



Item No. 15

Meeting Date Wednesday 14th June 2017

**Glasgow City
Integration Joint Board
Finance and Audit Committee**

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**NEW COMPLAINTS PROCEDURES (SOCIAL WORK AND HEALTH)
FROM 1st APRIL 2017**

Purpose of Report:	To advise IJB Finance and Audit Committee of mandatory new health and social work complaints processes implemented from 1 st April 2017 and the steps that have been taken to ensure effective transition to those new processes within Glasgow City HSCP.
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Recommendations:	The IJB Finance and Audit Committee is asked: a) to note the contents of this report.
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Relevance to Integration Joint Board Strategic Plan:

Page 3 Strategic vision

A Focus on continuous improvement. Good complaints management helps drive that process by highlighting opportunities for service improvement.

Robust complaints procedures also enhance the goals of:

- Being responsive to the population we serve
- Showing transparency, equity and fairness in the distribution of resources

Implications for Health and Social Care Partnership:

Reference to National Health & Wellbeing Outcome:	Outcome 3. People who use health and social care services have positive experiences of those services, and have their dignity respected.
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Personnel:	<p>The professional decisions of social work staff will be subject to review and potential challenge by Scottish Public Services Ombudsman.</p> <p>Staff at front line and in localities will be required to take greater ownership of the quick resolution and recording of complaints that do not require full investigation.</p>
Carers:	There are no direct implications of this report on carers.
Provider Organisations:	Complaints regarding social care may be delegated to provider organisations for investigation and response where complaints relate to their services.
Equalities:	The new procedures are fully accessible to all groups.
Financial:	There are some modest costs associated with the distribution of public-facing material describing the new processes. These costs are not yet fully established at time of report.
Legal:	Section 5B Social Work (Scotland) Act 1968 and The Social Work (Representations Procedure) (Scotland) Directions 1996 are repealed by virtue of The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 and Section 16B of the Scottish Public Services Ombudsman Act 2002 (as amended). Main substantive outcome of interest is repeal of Complaints Review Committees and transfer of powers to review social work decisions to Scottish Public Services Ombudsman.
Economic Impact:	There are no known economic impacts associated with these changes.
Sustainability:	There are no sustainability implications associated with these changes.
Sustainable Procurement and Article 19:	There are no procurement implications of these changes.
Risk Implications:	Reputational risk if procedures not approved by Scottish Public Services Ombudsman or implemented correctly.
Implications for Glasgow City Council:	Reporting arrangements for social work complaints become broadly compatible with other Council services and may be jointly reported.
Implications for NHS Greater Glasgow & Clyde:	The new NHS procedure and related information for customers / patients to be adopted across the whole of NHSGGC acute services and all partnerships.

1. Background and Administrative Matters

1.1 The Scottish Public Services Ombudsman developed and published model complaints handling procedures for both the NHS in Scotland and Social Care Providers (including Local Authorities and Health and Social Care Partnerships). These were implemented on 1st April 2017 with self-certification of compliance with procedures required by 7th April 2017. The new processes are mandatory and stem from powers granted to the Ombudsman in legislation and, in the case of social work, the repeal of existing legislative arrangements by virtue of Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016. Both model procedures are very rigid and allow for little local adaptation but allow for some branding and site-specific information to be included and some additional guidance to be incorporated on operational matters so long as the procedure itself is not altered.

1.2 NHSGGC approved, on 21st February 2017, a new complaints procedure developed from the Ombudsman's model by the Board Complaints Manager. This has been implemented by Glasgow City HSCP in respect of complaints for the NHS functions that it delivers. Copies of the procedure and a leaflet produced for the public are available below:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=37285&p=0>

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The leaflet is itself based upon a model 'customer-facing Complaints Handling Procedure' developed by the Ombudsman. The arrangements set out by the Ombudsman require the application of such a policy and procedure across the whole NHS Board area. There is no provision for the separate development of policies and procedures by each Partnership.

1.3 By contrast the social work model procedure may be implemented either by Local Authorities or by Health and Social Care Partnerships depending on the arrangements for devolution of services. This is as set out in the Ombudsman's guide to implementation:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=37283&p=0>

As all relevant social work services have been delegated from Glasgow City Council to the Integration Joint Board then the HSCP may develop and apply the relevant procedure. The Principal Officer Rights and Enquiries, Business Development has developed such a policy and procedure:

<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=37286&p=0>

Self-certification was returned by The Chief Officer Glasgow City HSCP by the required date of 7th April 2017. On 11th May 2017 the Ombudsman's office contacted Glasgow City HSCP to advise that initial review of the procedure was 'very positive' but further detailed review would be required prior to approval by the Ombudsman. At time of report the procedure was still under review by Ombudsman.

1.4 Unlike the new health process, there is no formal requirement to produce a separate social work complaints leaflet for the public. The Ombudsman have not developed a 'customer-facing Complaints Handling Procedure' as they did for the NHS and have advised that existing local authority public leaflets, which

describe the basic process, stages and timescales, may also be used for social care complaints.

The existing Glasgow City Council complaints leaflet for customers is fit for purpose as a guide to the social work complaints process as it accurately describes the basic process, notes that there are some differences for social work services and redirects customers to the social work web pages for further information. Glasgow City HSCP will however need to replace existing stocks of leaflets in due course and consideration will be given at that time to producing a partnership branded information leaflet describing the new process. The advantage of this would be that complaints could be directed to the rights and enquires team within the Partnership rather than via the Council's complaints team, where current leaflets direct the public.

- 1.5 The changes to the NHS procedure have implications for training and recording as the fundamental process is changing. NHS Education for Scotland have worked with the Ombudsman to produce an on-line training package for the new NHS process. At time of writing arrangements for accessing this package and whether training is to be mandatory have not been clarified.
- 1.6 Changes to the social work procedure require no special training as the number of stages and processes remain broadly similar with the significant changes being to timescales and the role of the Ombudsman. Briefing sessions have been held with senior managers in the localities.
- 1.7 Meetings at a national level have secured changes to the Datix database for recording of health complaints (at no charge to the NHSGGC or HSCPs) to enable recording of new stages of complaint and outcome codes within that process. These went live on 1st April 2017. A training session was held for system users within NHSGGC Partnerships, including Glasgow City HSCP staff at Commonwealth House on 20th March 2017.

2. Significant Features of New Complaints Processes

2.1 Significant Change to the NHS Procedure:

- 2.1.1 The main and most significant change to handling of health complaints is introduction of an additional stage of complaints handling. The NHS Procedure previously only had one formal stage of complaint handling prior to complaints being redirected to the Ombudsman. This mirrored the 20 working day investigation stage 2 that is now in the new process. Any complaints handling prior to this stage was considered 'informal' and outwith the formal complaints process. From 1st April 2017 NHS staff are required to record on the Datix system the pre-investigation stage of 'frontline resolution' within 5 working days. This may or may not result in written response but must be recorded and managed within the terms of the new procedure. This is the main significant change and will likely result in an increased recording of complaints.
- 2.1.2 The various processes within the old system for dealing with resolution of complaints informally included special processes within prisons for recording 'concerns and comments' alongside complaints recorded on the same forms and trying to resolve issues 'on the spot'. As complaints in the prison sector accounts for over 90% of health complaints received by Glasgow City HSCP,

then to a large degree the recording of frontline complaints will simply replace the previous informal resolution processes for complaints.

This does not replace the system of gathering feedback or concerns as set out in The Patient Rights (Scotland) Act 2011 but requires clearer distinction between a patient raising a complaint, simply giving feedback or raising concerns.

- 2.1.3 NHSGGC have drafted guidance including a new 'triage' system to screen complaints and determine which may be resolved immediately, which require escalation to stage 2 investigation, and which may be subject to timescale extension. This guidance has however not yet been finalised and issued by NHSGGC. Agreement has been reached with the Head of Administration for NHSGGC that Business Development Glasgow City HSCP may issue guidance specific to the application of the NHS complaints policy and procedures within Glasgow City HSCP. This is being drafted at time of report and will be available from 1st June 2017. This will give further guidance to staff on how this complaints process is to be applied in the operational context of services in prisons specifically and in the wider partnership more generally, including clarification of the specific roles of staff and managers.
- 2.1.4 The new model NHS procedure also sets out new reporting requirements, which will be quarterly. These will be incorporated into current reporting processes for the existing procedure.

2.2 **Significant Change to the Social Work Procedure:**

- 2.2.1 The stages in the Social Work procedure remain essentially the same: local or frontline resolution of the complaint, followed by 20 day investigation, followed by independent review. The difference is that independent review will only be by the Ombudsman for complaints received on or after 1st April 2017. Complaints Review Committees, as a stage between internal investigation and Ombudsman, were abolished from that date. There will be a transitional period whereby complaints received prior to that date are reviewed both by Committee and then Ombudsman, if specifically requested by the complainer, as at present.
- 2.2.2 The Ombudsman assumed the power from 1st April 2017 to review professional social work decisions, including decisions on resource allocation in care packages. The Ombudsman has yet to publish any statement or policy clarifying the terms within which they will exercise their new powers. The most recent statement from them is that they have employed two professional social work advisors whose first role is to conduct briefings for Ombudsman staff and that more advisors are being recruited. At a meeting on 17th May 2017 a representative from the Ombudsman stated that no complaints has as yet been received by them under the new procedures relating to any social work service in Scotland.
- 2.2.3 The first stage of complaint in the social work process shifts emphasis towards quick local resolution, as opposed to formal consideration of complaints by both local and central complaints teams, as is presently the case. The timescale is reduced to 5 working days, but extendable to 15 in exceptional circumstances (which makes it different from the first stage of both NHS and

local authority processes). However there is no requirement for acknowledgment, full investigation or written response at the frontline stage.

- 2.2.4 The proposed Glasgow City HSCP social work complaints procedure gives guidance as to the circumstances in which a complaint might be disposed of without written response, the circumstances in which timescales may be extended, the circumstances in which a complaint may be escalated immediately to the second stage. It also specifies what level of staff or specific post-holder may make these decisions. As such no separate guidance is required on those issues as with the NHS procedure.
- 2.2.5 As with the NHS procedure, the social work procedure comes with increased reporting requirements, to be quarterly and in more detail than present quarterly reports of activity (though less detailed than the current 6 monthly report). The annual reporting requirement is broadly similar to that which is currently reported.
- 2.2.6 The new procedure extends the right to complain to all members of the public, not just service users and their authorised representatives as per current legislative provision. In fact however the complaints process operated by Glasgow City HSCP for social work complaints already deals with complaints on that basis. All complaints are dealt with at the first stage, it is just that certain people who have no statutory entitlement to complain are not offered further internal review or committee hearing. This will therefore have limited impact.
- 2.2.7 The ability to delegate complaints handling to purchased providers / commissioned services is given within the procedure but the precise terms of that must be expressed within contracts such that handling of complaints by those providers accords with the principles and form of this procedure. It has in any case been custom and practice to delegate complaints about commissioned services to those services in the first instance, so again the impact will be limited. This is a formalising of arrangements rather than change of governance.

There is however an outstanding action to update contracts and commissioning arrangements to incorporate these requirements, which the Business Development Rights and Enquiries team will implement in collaboration with Business Development Commissioning colleagues. Clarification has been sought from SPSO, but not received at time of writing, as to whether this is an immediate requirement on their part or may be introduced incrementally as contracts come up for renewal.

- 2.2.8 Where Glasgow City Health and Social Care Partnership has appeals processes then these will remain in place but the terms must be amended such that those processes will conclude with a written outcome in 20 working days directing the appellant to the Ombudsman if dissatisfied with the decision rather than requiring them to re-submit their dissatisfaction with the decision in the form of a complaint. This reflects the Ombudsman's new role and powers in reviewing social work professional decisions and streamlines the process such that neither appellant nor Glasgow City HSCP have to in effect consider the same submission twice, as both appeal and complaint. The Business Development Rights and Enquiries team is reviewing appeals processes within

procedure. As with the commissioning arrangements it is anticipated that these changes will be phased in at the earliest opportunity.

3. Steps Taken to Implement New Processes

- 3.1 Datix users have been briefed on the new system updates for recording health complaints and will receive continuing support from NHSGGC staff in adopting the new logging process.
- 3.2 The central C4 system for logging social work complaints currently used by the Business Development Rights and Enquiries team was to have been rolled out to complaints coordinators in the localities and central business units so that they might log and close front-line resolution complaints locally without the need to refer complaints via the central complaints team. However, proposals were advanced on 27th April by the Council's I.T/I.S providers 'Access' to replace C4 with a different system. The C4 roll-out plan is therefore in abeyance at present. Existing systems are still being used in localities to log the complaints, as well as ongoing logging in the C4 system by the Rights and Enquiries team, until the matter is clarified. Once clarified the most appropriate solution will be implemented to ensure logging of complaints through a single system throughout Glasgow City HSCP without duplicating effort.
- 3.3 Guidance is to be issued on NHS complaints processes clarifying roles and responsibilities as set out in 2.1.3 above. Health and social care processes are aligned within procedures and guidance to ensure that decisions on complaints, investigation and responses are kept as close to the point of service delivery as possible and that a joint response is issued for any complaint spanning both health and social care delivery.
- 3.4 The Business Development Rights and Enquiries team, which now comprises both council and health staff, will retain a role in the investigation of all stage 2 social care complaints investigations, all reports to complaints review committee (until phased out), all enquiries from the Ombudsman for both health and social care complaints and management of persistent and vexatious complainers under the relevant provisions within each policy.
- 3.5 The Business Development Rights and Enquiries team will also continue to visit localities and central teams to give briefings on the new procedure, monitor any difficulties in implementation and provide advice, guidance and problem resolution for any difficulties in 'bedding in' the new procedures. Arrangements for on-line training on health complaints under the NES/Ombudsman package will be clarified before roll-out.
- 3.6 Amendments have been made to the corporate internet and connect pages of the council system to reflect changes to the process for staff and customers. The Health Board have made equivalent changes to intranet and public-facing web pages.
- 3.7 The Business Development Rights and Enquiries team will progress work to phase in changes to appeals and commissioning processes at the earliest opportunity.

- 3.8 The Principal Officer Rights and Enquiries will liaise with SPSO in relation to the ongoing self-certification and approval process for the new social work procedure.
- 3.9 New reporting arrangements will be put in place for the first quarter of 2017-18 by July 2017.

4. Recommendations

- 4.1 The IJB Finance and Audit Committee is asked:
 - a) to note the contents of this report.