

## The Highland Council

### Education, Children and Adult Services Committee 11<sup>th</sup> November 2015

Agenda Item	17i.
Report No	ECAS 105/15

#### Complaints Review Committee Outcome

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

##### Summary

The purpose of this report is to set out the findings and recommendations following a Complaints Review Committee held on 2<sup>nd</sup> September. 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 related to a report that was prepared for a Child Protection Child Plan meeting in November 2013. Following this meeting the names of the complainants' four children were placed on Highland Council's Child Protection Register. The complaint was considered at Stage 1 by the Practice Lead, Child Health and West Ness in May 2014. Four identified points of complaint were addressed.

#### 3. The Investigation

- 3.1 A further complaint was then received and the District Manager, Inverness West, was appointed to carry out an investigation. Issues with the scope of the investigation resulted in a delay whilst the complainants requested copies of the children's records and required time to consider these before formalising the

complaint. The terms of the complaint were finalised in December 2014, and an investigation report was provided to the Head of Children's Services in June 2015.

3.2 The points of complaint were identified as:

1. The language in the Child's Plan was judgemental and without evidence, but was such that it led other Agencies to conclude the children were at significant risk of harm.
2. Non-engagement with Agencies and in particular the Social Work assessment is unfairly reported. That the family did not engage with Education services is untrue. That the family did not engage with Health Services is untrue.
3. Reports that the family demonstrated defensiveness toward Social Work are not accurate.
4. That the report of fear of flight / itinerant lifestyle is untrue and inaccurate.
5. The family only received the final copy of the Plan the night before the Child's Plan meeting and were not invited to meet the Chair separately. Their views were not represented at the meeting.

3.3 The investigating officer reviewed all previous correspondence and documentation relating to the case, and spoke with relevant parties to enable her to complete a report to the Head of Service.

3.4 The Head of Service wrote to the complainants on 12<sup>th</sup> June 2015 setting out her findings, based on the investigation report. Points 1 and 4 were upheld; point 2 was partially upheld; points 3 and 5 were not upheld.

#### **4. Request for Complaints Review Committee**

4.1 The complainants telephoned on 16<sup>th</sup> June 2015, stating that they were unhappy with the outcome of their complaint. A letter was then received on 20<sup>th</sup> July requesting a Complaints Review Committee.

#### **5. The Complaints Review Committee**

5.1 The Committee agreed to consider points 2, 3 and 5 of the complaint, noting that points 1 and 4 had been upheld by the service.

5.2 At point 2, the Committee noted that the family had engaged with Education Service and the complaint response had acknowledged this. The service agreed also that the complainants had engaged with Health Services. The Committee accepted that the family had legitimate concerns about the content of the report to the initial Child Protection Plan meeting and it was regrettable that the handling of these concerns led to a breakdown in the relationship between the complainants and the allocated social worker. It appeared to the Committee that, as a result of that breakdown, there was, at times, a non-engagement by the family with the Social Work Service. However references to the fear of flight or itinerant lifestyle were unfounded in fact. **This complaint was partially upheld.**

5.3 In relation to Point 3, the Committee was shown two plans for the children that were prepared by two different social workers who had visited the family at the same time. One social worker had reported that the family was defensive towards social work, but the other had not. Subsequent reports referred to the family doing well, which could be suggestive of engagement. The Committee found that there was no evidence that could be relied upon that the family was defensive in their attitude towards social work. They had sought to engage with services,

albeit there had been difficulties at some times with communication. **This complaint was upheld.**

- 5.4 At point 5 the Committee noted that Child Protection Guidelines indicate that, except in an emergency situation, families should have two clear working days to consider the content of a report. The Committee agreed that the time available to the complainants to consider the Children's Plan was too short and that the complainants did not have time to properly formulate their views prior to the meeting. The Committee also accepted that the complainants were not invited to meet the Chair separately. **This complaint was upheld.**

## **6. Conclusions**

- 6.1 The Committee accepted that the placing of the complainant's children's names on the Child Protection Register had caused anxiety for the family. The committee understood and appreciated the upset this caused the family, particularly given the Service had accepted that there were significant shortcomings in the quality of the reports and that they should have been made available to the family at a much earlier stage. The Committee acknowledged that the Service's primary duty is the protection of children and accepted that it is necessary for the service to make extensive checks with other agencies when considering whether children are at risk. This information was properly obtained and the checks properly made. However, some of the information was not accurate and, on occasion, was not properly interpreted by the service. In this case, it may be that the view of the risk may not have been properly informed. The Committee noted that the Head of Service had suggested to the complainants that they may wish to liaise with her with a view to correcting some of the errors in the records currently available to the service. The Committee endorsed and supported this.
- 6.2 The Committee considered that it was crucial that when families are investigated by the Service, that they are empowered to engage with the Service in an appropriate way. This may mean that the Service makes it clear to families that they can, for example, ask to speak to a worker's manager or, alternatively, make a complaint if they are not satisfied with the service. The Head of Service made it clear that workers should explain this to families and should also recommend the attendance of an advocate where appropriate. The committee endorsed this approach.
- 6.3 The Committee was disappointed that the family did not have two working days' notice of the report to be considered at the Initial Child Protection Plan Meeting. The Committee was also disappointed that they did not have a note of any written complaint from the complainants. It is important for the Service when a complaint is made, that if a complainant does not make their complaint in writing that they are asked, at the very least; to confirm in writing that the Service has properly interpreted their complaint.

## **7. Committee Recommendations**

- 7.1 The inter-agency guidelines for Child Protection in particular insofar as they relate to the holding of initial Child Protection Plan meetings should be followed at all times.
- 7.2 Where a complaint is not made in writing by a client of the Service, the Service

should request that the client confirms to the Service that the complaint to be investigated has been properly understood by the Service.

## **8. Implications**

8.1 There are no direct Resources, Legal, Risk, Equalities, Climate Change/Carbon Clever, Rural or Gaelic implications arising from this report.

## **9. Recommendations**

9.1 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** Depute Chief Executive/Director of Corporate Development  
Director of Care and Learning

**Date** 30th October 2015

**Author/Reference** Bill Alexander, Director of Care and Learning