

Agenda Item	25
Report No	ECAS 42/14

Report by Depute Chief Executive/Director of Corporate Development and Director of Care and Learning

Complaints Review Committee Outcome

Summary

The purpose of this report is to set out the findings and recommendations following a Complaints Review Committee held on 28th May 2014. The report also provides Members with an overview of the complaints process, and highlights to members the requirement for decisions of the Complaints Review Committee to be reported to the Education, Children and Adult Services Committee.

1. Introduction

- 1.1 The right of Care and Learning service users and their carers or representatives to make a complaint relating to social work services is contained in Section 52 of the National Health Service and Community Care Act 1990 which inserted Section 5B into the Social Work (Scotland) Act 1968, requiring local authorities to establish procedures for considering complaints about the discharge of their social work functions. Directions for establishing such procedures are set out in the Social Work (Representations Procedure) (Scotland) Directions 1990.
- 1.2 The Social Work Directions outline a three stage process for complaints, where complainants can request that their complaint be reviewed by an independent panel should they remain unhappy with the outcome of the formal response to their complaint at stage 2 of the process. This independent panel is called a Complaints Review Committee and its membership consists of 2 lay members and a lay Chairperson.
- 1.3 The Complaints Review Committee formally reports its decisions to the Education, Children and Adult Services Committee of The Highland Council.

2. Background

- 2.1 The complainant is the step-grandfather of two children who are currently Looked After by the local authority. The complainant and his wife (the maternal grandmother) played a significant part in the care of the children prior to their becoming Looked After and were dissatisfied that this was not taken into account when the decision was taken to accommodate the children.
- 2.2 The complainant believed that the Child's Plans and Chronologies for the children were inaccurate, contained inappropriate references and did not recognise the role that he and his wife played in the children's lives.
- 2.3 There was significant contact with the complainant throughout the progress of the complaint, but there was difficulty in establishing the resolution that the complainant was seeking. The initial concern about a lack of contact for the children with their

grandparents was being addressed by the Area Children's Services Manager. It was recognised that the children's placements led to difficulties in arranging contact.

- 2.4 Following contact with the complainant over a period of six months including meetings and exchange of e-mails, the Area Children's Services Manager wrote to the complainant on 18th August 2013 to update them on the outstanding issues (a change of social worker, removal of inappropriate information from child's plans and chronologies) and confirming the issues that it was outwith the remit of Health and Social Care to resolve (the children's father's right to have dogs and the frequency and regularity of his drug testing).
- 2.5 On 29th August 2013 – the complainant e-mailed the Director of Health and Social Care indicating that he was unhappy with the response received. A Stage 2 complaints investigation was initiated by the District Manager, Children's Services, Mid.
- 2.6 The District Manager, Children's Services, Mid, met with the complainant to establish the detail of the outstanding issues and progressed his investigation. There was some delay while he investigated all the facts and further delay in trying to arrange a meeting with the complainant's step-daughter. The District Manager's investigation report was discussed with the complainant and a full response to the issues raised, some of which had been dealt with at stage 1, was provided on 13th December 2013. The letter advised the complainant that if he remained dissatisfied he should write to the Head of Health.
- 2.7 The letter from the District Manager dealt with 10 separate points of complaint, many of which were upheld.
- 2.8 There was then a number of e-mail exchanges between the District Manager and the complainant throughout January 2014 and on 21st February 2014 the Head of Health wrote to the complainant setting out the procedure for progression to Stage 3 – Complaints Review Committee.

3. The Complaints Review Committee

- 3.1 The Complaints Review Committee noted that it was not entirely clear which complaints remained outstanding as a result of the investigation carried out by the District Manager and some time was spent with the complainant establishing this. It was agreed that the outstanding complaints were:
 - 3.1.1 A complaint that documents held by the service were inaccurate and, further, that information was changed retrospectively with a view to deflecting issues raised by the complainant.
 - 3.1.2 A complaint that following the death of her youngest son, the complainant's step-daughter was not offered any additional support which the complainant felt was necessary at the time and had requested.
 - 3.1.3 A complaint in relation to the action surrounding the removal of the children by way of a Child Protection Order in March 2012. The complainant considered that there was an unreasonable delay in advising both him and his wife that the children had been so removed and, accordingly, the opportunity of accommodating the children with them had not been explored. The complainant also took issue with the way in which the children were removed from the school which, in his view, caused them

unnecessary distress.

- 3.2. The Committee also heard from the complainant in relation to additional issues concerning, in particular, the supervision of the children at a wedding, the manner in which a message from a support worker had provided information about the children's father allegedly having an affair with a neighbour and details concerning the children's father's drug testing programme. Issues were also raised about extra contact which the complainant would have liked to have had with the children at Christmas. The Committee indicated to the complainant that these issues had not been previously explored by the service and had not been part of the District Manager's investigation report and as such would not be explored by the Committee. The Committee agreed to hear the first three complaints set out above.
- 3.3 In relation to the first point of complaint, regarding errors and omissions within different copies of chronologies and child's plans and the complainant's view that these additions had been made with a view to "covering up" failings by the service. The Committee found no evidence to support this. The Committee noted that there was guidance in place concerning recording practice and there had been a history of inaccurate recording in connection with this matter, for which an apology had been offered by the service. The Committee endorsed the apology in respect of a particular comment that was recorded following the death of the baby. The Committee noted there were other inaccuracies which had required amendments to the chronology which the District Manager had accepted. The Committee upheld the complaint about inaccurate recording, but did not uphold the complaint that information had been changed with a view to deflecting issues which had been raised by the complainant. **This complaint was partially upheld.**
- 3.4 In relation to the second point – that following the death of her youngest son, the complainant's step-daughter was not offered any additional support, the District Manager had indicated that at the time of the child's death the service had offered bereavement counselling which was turned down as the mother had indicated that she was being supported by her GP. **This complaint was not upheld.**
- 3.5 At point three, in relation to the action surrounding the removal of the children in March 2012, the complainant considered that there was an unreasonable delay in advising both him and his wife that the children had been removed and the opportunity of accommodating the children with them had not been explored. The complainant also took issue with the way in which the children were removed from the school which, in his view, caused them unnecessary distress. The District Manager acknowledged that it was not satisfactory that the complainant and his wife had not been advised sooner and agreed that the removal of the children could have been handled more sensitively. **This complaint was upheld.**

4. Conclusions

- 4.1 The Committee was disappointed at the standard of recording provided in respect of the care of the complainant's grandchildren. Numerous alterations were made to both child's plan documentation and chronologies as a result of input from the complainant and his wife. It was not made clear to the complainant why these changes had been made and, accordingly, the complainant formed a view that these changes were part of a cover up. Although the Committee heard no evidence to enable them to reach such a conclusion it was regrettable that communication between the service and the complainant and his wife was such that they had formed this opinion.

4.2 It was also clear to the Committee that the complaints process had not been made clear to the complainant when he first raised issues concerning the care of his grandchildren. This caused concern and the Committee were disappointed to discover that the complainant had not been given written information about the procedure and/or clearly directed to the Council's online information. The committee noted that failure to give information about the procedure exacerbates the dissatisfaction of complainants and tends to lead to a complaint being escalated.

5. Committee Recommendations

5.1 The complaints procedure in place for social work complaints should be familiar to all staff and adhered to at all times. The Committee recommended that all staff are reminded that it is good practice to provide copies of the complaints procedure to complainants even in situations when it is apparent that the issue might be resolved at a local level. It should be noted that the customer care officer has already delivered further training to the Children's Services Management Team following this recommendation.

5.2 It is recommended that at all times the Service ensure that all partners to the plan are kept up to date with significant events in respect of the children who are subject to the plan.

5.3 The Service should ensure that all steps are taken to ensure that all members of staff follow the guidance in place for recording so that accurate records are kept at all times. The Service should ensure that all such records are evidence based and not, at any time, a matter of opinion.

6. Implications

6.1 There are no resources, legal, equalities, risk, climate change/carbon clever, Gaelic or rural implications arising from this report.

7. Recommendations

7.1 Members are asked to note:

- that the Complaints Review Committee met to consider this case, and the findings.
- the recommendations made by the Complaints Review Committee.
- that following this outcome a presentation of the complaints process was made to Children's Services Managers. Online guidance has been circulated and cascaded to relevant managers.

Designation Depute Chief Executive/Director of Corporate Development and Director of Care and Learning

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