

## The Highland Council

### Education, Children and Adult Services Committee 25 August 2016

Agenda Item	16.
Report No	ECAS 60/16

#### 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 In May 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 social work service users and their carers or representatives to make a complaint 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 relates to the preparation of a Criminal Justice Report on the Complainant who had been convicted of a Breach of the Peace. The purpose of the report was to outline sentencing options to the court and make a recommendation. The complainant contended that an agreement had been reached with the social worker regarding the recommendation to be made which was subsequently not supported by the social worker in the final report.
- 2.2 The complainant also contended that he had asked the Criminal Justice Service on a number of occasions to consider issues they had raised regarding community policing in Inverness City Centre. The Service had declined to do so.
- 2.3 The complaint was initially answered at Stage 1 of the complaints process and

was not upheld. The complainant requested the complaint be investigated at stage 2 in February 2016.

### **3. The Investigation**

3.1 The complaint was dealt with at Stage 2 of the complaints process and an investigating officer was appointed.

3.2 The points of complaint were identified as:

3.2.1 The complainant considered a verbal agreement had been reached between them and the social worker during a meeting to gather information for the Criminal Justice Social Work report required by the court for sentencing. This agreement was subsequently broken without explanation and the complainant considered this to be poor practice.

3.2.2 The complainant had outlined on numerous occasions chronic issues they had had with community police services and asked Criminal Justice social workers to look into these issues. His concerns had not been taken seriously.

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

3.4 The Head of Service wrote to the complainant on 24 March setting out her findings, based on the investigation report provided. None of the complaints were upheld.

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

4.1 The complainant contacted the Director of Care and Learning on 1 April 2016, stating that they were unhappy with the outcome of their complaint and wished to progress to a Complaints Review Committee.

4.2 The Complaints Review Committee considered both points of complaint.

4.3 Regarding the first complaint, the Committee noted that they were being asked to deliberate on two conflicting versions of events. Regardless of the actual version of events, the Committee were satisfied that the social worker was entitled to amend recommendations in a report following reflection and discussion with colleagues. In addition, they understood that the complainant had seen the report prior to the hearing and that the report contained the reasoning behind the recommendation made. On this basis, the Committee concluded that this complaint was **not upheld**.

4.4 Regarding the second complaint, the complainant contended that the National Outcomes and Standards for Social Work Services in the Criminal Justice System allowed them to complain to the Criminal Justice Service about the Criminal Justice System. The Committee agreed with the Service, that the complainant was only entitled to make complaints about services provided to them by the Criminal Justice Social Work Service, and should use the appropriate complaints mechanisms in place in other agencies to make complaints about other services they receive. On this basis, the complaint was

**not upheld.**

**5. Committee Recommendations**

5.1 The Complaints Review Committee made no recommendations in this case.

**6. Recommendations**

6.1 The Committee is asked to :

- Note that the Complaints Review Committee met to consider this case, and the findings.
- Note that no **recommendation** was made by the Complaints Review Committee.

<b>Designation</b>	Depute Chief Executive/Director of Corporate Development Director of Care and Learning
<b>Date</b>	9 August 2016
<b>Author/Reference</b>	Bill Alexander, Director of Care and Learning