

The Highland Council

Education, Children and Adult Services Committee 18 May 2016

Agenda Item	20i.
Report No	ECAS 47/16

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 17 March 2016. 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. History of the Complaint

- 2.1 The original complaint relates to the services offered to a non UK national and their family concerning the care of their children in a 5 year period up to the award of a Permanence Order last year. The children had been subject to Child Protection Orders and were in the care of the local authority in this period. The assessment process in terms of investigating whether to return the children to their mother was complex due to the nature of the issues involved and further complicated in terms of applying for a Permanence Order due to the nationalities of the parents.
- 2.2 The complaint was initially raised by the complainant's legal representatives in August 2015, some months following the award of the Permanence Order. Eighteen separate complaints were raised. A Stage 2 investigation was carried out and following a slight delay due to the volume and complexity of the case, a response was issued by the Area Care and Learning Manager on 28 September last year. None of the complaints

were upheld.

2.3 On 29 October the complainants' legal representatives indicated they wished the complaint to be referred to the Complaints Review Committee.

2.4 On review of the submission from the complainant's representatives, the Complaints Review Committee agreed to look at five continuing complaints, noted below.

3. The Complaints Review Committee

3.1 The Committee initially agreed to examine the following issues.

- The failure to appoint a separate social worker to the complainant.
- Failure by social work services to take forward plans to repatriate the complainant and her children.
- Failure by social work services to investigate kinship care options in the complainant's home country.
- False statements by the social worker to the permanency panel. This complaint was subsequently dropped by the Complaints Review Committee on the basis it had not been considered as part of the original complaint.
- Failure of the social worker to arrange for the Permanency process to be explained in the complainant's own language.

3.2 None of the complaints considered by the Complaints Review Committee were upheld.

4. Conclusions

4.1 The Committee noted the challenging nature of the case and that they had heard nothing to suggest that the Service had done anything other than a very good job of protecting vulnerable children. They noted that they considered the Permanency process had been properly entered into and that following the agreement of the Sheriff to grant the Permanence, the children had been placed for adoption

5. Committee Recommendations

5.1 No recommendations were made.

6. Recommendation

6.1 Members are asked to :

- Note that the Complaints Review Committee met to consider this case, and the findings.
- Note that no recommendations were made by the Complaints Review Committee

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

Date 6 May 2016