

## Glasgow City Integration Joint Board Finance and Audit Committee

**Report By:** David Williams, Chief Officer

**Contact:** Jim Charlton, Principal Officer Rights and Enquiries

**Tel:** 0141 287 8714

### NEW COMPLAINTS PROCEDURES (SOCIAL WORK AND HEALTH) FROM 1<sup>st</sup> APRIL 2017

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

<p>Page 3 Strategic vision</p> <p>A Focus on continuous improvement. Good complaints management helps drive that process by highlighting opportunities for service improvement.</p> <p>Robust complaints procedures also enhance the goals of:</p> <ul style="list-style-type: none"> <li>• Being responsive to the population we serve</li> <li>• Showing transparency, equity and fairness in the distribution of resources</li> </ul>
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### Implications for Health and Social Care Partnership:

<b>Reference to National Health &amp; Wellbeing Outcome:</b>	<b>Outcome 3.</b> People who use health and social care services have positive experiences of those services, and have their dignity respected.
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<b>Personnel:</b>	<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>
<b>Carers:</b>	There are no direct implications of this report on carers.
<b>Provider Organisations:</b>	Complaints regarding social care may be delegated to provider organisations for investigation and response where complaints relate to their services.
<b>Equalities:</b>	The new procedures are fully accessible to all groups.
<b>Financial:</b>	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.
<b>Legal:</b>	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.
<b>Economic Impact:</b>	There are no known economic impacts associated with these changes.
<b>Sustainability:</b>	There are no sustainability implications associated with these changes.
<b>Sustainable Procurement and Article 19:</b>	There are no procurement implications of these changes.
<b>Risk Implications:</b>	<p>Reputational risk if procedures not approved by Scottish Public Services Ombudsman or implemented correctly.</p> <p>Self-certification of implementation of both processes is required by 7<sup>th</sup> April 2017.</p>

<b>Implications for Glasgow City Council:</b>	Reporting arrangements for social work complaints become broadly compatible with other Council services and may be jointly reported. Some minor amendments required to Council web-pages describing the council's complaints process and relationship with social work processes.
<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	The new NHS procedure and related information for customers / patients to be adopted across the whole of NHSGG&C acute services and all partnerships. Amendments required to the Datix database in respect of recording complaints across the whole of NHSGG&C requiring national agreement.

## **1. Background and administrative matters**

- 1.1 The Scottish Public Services Ombudsman has 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 are to be implemented by 1<sup>st</sup> April 2017 with self-certification of compliance with procedures required by 7<sup>th</sup> 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 21<sup>st</sup> February 2017, a new complaints procedure developed from the Ombudsman's model by the Board Complaints Manager. This will require to be implemented by Glasgow City Health and Social Care Partnership 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>  
<https://www.glasgow.gov.uk/CHttpHandler.ashx?id=37284&p=0>

The leaflet is itself based upon a model 'customer-facing complaints handling procedures' 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 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 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 is to be completed by the Chief Officer Glasgow City Health and Social Care Partnership.

- 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 describes the process, notes that there are some differences for social work services and redirects customers to the social work web pages for further information. This arrangement will continue to describe the arrangements after 1<sup>st</sup> April 2017. Glasgow City Health and Social Care Partnership 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.
- 1.7 Meetings at a national level have secured changes to the Datix database for recording of health complaints (at no charge to NHS GGC or HSCPs) to enable recording of new stages of complaint and outcome codes within that process. These are scheduled to go live on 1<sup>st</sup> April 2017. A training session was held for system users within NHS GGC Partnerships, including Glasgow City HSCP staff at Commonwealth House on 20<sup>th</sup> 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 the introduction of an additional stage of complaints handling. The NHS Procedure previously only had one formal stage of complaint before complaints were redirected to the Ombudsman. This was essentially the existing 20 working day investigation stage. From 1<sup>st</sup> April 2017 NHS staff will need to introduce the pre-investigation stage of 'frontline resolution' requiring resolution within 5

working days. This may or may not result in written response but all such complaints 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 There were previously however various processes for dealing with resolution of complaints informally, including special processes within prison healthcare for recording 'concerns and comments' as well as complaints 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 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 introduced a new 'triage' system to screen complaints and determine which may be resolved immediately and which require escalation to stage 2 investigation, as well as a process for agreeing stage 1 extensions up to the maximum period of 10 working days. Guidance is being drafted and will have been circulated in the week beginning 27<sup>th</sup> March 2017 on how this process will operate in the context of services in prisons specifically and in the wider Partnership more generally.

2.1.4 The procedure developed by the NHSGGC does not specify what level of staff or designated officers are responsible for investigating front-line or investigation stages, for agreeing extensions at each stage and for determining which front-line complaints are to be escalated for immediate stage 2 investigation. These roles will be clarified in the guidance being developed by the Business Development Rights and Enquiries Team specific to Glasgow City Health and Social Care Partnership.

2.1.5 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 SWS procedure:**

2.2.1 The stages in the social work procedure remain 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 1<sup>st</sup> April 2017. Complaints Review Committees are to be abolished from that date but 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 assumes 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.

- 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; and, 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.
- 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 the 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 terms of that must be expressed within contracts so that handling of complaints by those providers accords with the principles and form of this procedure.
- 2.2.8 Where Glasgow City HSCP has appeals processes, such as for example appeals against child protection registration or refusal or removal of a person as approved kinship carer, 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 the HSCP have to in effect consider the same submission twice, as both appeal and complaint.

### **3. Steps taken / to be 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 will be rolled out to complaints coordinators in the localities and some central business units so that they may log and close front-line resolution complaints locally without the need to refer complaints via the central complaints team. Business Development Rights and Enquiries team will provide one-to-one training and guidance on use of the system throughout April 2017 and will continue to log all complaints, as at present, until local coordinators are ready to take over some of this function.
- 3.3 Guidance is to be issued before implementation clarifying roles and responsibilities in terms of handling of health complaints as set out in 2.1.3 and 2.1.4 above. The health and social care processes will be aligned in ensuring that decisions on complaints handling and extensions to timescales, as well as investigations and responses themselves, will be kept as close to the point of service delivery as possible.
- 3.4 The Partnership 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 they are phased out, all enquiries from the Ombudsman in respect of both health and social care complaints and the management of persistent and vexatious complainers under the unacceptable actions policy of both procedures.
- 3.5 The Partnership Rights and Enquiries Team will also visit local teams and attend management meetings throughout April and May 2017 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 NHS Education for Scotland / Ombudsman package will be clarified before roll-out.
- 3.6 Amendments will be made to the corporate internet and connect pages of the council system to reflect changes to the process for staff and customers and will be put on-line on 3<sup>rd</sup> April 2017. Staff at the NHSGGC Board will make the equivalent changes to their internet and public-facing web pages. Similarly the Partnership website will contain this information when established.
- 3.7 An exercise will be conducted to ascertain requirements around new information leaflets and arrange supply as early as possible after 1<sup>st</sup> April 2017.
- 3.8 Discussions will be held between the Rights and Enquiries Team, Social Work Commissioning and Legal Services to ensure that the new complaints requirements are incorporated into new tendering processes and contracts as these are renewed or re-tendered.

- 3.9 Social work appeals processes will be updated within existing procedures to reflect the policy changes. This change will again be coordinated by the Rights and Enquiries Team.
- 3.10 The Principal Officer Rights and Enquiries will prepare self-certification of implementation of the social work procedure by the Chief Officer by 7<sup>th</sup> April 2017.
- 3.11 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 to:
  - a) note the contents of this report.