

Agenda Item	18.
Report No	PEO 14/18

## HIGHLAND COUNCIL

**Committee:** People Committee

**Date:** 25 January 2018

**Report Title:** Complaints Review Committee Outcome

**Report By:** Depute Chief Executive/Director of Corporate Resources 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 November 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 there are no 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 two lay members and a lay Chairperson.
- 3.3 The Complaints Review Committee formally reports its decisions to the People Committee of The Highland Council.

### **4. Introduction**

- 4.1 The complaint relates to ongoing and historic issues between the complainant and their partner in relation to contact with their children. Complaints were originally made to the service in 2013 and 2014. These complaints were responded to in November 2014 and that complaints process was terminated.
- 4.2 Further complaints were raised culminating in a letter being sent to the complainant outlining our understanding of the complaint in April 2016. The complainant had also written to the Scottish Social Services Council (SSSC) and it was agreed with the complainant that those aspects of the complaint that had been referred to the SSSC did not require investigation by the Council.

### **5. The Investigation**

- 5.1 The remaining point of complaint related to the conduct of the social worker, although the complainant had also raised a complaint in relation to the social worker with the SSSC. This complaint was, however, investigated and found to be not upheld.
- 5.2 The complainant was offered the opportunity to refer to the Complaints Review Committee if they were not satisfied with the outcome. The complainant made a referral to the Complaints Review Committee.
- 5.3 The Complaints Review Committee first met in June 2016 but agreed with the complainant that their consideration of the complaint should be deferred pending the outcome of the SSSC investigation regarding the conduct of the social worker and three other members of staff who had been involved with the case.
- 5.4 The SSSC investigation was completed in September 2017 when the complainant received a letter outlining the outcome of the investigation. The SSSC found that the fitness to practice of the social worker was not impaired

and as such no further action would be taken.

- 5.5 The Complaints Review Committee reconvened in November 2017 to consider the complainant's remaining outstanding complaint.

## **6. The Complaints Review Committee**

- 6.1 The Complaints Review Committee considered there was one point of complaint. The complainant was not satisfied that the social worker had suggested that contact with their children be reduced and should take place outwith their home.
- 6.2 A number of other complaints had been referred back to the Council by the SSSC. The Complaints Review Committee agreed with the complainant that these should not be considered by the Committee, as they had not been raised by the complainant as complaints with the Service and therefore they had not been investigated.
- 6.3 Regarding the remaining point of complaint, the complainant was concerned that there had been no contact with their children since April 2017 and that the Service had not done sufficient to arrange contact. In addition, it was alleged that the Service had failed to investigate allegations made by the complainant's former partner.
- 6.4 The Service disputed these criticisms, whilst accepting there had been difficulty in supporting contact. They indicated that they were supportive of contact and that the social worker had done everything possible to promote it but currently the children did not wish to exercise contact. In addition, the case was in the Children's Hearing system and contact order would be made directly by the Hearing. The complainant was represented at those Hearings.
- 6.5 The Complaints Review Committee, whilst sympathising with the complainant, was satisfied that the lack of contact between the complainant and their children could not be considered to be as a result of any failings by the Service and as such the complaint was not upheld.

## **7. Committee Conclusion and Recommendations**

- 7.1 The Committee made no recommendations in relation to this complaint, and noted that the Children involved in this case are subject to Supervision Orders made by a Children's Hearing.

## **8. Implications**

- 8.1 There are no **Resource, Legal, Community (Equality, Poverty and Rural), Climate Change/Carbon Clever, Risk or Gaelic** implications arising from this report.

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

Date: 10 January 2018

Author: Kevin Colclough