

The Highland Council

Education, Children and Adult Services Committee 14 January 2015

Agenda Item	11.
Report No	ECAS 09/15

Social Work Stage 2 Complaints Exception Report

Report by Director of Care and Learning

Summary

This report provides context and analysis of delays to responding to stage 2 complaints received by the Care and Learning Service and responded to under the Social Work Complaints Directions. Members are asked to note the complexity of complaints received this year and actions proposed to give greater priority to their resolution.

1. Background

- 1.1 Complaints received by the Care and Learning Service received relating to Social Work and Social Care functions are dealt with by separate procedures from complaints received regarding other council services. These complaints are governed by the Social Work (Representations Procedure) (Scotland) Directions 1990 (The Directions).
- 1.2 The Directions outline a three stage complaints process with the main formal response provided at stage 2. Formal stage 2 complaints should be responded to within 28 calendar days, although it is recognised in The Directions that social work complaints can be complex and there is the possibility of an extension up to a further 28 days where this can be agreed with the complainant.
- 1.3 Despite relatively low numbers, performance in relation to responding to stage 2 complaints within 28 calendar days has been poor in the calendar year to date, with only 3 of 20 (15%) complaints completed to date having received a response in the required timeframe. Of the remainder, 83% were responded to within the maximum 56 day extension period. Complainants are always advised where there are delays in responding.
- 1.4 The Care and Learning Service recognises the need for improvement in relation to stage 2 complaints for Social Work and Social Care; hence this report for members.

2. Data Analysis

- 2.1 There are three key milestones used in administering complaints where delays can be introduced;
 - The time to allocate the complaint,
 - The time to agree the points of complaint, and
 - The time then taken to respond.
- 2.2 The following analysis focusses on these three milestones.
- 2.3 Of the 20 complaints received to date in 2014, 14 (70%) were allocated to an investigating officer within 2 working days of receipt of the complaint. Of the remainder, only 1 complaint took longer than 5 working days to allocate to the

eventual investigating officer. This was due to sickness absence of the original investigating officer.

- 2.4 One of the biggest causes of delay (7 of 20 complaints) is the time taken to agree the points of complaint with the complainant. Complaints when received are often the culmination of a lengthy period of contentious interaction. The complaint can often be imprecise when first received. Investigating officer guidance indicates they should meet with the complainant to agree the issues to be investigated and identify the resolutions they are seeking. It can often be difficult for this initial meeting to be set up and the points of complaint then agreed upon, particularly in complex cases. In 16 of the 20 complaints, meetings were held to discuss the issues to be investigated. In 8 (50%) of those cases, it took more than a week from the date of allocation of the complaint, for the issues to be investigated to be agreed, and in 10 of the 16 cases (62%) it took more than a week from the date of receipt of complaint to agree the issues to be investigated.
- 2.5 Once the issues to be investigated have been agreed, the complexity of the cases is reflected in the time taken to issue a response. It should be noted here that all responses should be sent out by the Head of Service following the report and draft response being prepared by the investigating officer, and this can add some further delay.
- 2.6 Of the 16 cases where investigating officers met with complainants to agree the points of complaint, only 7 (44%) complainants had received a response within 4 weeks of the points of complaint being agreed. Of the 4 complaints where the points of complaint were clear from the original contact with the complainant, only 1 was responded to within 4 weeks.

3. Review and Actions to date

- 3.1 The Service has a robust and effective complaints monitoring system that allows it to track complaints and provide good quality management information, such as that provided above.
- 3.2 It is clear from analysis of the data, that investigating officers are failing to progress complaints speedily through key milestones. The reasons for this are anecdotal but largely are attributed to: difficulties meeting with the complainant and other key parties, the demands of ongoing workload and diary pressures, and the complexity of the cases. The increased number of cases being heard by the Complaints Review Committee this year is a reflection of the latter point.
- 3.3 The integrated nature of service provision can sometimes introduce complexity to complaint handling where the complaint is about multi-agency interaction or service delivery. Requesting information and evidence from other agencies can, in some cases, also add delays to the process.
- 3.4 Complaints monitoring reports are sent to the Director on a weekly basis, with a report of cases outstanding and key issues highlighted. This enables quick identification of outstanding cases, who has responsibility for them and when the deadline for response is due.
- 3.5 In addition, investigating officers are regularly prompted for feedback on progress by the complaints administration team. This feedback is then provided in the weekly report noted above.

4. Proposed Solutions

- 4.1 The Customer Care Officer met with Children's Services managers earlier in the year to reinforce the importance of meeting timescales and review the complaints process. This link will be maintained.
- 4.1 It is difficult to free up additional capacity to enable middle managers, appointed as investigating officers, to dedicate more time to complaints. They do, however, need to be given clear leadership from the senior managers within the Service that complaints should be given priority. Failure to do so can result in the exacerbation of issues, and consequently, appeals to the complaints review committee which can result in greater workload demands.
- 4.2 The Care and Learning Service is the only service in the council not to have a dedicated Customer Services Officer. Plans are in place to create such a role for the Service, enabling greater focus to be provided for all complaints, not solely social care, received by Care and Learning.
- 4.3 Following creation and appointment to the above role, focussed work needs to be conducted with Area and District Managers to more fully understand the specific pressures created by the complaints process and facilitate solutions that will enable complaints to be given greater priority, particularly when they are more complex and contentious.
- 4.4 As an interim measure, the existing processes for complaints administration will be amended to provide reminders to investigating officers earlier in the process and to escalate timescale pressures to Heads of Service more quickly than is currently the case, with the aim of emphasising the need to prioritise complaints.

5. Implications

- 5.1 Resource implications – there are no specific resource implications associated with this report.
- 5.2 Legal implications – the complaints are governed by the relevant regulation as described within this report.
- 5.3 Equalities, Climate Change/Carbon Clever, Gaelic and Rural implications – there are no particular issues to highlight for this report.
- 5.4 Risk implications – there are reputational consequences from the failure to respond to complaints within the required timescale, which this report seeks to address through the actions identified.

6. Recommendation

6.1 Members are asked to:

- note the position regarding performance in relation to social work and social care complaints received by the Care and Learning Service;
- note the measures taken to date to deal with the position;
- approve the proposed solutions with a view to improving performance.

Designation: Director of Care and Learning

Date: 16 December 2014

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