

The Highland Council

Education, Children and Adult Services Committee - 12 November 2014

Agenda Item	23.
Report No	ECAS 62/14

Report by 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 3rd September 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. Background

- 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. Introduction

- 2.1 The original complaint concerned a report provided to Tain Sheriff Court by the Care and Learning Service in relation to work undertaken by a Children's Support Worker with the complainant's son.
- 2.2 There had been a delay in the report being produced to the court, resulting in the rescheduling of the court date. The report, when it was provided, contained typographical errors and the signature was not legible.
- 2.3 The complainant alleged that the report was inaccurate and that that the Support Worker had knowingly misreported a situation involving a drawing that was reported to have been done by the complainant's son, but which was in fact drawn by the Support Worker.

2.4 The complainant asked for the matter to be investigated; for all contact between her son and the support worker to be stopped; and for the court to be advised of the inaccuracy of the report.

3. The Investigation

3.1 Contact between the Support Worker and the child was stopped immediately, in accordance with the wishes of the complainant.

3.2 The complaint was dealt with at Stage 2 of the Social Work Complaints Procedure. An investigating officer was appointed, who met with the complainant and her representatives to establish the issues. The investigating officer produced a report to the Head of Service who replied to the complainant.

3.3 An apology was offered for the delay in production of the report to court and also for the typographical errors and the illegible signature. The reply acknowledged that this was not the standard expected for court reports and advised that this would be followed up with staff.

3.4 In relation to the inaccuracies in the report, it was acknowledged that the information about the drawing in question was inaccurate and the court was notified of the inaccuracy. The complainant was advised that work would be undertaken with the Support Worker in relation to accurate and timeous reporting and recording

3.5 The response advised that the Support Worker stood by the content of the rest of the report. It was considered that this could not be investigated further without interviewing the child and this was considered detrimental to his well-being and should be avoided.

3.6 The response acknowledged that this was not the quality and standard that was expected of the Service and advised that would be addressed as an urgent training issue for staff. An apology was offered to the complainant for any distress caused.

4. Request for Complaints Review Committee and further issues raised

4.1 The complainant responded saying that she was grateful that the investigation had upheld her complaint, but that she was not satisfied that the issue had been comprehensively dealt with and wished to progress to Complaints Review Committee.

4.2 The complainant asked who had signed the report and why the Team Manager had not signed it herself. It had already been acknowledged that the signature was not legible and this had been raised with staff. The report was signed by an Integrated Services Officer on behalf of the Team Manager in her absence.

4.3 The complainant enquired why the Support Worker wanted inaccurate information sent to the court. The inaccuracy had been acknowledged and the court informed. An apology had been offered to the complainant. There was no evidence of any deliberate attempt to mislead the court.

4.4 The complainant wanted the rest of the report brought into question. The report was considered along with service records and there was information held on Care and Learning recording system that supported the statements in the report.

- 4.5 The complainant wanted Highland Council to acknowledge that this was more than just a matter of inadequate training. The Service had acknowledged that there were lessons to be learned and these would be followed up with Team Managers: Children's Support Workers should not be asked to prepare court reports; reports should be prepared in time for proof reading and signed appropriately and legibly; there should be clear direction for staff when managers are on leave to ensure that junior members of staff are well supported.

5. The Complaints Review Committee

- 5.1 The Complaints Review Committee noted the issues of complaint and endorsed the response provided by the Head of Service to the various points raised.
- 5.2 In relation to possible further inaccuracies in the report, the Committee did not accept this, noting that there was no concrete evidence of further factual inaccuracies in the report and evidence presented by the complainant was circumstantial and relating to matters of opinion. The Committee made clear to the complainant that ultimately the report was a court document. It had been requested by the court and was now within court process. If the complainant wished to challenge the report this should be done through evidence at court.
- 5.3 The Committee noted that the original complaint had been upheld and issues were to be addressed. The Committee was not in a position to further uphold the complaint. The Committee supported the findings made by the Head of Service in her letter of response and also supported the use of the Complaints Review process to resolve some of the outstanding queries. It was apparent that the court process was ongoing and it was a matter for the court to determine the child's views.

6. Conclusions

- 6.1 The Committee found the manner in which the report was prepared unacceptable. The delay in providing the report, resulting in delaying of the court process was also considered unacceptable. The Committee noted that the Children's Support Worker should not have been asked to complete a court report, although it was recognised that the report was actually prepared by a qualified Social Worker and fell below the standard that would be expected of the Service.
- 6.2 It was also accepted that the absence of the Team Manager on sick leave contributed to the delay in providing the report. The Committee agreed that there should be clarity for staff about who they should approach when managers are on sick leave, to ensure that junior staff are well supported.

7. Committee Recommendations

- 7.1 In no circumstances should unqualified workers be providing reports to the court. In the event that staff are not clear about the contents of a court interlocutor, advice should be sought from management within the Service or from the Council's Legal Services. Reports should be prepared timeously and be accurate.
- 7.2 When management are absent from the office on sick leave, there should be clear accountability so that more junior staff know to whom they should address any queries which may arise.

7.3 In this case, it was clear that staff did not meet standards required by either the terms of their registration or the organisational values of the Highland Council charter. It is recommended that these standards and values are revisited from at appropriate opportunities through supervision and training.

8. Implications

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

9. Recommendations

Members are asked to :

- Note that the Complaints Review Committee met to consider this case, and the findings.
- Note the recommendations made by the Complaints Review Committee.

Designation	Director of Care and Learning
Date	29 October 2014
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