

Agenda Item	23.
Report No	PEO 24/17

## HIGHLAND COUNCIL

**Committee:** People Committee

**Date:** 23 August 2017

**Report Title:** Complaints Review Committee

**Report By:** Depute Chief Executive/Director of Corporate Development and Director of Care and Learning

### 1. Purpose/Executive Summary

- 1.1 The purpose of this report is to set out the findings and recommendations following a Complaints Review Committee held In April 2017. 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 People Committee.

### 2. Recommendations

- 2.1 Members are asked to:
- i. Note that the Complaints Review Committee met to consider this case, and the findings.
  - ii. Note the recommendations made by the Complaints Review Committee.

### **3. Background**

- 3.1 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.
- 3.2 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.
- 3.3 The Complaints Review Committee formally reports its decisions to the People Committee of The Highland Council.
- 3.4 Social Work Services provided by NHS Highland under the Partnership Agreement, continue to be subject to the Social Work Directions. The Complaints Review Committee is competent to consider complaints raised under the Social Work Directions, regardless of the lead agency involved in providing those services.
- 3.5 Members should note that Social Work Complaints have been brought in line with other processes, with effect to new complaints from April of this year. Hence, the work of the Complaints Review Committee will cease once all live complaints are concluded.

### **4. Introduction**

- 4.1 The complaint relates to the manner in which child welfare and child protection concerns raised by the complainant about their then partner were handled by the service.
- 4.2 The concerns were first raised through the complainants GP who shared the concerns with the health visitor. As a result of various concerns the Social Work service became involved and it is the treatment of the issues raised by the complainant by the Social Work service that the complaint relates to.
- 4.3 The complainant first raised the complaint in January 2016.

### **5. The Investigation**

- 5.1 The complaint was initially raised at stage 1 of the complaints process, with three points of complaint raised. None were upheld. The complainant subsequently asked for the complaint to be investigated at stage 2 of the complaints process and an investigating officer was appointed.
- 5.2 Each of the three points of complaint were investigated, including meetings with the complainant and others involved in the processes the complaint related to. An investigation report was prepared and an outcome letter sent to the complainant.
- 5.3 Of the three points of complaint one was upheld at stage 2. The complainant was offered the opportunity to refer to the Complaints Review Committee if they were not satisfied with the outcome.

## 6. Request for Complaints Review Committee

6.1 The complainant requested the complaint be progressed to a Complaints Review Committee on 28 January 2017.

## 7. The Complaints Review Committee

7.1 The Complaints Review Committee considered the two points of complaint not upheld by the service:

- Lack of record of the first concern raised through the complainant's GP.
- That the social worker had been judgemental in dealings with the complainant during meetings.

7.2 Regarding the first complaint, the Committee heard that the complainant had raised concerns about their then partner's treatment of their children with the GP, who had shared those concerns with the health visitor. The complainant could not understand the lack of action following the health visitor's enquiries. The complainant believed the concerns raised were a child protection issue and merited a full investigation by Police and Social Work. The service explained that the concerns raised had been treated as a welfare issue by the health visitor rather than a child protection issue, hence the initial concern not being referred to Social Work and no record of that concern being held. On this basis, the Committee concluded that this complaint was **not upheld**.

7.3 Regarding the second complaint, the complainant advised that the social worker had acted in a judgemental manner and made some inappropriate comments about them during Solution Focussed meetings. The investigating officer had discussed this point of complaint with other attendees, none of whom could recall anything inappropriate being said by the social worker. The social worker had indicated during the investigation that if the complainant had indicated that they felt badly treated as a result of the meeting, then they were prepared to offer an apology. The Complaints Review Committee felt that the complainant had conducted themselves with integrity and that they had felt judged and undermined during the meeting. On this basis the Committee concluded that this complaint was **upheld**.

## 8. Committee Conclusion and Recommendations

8.1 It was clear to the Complaints Review Committee that decisions were made not to treat the concerns raised by the complainant as Child Protection Concerns. The Committee felt it is important that such decisions are clearly recorded so that there is a clear trail of decisions made.

8.1 Although the Complaints Review Committee did not make any formal recommendations they endorsed the service view that professional interventions should be understood by families and that consideration should be given to confirming such matters in writing when appropriate to avoid confusion.

## 9. Implications

9.1 There are no **Resource, Legal, Community, Climate Change/Carbon Clever, Risk** or **Gaelic** implications arising from this report.

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

Date 11 August 2017

Author Kevin Colclough