates a 3 stage social work complaints procedure:

Stage 1 – Complaint dealt with directly at point of service

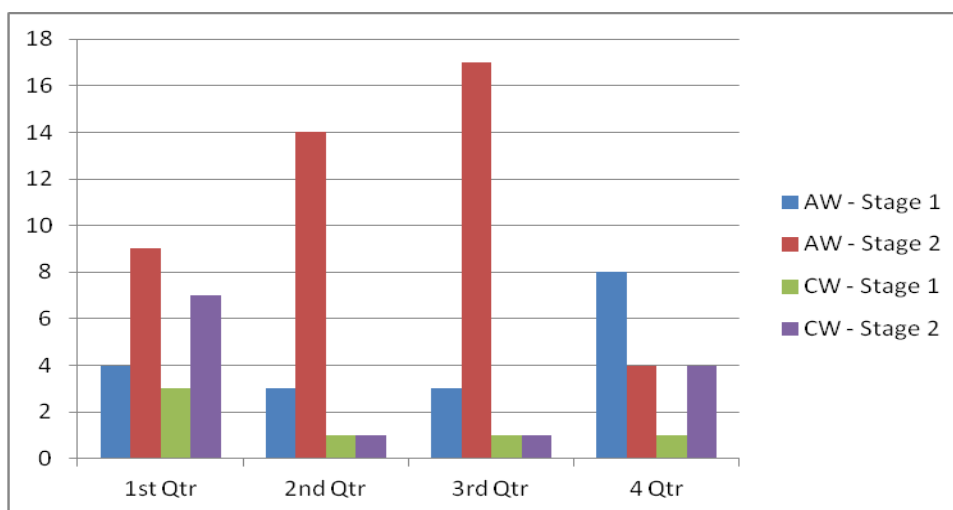
Stage 2 - Complaint requires formal investigation and response

Stage 3 – Referral to independent Complaint Review Committee (CRC)

Thereafter, there is a legal right of referral to the Scottish Public Service Ombudsman (SPSO).

BREAKDOWN OF FEEDBACK

- 3.4 A total of 81 complaints were received about social work services.
- 3.5 Stage 1 complaints are dealt with directly at point of service. **24** Stage 1 complaints were recorded for the year 2014/2015, which is broadly in line with the **29** recorded for 2013/2014. These are straightforward complaints either resolved at first point of contact with an apology or referred to the relevant social worker/manager for swift resolution. Examples of stage 1 complaints include correspondence not being responded to, information being requested and not supplied and missed visits.
- 3.6 In 2014/2015, East Lothian Council received **57** Stage 2 complaints about its social work services compared to **48** received 2013/2014, a 16% increase.
- 3.7 The following is a breakdown by service:
- | | |
|----------------------------|------------------------------------|
| Adult Wellbeing (AW): | Stage 1:18; Stage 2: 44; Total: 62 |
| Children's Wellbeing (CW): | Stage 1: 6; Stage 2: 13; Total: 19 |
| Criminal Justice (CJ) | Stage 1:0; Stage 2:0; Total 0 |
- 3.8 Ideally, a higher proportion of complaints should be dealt with at Stage 1 and this is broadly true of most other Council services. Social work complaints are often of a complex nature, which is reflected in the fact that both Adult Wellbeing and Children's Wellbeing received a higher number of Stage 2 complaints.
- 3.9 The following bar chart shows the number of Stage 1 and Stage 2 complaints received for each quarter for the year 2014/2015:



- 3.10 There was a peak in Stage 2 complaints for Adult Wellbeing in Q3.
- 3.11 There was a significant drop in overall social work complaint numbers in Q4, although this appears reflective of a fall in this quarter across all Council services.
- 3.12 For the second year running no complaints were recorded for Criminal Justice.
- 3.13 The subjects of Stage 2 complaints in 2014/2015 reflect the continued issues Adult Wellbeing and Children's Wellbeing have to manage and the exercise of professional social work judgement. Examples included:
- Child Protection issues – perception that social workers are taking the side of one parent over the other / mis-representing parental involvement
 - Unhappy with the experience of relatives in a council run care home facility / specific event relating to a care home experience
 - Standard of home care / delays in arranging care packages (care providers with no capacity, particularly in more rural areas)
 - Disputes over the content of assessment reports prepared by social workers
 - Financial assessments / Direct Payments / Self Directed Support
- 3.14 A breakdown of complaints is provided in Appendices 1a & 1b.
- 3.15 Complaints should be acknowledged within 3 working days and responded to within 28 days. The average acknowledgement and response times for 2014/2015 were:

90 % acknowledged within 3 working days **(2013/2014 - 89%)**

91% responded to, or update provided within statutory timescales (28 days) **62%** received a full response within timescale (same as 2013/2014)

- 3.16 Due to the complex nature of Stage 2 social work complaints there can be challenges with meeting timescales, particularly if additional assessments need to be carried out etc. Efforts are also made to meet with complainants and their families as there is often an ongoing relationship that needs to be maintained. Progress updates are provided wherever possible.
- 3.17 The proportion of complaints upheld, partially upheld or not upheld for the year was as follows:

| | 2013/2014 | 2014/2015 |
|--------|------------------|------------------|
| Upheld | 21% | 21% |

| | | |
|------------------|-----|-----|
| Partially Upheld | 21% | 35% |
| Not upheld | 58% | 44% |

- 3.18 If something has gone wrong with a service or with how policies and procedures have been followed, the complaint will be upheld or partially upheld depending on the circumstances. An apology will be given and action taken to put things right. If proper process has been followed and social workers have acted reasonably, the complaint will not be upheld and the reasons for this decision will be explained.
- 3.19 2014/15 saw a higher proportion of complaints being partially upheld.
- 3.20 Two complaints progressed to Complaints Review Committee. Both related to child protection and the actions / decisions of social workers. One complaint was upheld, the other was not upheld. On both occasions the CRC made some observations to help improve practice, mainly around how decisions should be recorded and communicated to families and engagement with affected persons.
- 3.21 Comments and compliments are also received about social work and it is important these are recorded to provide a balanced overview of services.
- 3.22 In 2014/2015, **3** comments and **109** compliments were received, compared to **60** compliments received in 2013/2014, which represents a significant increase. More compliments were received than complaints.
- 3.23 The vast majority of compliments were for Adult Wellbeing (**102**) which perhaps reflects nature of the services provided. A high proportion of these related to council run care facilities, such as The Abbey Care Home in North Berwick and the Crookston care facility in Tranent. Individual social workers were also often singled out for praise for the support they provide.
- 3.24 A few extracts from compliments received can be found in Appendix 2.
- 3.25 The Scottish Government has been undertaking a review of the statutory social work complaints procedure with a view to making sure it is fit-for-purpose and in line with the model complaints procedure in operation for all other local authority services.
- 3.26 A consultation is expected shortly on a proposal for the SPSO to take on the remit of CRCs, which would allow them to question professional social work judgement in line with their remit for health. This would require a legislative change.
- 3.27 Until such time as there is a change to legislation, CRCs remain a legal requirement for local authorities. No change is expected to take place before April 2017.
- 3.28 In line with the move towards integrating health and social care services, East Lothian Council has worked with NHS Lothian to develop joint complaint handling guidance.

4 POLICY IMPLICATIONS

4.1 None.

5 EQUALITY IMPACT ASSESSMENT

5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

6.1 Financial - None.

6.2 Personnel - None.

6.3 Other - None.

7 BACKGROUND PAPERS

7.1 Appendices 1a & 1b - Breakdown of Customer Feedback by service for the year 2014/2015

7.2 Appendix 2 Extracts from compliments

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|----------------------|--|
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| DATE | 17 September 2015 |

Appendix 1a Stage 2 Complaints Breakdown 2014/2015 for Adult Wellbeing

| Main Subject of Complaint | April – June 2014 | July – September 2014 | October – December 2014 | January – March 2015 | Total |
|--|--|--|--|------------------------------|--|
| Care Package (including allocated time for tasks / use of eligibility criteria / quality of care etc) | 2 | 4 | 3 | 2 | 11 |
| Staff attitude / conduct | 2 | 2 | 1 | 0 | 5 |
| Financial issues e.g. assessments / contributions towards care | | | 1 | 1 | 2 |
| Community Alarm service response | | 2 | | | 2 |
| Home Care | 3 | 5 | 5 | 1 | 14 |
| Occupational Therapy Service (including time taken for assessment) | 2 | 4 | 4 | 0 | 10 |
| Total Number of Complaints | 9 | 14 | 17 | 4 | <u>44</u> |
| Outcomes | Not Upheld x 4 Partially Upheld x 3 Upheld x 2 | Not Upheld x 7 Partially Upheld x 5 Upheld x 2 | Not Upheld x 4 Partially Upheld x 8 Upheld x 5 | Not Upheld x 2 Upheld x 2 | NU -17 PU – 18 U- 9 |

Appendix 1b Stage 2 Complaints Breakdown 2014/2015 for Children's Wellbeing

| Main Subject of Complaint | April – June 2014 | July – September 2014 | October – December 2014 | January – March 2015 | Total |
|--|--|---|--|---|--|
| Conduct / attitude of social worker | 2 | 1 | 0 | 1 | 4 |
| Child Protection issues (including handling of referrals, operation of Child Protection Case Conferences, implementation of decisions re: contact/ visits etc) | 3 | 0 | 1 | 1 | 5 |
| Quality of social work reports | 2 | 0 | 0 | 2 | 4 |
| Outcomes | Not Upheld x 1 Partially Upheld x 3 Upheld x 3 | Not Upheld x1 Partially Upheld x Upheld x 0 | Not Upheld x 1 Partially Upheld x 0 Upheld x | Not Upheld x3 Partially Upheld x 1 Upheld x | NU -6 PU – 4 U- 3 |
| Total Number of Complaints | 7 | 1 | 1 | 4 | <u>13</u> |

Appendix 2: Extracts from compliments received about social work services

2014/15:

'The Facilities in the care home are first class but what really makes this care home stand out is the staff. The staff is the best I have seen, they really do care about the residents in their care and they treat residents as if they were looking after their own family member.'

'Once again thank you for your care and kindness!'

'I called your office asking for help and the lovely person taking my call promptly had an assessment done and physio put in place. The physiotherapist was excellent and a wonderful ambassador for your service. I genuinely cannot comment highly enough. Thank you for the fantastic support.'

'I want you to know just what an amazing impact East Lothian Council has had on our family. Since my mother had a massive stroke 3 years ago my experience of 'institutions' has not been very positive. However, the support we have had from East Lothian Council (Adult Wellbeing) in enabling her to come home has been without question second to none. Of course any organisation is only as good as its people...The outstanding thing for us was the way in which our whole family was treated...It sounds simple but they listened to us, understood our family values, the terrible stress we were under and did not judge...The way we were treated lifted us out of the dark place we had been and gave us back our dignity...Sadly mum died...thanks to East Lothian Council and its people it was a happy death at home with her family.'

'We can't say how amazing ELC have been in providing all the equipment we need...we feel blessed to have been helped to achieve bringing Mum home which is the best place for her.'

'We cannot fault the end of life care given to mum. The staff treated her with dignity and respect and she was shown love and care...thanks again.'

'It is indeed incumbent on me to offer you my very sincere thanks for the inestimable amount of help you have given me. Each and everyone...has proved their worth, and in doing so have instilled in me a very large measure of self-confidence.'

'I just wanted to drop you a wee note to thank you for your patience and sensitivity yesterday. Your calm, knowledgeable input was really reassuring....because we are all completely new to this and don't really know the systems yet, it is great to know that we have you by our side!'

'I'd just like to say thank you for the way you handled my request for respite care...Having never had to make this sort of request of Social Services, I am mightily impressed at the way you and your colleague handled my request so expeditiously, and with courtesy and kindness. Thank you very much.'

'I just wanted to email you to give you some feedback on our adoption process so far and I have to say (name) has been great throughout the whole process. She has made the home study part an enjoyable experience; she has been thoughtful, considerate, very knowledgeable and professional and made us very relaxed throughout.'