

The Social Work Model Complaints Handling Procedure (Model CHP)

Guide to Implementation

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Background

The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 (the Order) brought social work complaint handling into line with other local authority (LA) complaints handling, by bringing it under the remit of the Public Services Reform (Scotland) Act 2010 (the Act). Under the Act, the SPSO has the authority to lead the development of model complaints handling procedures (CHPs) across the public sector. The Act took forward the recommendations of the Sinclair Report, which sought to improve how complaints are handled, through the development of simplified, standardised CHPs.

Proposals for changes to the way social work complaints are handled were developed, prior to the Order, by the Scottish Government's Social Work Complaints Working Group. In 2013 this group recommended that complaints about social work services should come into line with the existing LA Model CHP, with the exception of timescales for frontline complaints, which they said may be extended by up to ten working days in exceptional circumstances. These recommendations have been brought together in the new Social Work (SW) Model CHP.

The purpose of the SW Model CHP is to provide a standardised approach to handling customer complaints about social work services, whether they are provided by LAs or by health and social care partnerships (HSCPs). In particular, the aim is to implement a consistent process for organisations to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages organisations to identify and make best use of lessons from complaints.

The implementation of this SW Model CHP has been timed to coincide with the implementation of the new NHS Model CHP, bringing both social work services and NHS services into line with the existing LA Model CHP.

About the SW Model CHP

The SW Model CHP applies to all social work services, whether they are delivered through LAs or HSCPs. Complaints about other LA or NHS services will fall under the respective CHPs for these sectors, which are largely in line with each other. The key differences between these CHPs and the SW Model CHP relate to specific examples, information and guidance for staff in relation to scenarios commonly encountered or distinctive to social work complaints.

The SW Model CHP is presented in four sections which explain the end-to-end procedure to be followed in handling customer complaints:

- 1** How to use the CHP
- 2** What is a complaint?
- 3** The complaints handling process (frontline resolution and investigation)
- 4** Governance of the CHP.

There are also four appendices, which give specific examples of social work complaints and provide information about how to manage timescales within the CHP.

A new 'customer-facing' CHP for social work services has not been developed. This is because the only differences between the LA, the NHS and the SW Model CHPs lie within the sections providing staff guidance. In particular, there is information on extensions to timescales and specific guidance on issues which are more likely to emerge in relation to social work complaints.

The information for customers for each procedure is the same. Organisations should, therefore, use the same customer-facing leaflet for all their services (either the LA or the NHS model customer-facing leaflet, depending on health and social care integration arrangements). This will ensure that all customers receive the same information on complaints regardless of where they live or the organisation they deal with.

To be compliant with the model CHP, LAs and HSCPs must adopt both the SW Model CHP and either the LA or NHS customer-facing CHP. A quick reference staff-facing CHP guide is available to offer staff a simple, at-a-glance overview of the CHP and is provided as an example of good practice. Social work services may choose to adopt the staff facing guide in its entirety or amend it to reflect their own wider guidance for staff.

Services commissioned by social work

Organisations often commission other service providers to deliver social care and other services on their behalf. While these organisations are separate from the LA or HSCPs, they are subject to control by the commissioning authority, which is still responsible and accountable for ensuring the services provided meet the required standard. This includes the need to comply with the SW Model CHP. It is for each organisation to ensure that commissioned services meet the requirements of the SW Model CHP. They must have mechanisms in place to identify and act on any complaints handling performance issues with their providers.

Implementing the SW Model CHP

Social work services retained by LAs

Where social work services have been retained for delivery by the LA, the LA will need to adapt and adopt the SW Model CHP, alongside their existing CHP. The only substantive difference between the two relates to the timescales for extensions at the frontline resolution stage. The SW Model CHP also includes significant information and guidance for staff which is specific to social work complaints, or which is more likely to arise in relation to these complaints. It is anticipated that each LA will, therefore, still have two CHPs, one for social work services and one for their other services. However, the procedural similarities mean that the customer-facing version of the CHP can be transferred for use with social work complaints.

Social work services delivered by HSCPs, under delegated arrangements

Where social work services are being delivered under integrated arrangements through a HSCP, the partnership will need to adapt and adopt this SW Model CHP. This will sit alongside the new NHS Model CHP, and possibly also the LA Model CHP (depending on what other LA services they deliver). Complaints investigation staff will need to be familiar with all three CHPs. However, the actual procedure is largely the same across all three (with the exception of the potential to extend timescales at the frontline resolution stage in the SW Model CHP). The additional information and guidance in the SW Model CHP should be helpful in handling issues specific to social work, or which are more likely to arise in relation to these complaints.

Adopting the SW Model CHP

The SW Model CHP is designed to be an internal document for each authority and contains references and links to more details on parts of the procedure, such as how to record complaints and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaint. The language used reflects the status as an internal document, so 'we' refers to the social work service, not the SPSO. There are numerous references to [*the organisation*], which refers to the LA or HSCP that is adopting the CHP.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority (CSA) at the SPSO.

Any text that is in *italics* may be amended or replaced with the organisation's own text as appropriate. However, adopting the SW Model CHP in its entirety will ensure that the LA or HSCP meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the SW Model CHP to reflect, for example, the organisation's structure, operational processes and corporate style. The SW Model CHP outlines areas where the organisation may adapt the SW Model CHP to provide additional guidance or reference to local processes. As an example, the roles and responsibilities in relation to signing off complaints should be amended to suit individual organisation's circumstances. Similarly, internal processes for recording complaints or for approving extensions to timescales will vary across LAs and HSCPs.

Scope is also given to organisations to amend the language of the SW Model CHP to comply with corporate writing conventions or style guides. We appreciate that the way in which organisations present their documented procedures is extremely important. An organisation's corporate identity puts their stamp on the services it delivers and we understand the importance of presenting one single corporate brand for all products and services.

For this reason there is flexibility for organisations to adapt the SW Model CHP to ensure that, together with any supporting documentation they may choose to develop (for example staff guidance and complaints forms), their CHP reflects their corporate identity and language. This means that any changes made in adopting the LA or NHS Model CHPs can also be applied to the SW Model CHP, to keep them as closely aligned as possible.

However, it is of equal importance that the SW Model CHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect its key aims. In particular, the following are elements of the SW Model CHP which should not be amended, given the importance of ensuring a standardised approach across all organisations:

- > the definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- > the number of stages
- > timescales at each stage
- > the requirements to record, report and publicise complaints information, and
- > the requirement to learn from complaints.

It is also important that the information contained in the organisation's customer-facing CHP does not include any reference to the exclusion of social work services.

Organisations need to review their customer-facing leaflets to ensure that there are no such references, as this leaflet will also apply for complaints about social work services from 1 April 2017. There may be further information providing context but the information for customers should remain consistent with the published customer-facing LA model CHP or the customer-facing NHS model CHP, (whichever is adopted for the organisation's other services these are, in any case, very similar).

There will be a period of overlap between the two systems. This will apply to complaints that are 'live' on 1 April 2017 (i.e. made to them up to and including 31 March 2017). Those complaints will complete the existing process that includes a Complaints Review Committee (CRC) within the organisation. This means that organisations will still need to be able to hold CRCs for some time after 1 April 2017. The SPSO will not be taking on the management or the handling of the existing complaints to be progressed to CRCs. SPSO's extended role will only apply where the original complaint is made to the organisation on or after 1 April 2017.

Publication and accessibility

It is important to make customers aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. This will mean ensuring that information is available for customers of social work services in much the same way as it is available for all other services.

Arrangements about how to make a complaint must be widely publicised, simple and clear and made available in all areas of service provision. LAs and HSCPs should consider the most effective ways to ensure maximum accessibility, such as online information as well as leaflets displayed in the most effective way to encourage accessibility.

Customers must have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

LAs and HSCPs should take into account individual requirements, for example, disabled people, people with learning difficulties, people who are deaf or hard of hearing (including British Sign Language users), people with a visual impairment, and people whose first language is not English. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, for example, the provision of interpreting services, information in a variety of formats and languages, and suitable venues and times.

Recording complaints

It is a requirement of the SW Model CHP that all complaints are recorded. Recording and monitoring customer complaints is essential to the quality management process, while analysing the causes of complaints and their outcomes provides essential information to learn from and improve services.

Recording of social work complaints can follow the model already established for the organisation's other complaints. This means LA social work services can be recorded using the LA's existing systems for complaints. HSCPs may use either the system being established for health service complaints or the LA system, as they deem appropriate. However, it must still be possible for complaints information to be extracted for reporting purposes, in line with the relevant requirements.

The only amendment in relation to the recording of complaints will relate to the extension of frontline resolution cases for social work complaints, as these can be extended by up to ten working days in exceptional circumstances. It will be up to each organisation to establish how this can be effectively recorded. The expectation is that such extensions do not become standard practice. This will remain the case for social work complaints, as it is for LA and NHS complaints.

Monitoring compliance and performance

Compliance

Compliance with the SW model CHP will be monitored by the SPSO, in conjunction with existing reporting mechanisms through Audit Scotland and Health Care Improvement Scotland.

The SPSO will assess whether each LA and HSCP has implemented the CHP, through assessment of each organisation's statement of compliance and their self-assessment compliance pro-forma. This information must be provided by completing the pro-forma in Appendix 1 and sending it to CSA@spsos.org.uk by 7 April 2017. The CSA will assess the returns from all social work services, and will provide support to those organisations that may require it.

Reporting mechanisms will be set up with Audit Scotland and Health Care Improvement Scotland, such that by April 2018 all social work services will be expected to publicly report their annual complaints performance, whether the services have been retained by the LA or delegated to an HSPC.

Performance

From 2017/18, LAs and HSCPs will be required to assess complaints handling performance against the SPSO complaints performance indicators. This is designed to help organisations assess how they are performing against the SW Model CHP and to facilitate continuous improvement and benchmarking between organisations.

Both LAs and HSCPs will be expected to report performance through existing governance arrangements, to provide assurances to the LA in relation to social work service delivery. However, the data requirements for health and social work complaints are aligned, to enable further integration in the future. In addition to performance measures relating to the

two-stage process and timescales, reporting measures will also aim to capture performance in relation to the organisational learning derived from complaints and how effectively they use the outcomes of complaints to improve service delivery.

Future revisions of the model CHP

Once the SW Model CHP has been effectively implemented, and the revised timescales and ways of working have been embedded within LA and HSCPs, the CSA will review the SW and LA Model CHPs in tandem, with further consideration given to merging these two documents. Thereafter, the formal review of the SW Model CHP will be considered on a three-year cycle.

There may also be a requirement to review the SW Model CHP on minor issues within the formal three-year review cycle. Revisions to the SW Model CHP will be managed by the SPSO's CSA. Where an organisation considers that an amendment to the SW Model CHP is required, they should prepare and submit a request for change to the CSA. This should include a brief description of the change requested, why the change is proposed and any associated issues in relation to costs, time, quality or risks.

The CSA will consider and decide upon the request. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the SW Model CHP is available at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While organisations may use the SW Model CHP as a template to develop their SW CHP, it is important to remember that the SW Model CHP itself may only be altered, amended or changed by the CSA.

CSA Advice and Support

Training

The SW Model CHP places a strong emphasis on early resolution of complaints, effective recording of complaints, and staff being properly trained and empowered to handle complaints.

All staff need to have an understanding of how to deal with complaints and the knowledge and skills to do so effectively. This includes being aware of how to identify complaints and when they are authorised to use a range of measures to achieve resolution, such as a meaningful apology where appropriate. Investigative staff must also have the skills and training to effectively investigate and reach robust decisions on more complex complaints.

It is for each LA or HSCP to identify the training needs of their staff to ensure they have the skills and confidence to use the authority delegated to them. The SPSO's training unit have developed a number of e-learning training modules to support organisations with their complaints handling, focusing specifically on the requirements of a two stage model CHP. They support staff in handling complaints as close to the point of service delivery as possible and in the most appropriate way to achieve early resolution. Further information about these modules is available at **www.spsotraining.org.uk**.

HSCPs may have further access to training and support, because the Scottish Government and NHS Education for Scotland (NES) and the CSA are jointly developing a programme of training and events as well as awareness raising materials to support implementation of the NHS Model CHP. This will complement the existing e-learning modules, which cover skills for frontline staff

and complaints investigators. Alongside this, the SPSO's training unit provides training courses on complaints investigation and complaint handling skills.

Valuing Complaints website

Valuing Complaints is the SPSO's CSA website (**www.valuingcomplaints.org.uk**). It provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including model CHPs for Scotland, implementation and compliance guidance, and best practice and training resources.

Appendix 1

SECTION 1: Statement from Chief Executive or Chief Officer of *[the organisation]*

	Please tick
<p><i>[The organisation]</i> has adopted the SW Model CHP and has introduced the CHP across all social work services from 1 April 2017. It also confirms the relevant public-facing CHP does not make any reference to the exclusion of social work services from 1 April 2017.</p>	
<p><i>[The organisation]</i> will adopt the SW Model CHP and will introduce the CHP across all social work services from 1 April 2017. It will also confirm the relevant public-facing CHP will not make any reference to the exclusion of social work services from 1 April 2017.</p>	

Signed:

Print Name:

Date:

SECTION 2: [*The organisation's*] self-assessment of compliance

Requirement of CHP	Met? Yes/No	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style?		
Does the customer-facing CHP adopt the text and layout of the published LA or NHS model customer-facing CHP, subject to necessary amendments?		
Does the CHP include an appropriate foreword from [<i>the organisation's</i>] Chief Executive/ Officer?		
Does the CHP provide an appropriate definition of a complaint?		
Does the CHP explain the types of issue which may be considered as a complaint?		
Does the CHP explain the types of issue which may not be considered through the CHP?		
Does the CHP clarify who can make a complaint?		
Does the CHP include appropriate guidance on handling anonymous complaints?		
Does the CHP provide guidance in respect of circumstances where the person raising the issue does not want to complain?		
Does the CHP refer to supporting the person making the complaint?		
Does the CHP include a description of the requirement to handle internal appeals in line with the CHP timescales and requirements?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP cover complaints involving more than one service or organisation?		
Does the CHP include information about complaints about commissioned services?		
Does the CHP include information about social care complaints?		
Does the CHP include information about issues that should be signposted to other agencies?		
Does the CHP include a description of the frontline resolution stage of the procedure?		
Does the CHP explain how a person may make a complaint?		
Does the CHP explain the issues to be considered on receipt of a complaint?		
Does the CHP include the correct timeline at frontline resolution?		
Does the CHP explain the exceptional basis for an extension to the timeline at frontline resolution?		
Does the CHP explain the action to take in closing the complaint at the frontline resolution stage?		
Does the CHP explain when to escalate a complaint to the investigation stage?		
Does the CHP include a description of the investigation stage of the procedure?		
Does the CHP explain what to do when a complaint is received at the investigation stage?		
Does the CHP include reference to making contact with the person making the complaint at the start of the investigation?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP explain the requirement to acknowledge the complaint within three working days at the investigation stage?		
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?		
Does the CHP explain the basis for an extension to the timeline at the investigation stage?		
Does the CHP provide information on what to do if alternative approaches are being explored to achieve resolution, such as mediation?		
Does the CHP explain the required action when closing the complaint at the investigation stage?		
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?		
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?		
Does the CHP cover complaints about senior staff?		
Does the CHP include the requirement to record all appropriate details in relation to the complaint?		
Does the CHP commit to reporting complaints as is documented in the model CHP?		
Does the CHP include the requirement or senior management to review the information gathered from complaints regularly, and consider how services could be improved or internal policies and procedures updated?		

Requirement of CHP	Met? Yes/No	Comment
Does the CHP include the requirement to learn from complaints?		
Does the CHP include the requirement to publish performance in handling complaints?		
Does the CHP refer to legal requirements in relation to confidentiality issues?		
Does the CHP refer to dealing with unacceptable behaviour?		
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?		

Please provide a web link to your CHP, if available:

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