

# SPSO SOCIAL WORK UPDATE

## Changes to social work complaints handling

October 2016

**This is the first in a series of bulletins from SPSO about the changes to the social work procedure, which will be in place from 1 April 2017.**

Through our updates, we want to provide information to as wide an audience as possible. Please pass this bulletin on to any colleagues who may have an interest.

### Background

Following a Scottish Government review of social work complaints, the complaints system will change from 1 April 2017<sup>1</sup>. There are two parts to this:

1. For organisations, there will be a new two stage model complaints handling procedure (CHP) for social work services, and
2. the SPSO will be able to consider social work professional judgement as part of our review of a complaint.

In supporting the Government in putting these changes in place, we are working closely with key stakeholders, including local authorities (including social work professionals), third sector organisations, advocacy groups and other organisations.

### 1. The new complaints procedure

We are developing the procedure with significant input from people directly involved in social work complaints. It will give staff the information they need to be sure how best to progress the complaints that reach them, including complaints that span different services, and those that reflect more complex social work complaints.

The focus in the procedure will be on early resolution, as close to the point of service delivery as possible. Staff will be encouraged to take complaints and resolve them as quickly as possible, or seek assistance if necessary. The time-scales for such early resolution will be quick, with the expectation that an initial response can be given to most complaints within the first five days.

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<sup>1</sup> In line with the [Public Services Reform \(Social Work Complaints Procedure\) \(Scotland\) Order 2016](#).

More complex complaints, or those that have not been resolved to the customer's satisfaction at the first stage, can be investigated more thoroughly at stage 2 of the new procedure, for a final response to the customer within 20 working days.

To support integration, the procedure will be closely aligned to both the existing local authority complaints procedure and the NHS model complaints handling procedure, which was issued by the Scottish Government on 3 October 2016, for implementation from 1 April 2017.

## 2. Professional judgement powers

The current social work complaints process ends at local authority level with a Complaints Review Committee (CRC). People unhappy with a CRC's outcome can complain to SPSO. Our current role is limited; specifically, it does not allow us to look at the professional judgement relied upon in decisions.

CRCs will cease to exist and people will be able to bring their complaints directly to us after they have completed the new local procedure. Our new powers will allow us to look at actions taken by social workers and consider the merits of social work decisions in terms of professional judgement. This aligns with our current role with health complaints, where we can review clinical judgement.

### How we will consider professional judgement

We will use our extensive experience of dealing with professional judgement in health complaints. When we look at professional judgement, we can and do obtain expert evidence from Independent Professional Advisers when needed. A current example could be a medical opinion from one of our independent GP advisers where someone has complained about the treatment, diagnosis or referrals made by their GP practice.

When we ask our advisers to look at professional judgement, the standard we use is whether the judgement was reasonable. This means that we do not simply consider whether another decision or course of action was possible, but whether the judgement and resulting decision and actions of the local authority were reasonable.

The impartiality and quality of the advice is of the utmost importance to us. It ensures that our decisions are robust, consistent, fair and based on a sound and relevant understanding of professional and sector issues. We assess the overall quality of advice we receive through our regular quality assurance programme and will do the same with social work advice.

In advance of our new role, we will be seeking to recruit advisers with appropriate experience to cover the whole range of social work services in Scotland. Following

discussions with key stakeholders, we have already identified some of the key areas of social work expertise.

### Transitional period

There will be a period of overlap between the two systems. This will apply to complaints that are 'live' with local authorities on 1 April 2017 (i.e. made to them up to and including 31 March 2017). Those complaints will complete the existing process that ultimately culminates in a CRC within the local authority. This means that local authorities will still need to be able to hold CRCs for some time after 1 April 2017. SPSO will not be taking on the management or the handling of the existing complaints to be progressed to CRCs within the local authority.

SPSO's extended role will only apply where the original complaint is made to the local authority on or after 1 April 2017.

### Priorities in the coming months

The key areas we will aim to progress through our steering group and working group meetings are:

- finalise the draft new procedure, and
- produce draft guidance for local authorities and health and social care partnerships on the implementation of the new procedure, and ways to ensure that this has been achieved.

We will also:

- begin recruitment of advisers
- consider whether aspects of our existing process may need to be tailored in preparation for our extended role
- provide clear, straightforward information for both service users and organisations (e.g. online and/or in any leaflets that we may produce) and will look to clarify the key points we could highlight about us, our role and what we can and cannot do with social work complaints, and
- arrange additional third party visits to continue with our knowledge building around the types of complaint, themes, issues and outcomes sought by people who make social work complaints.

If you have any questions, please contact:

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