

# Culture and Communities Committee

10am Tuesday 12 September 2017

## Recommendations of the Social Work Complaints Review Committee – 11 August 2017

Item number	9.6.1
Report number	
Wards	All

### **Sandra Mair**

Chair, Social Work Complaints Review Committee

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## Recommendations of the Social Work Complaints Review Committee – 11 August 2017

### Summary

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To refer to the Culture and Communities Committee recommendations of the Social Work Complaints Review Committee on consideration of a complaint against the social work service within Health and Social Care.

### For decision/action

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The Social Work Complaints Review Committee has referred its recommendations on an individual complaint against the social work service within Health and Social Care to the Committee for consideration.

### Main report

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- 1 Complaints Review Committees (CRCs) are established under the Social Work (Representations) Procedures (Scotland) Directions 1996 as the final stage of a comprehensive Client Complaints system. They are required to be objective and independent in their review of responses to complaints.
- 2 The CRC met in private on 11 August 2017 to consider a complaint against the social work service within Health and Social Care. The complainant, representatives and the service representatives attended throughout.
- 3 The complainant remained dissatisfied with the Council's response to a complaint which comprised the following main points:
  - i) The complainant had been requested to have a mandate signed by his mother to allow the sharing of information in relation to this complaint. His mother did not have capacity and Guardianship was currently underway. The complainant felt it was inappropriate to ask her to sign anything under these circumstances.
  - ii) The complainant was dissatisfied with the Council's response stating that a written copy of the care plan was posted to his address by recorded delivery. He stated that he did not receive a copy of the care plan.
  - iii) The complainant did not agree that a social work meeting was scheduled for 5 September 2016 and maintained that this was scheduled for 29 August 2016.
- 4 The complainant's mother had been admitted to hospital in June 2016 prior to which she had received a care at home service from a contracted agency. The complainant had subsequently complained that there appeared to be no social

work oversight or review of the agency's involvement with the complainant's mother while they were a service contracted by the Council to undertake her care.

- 5 The complainant had advised that he felt there was a lack of social work support and communication in the period that followed his mother's discharge from hospital.
- 6 The complainant's representative indicated that the complainant's mother did not have capacity to make decisions and that she needed someone to make decisions for her. He felt that she had been left in a vulnerable position.
- 7 He indicated that the complainant had asked to see evidence of the posting of the Care Plan which had been requested but that this had not been forthcoming.
- 8 He further stressed that the complainant would not have agreed to attend a meeting on a date when he knew that he was not going to be available and requested that any future meeting dates be confirmed in writing. He indicated that the complainant and his aunt had arrived for the meeting on 29 August 2016 but that no one else had attended.
- 9 Members of the Committee were then given the opportunity to ask questions of the complainant.
- 10 The Advice and Complaints Officer indicated that when it was not clear that someone had authority to act on another person's behalf, the Department would automatically ask for a signed mandate giving consent for third party representation. She stressed that where an individual had been assessed as lacking the capacity to consent and the outcome of this assessment was clearly known, this request would not be made as any mandate signed would not be valid. At the time of requesting the mandate, the complainant's mother's capacity was unknown to them.
- 11 The Investigating Officer indicated that there was evidence to show that the Care Plan had been posted by recorded delivery to the complainant. There was no record of it not having been received nor was there any record to suggest that it had been returned.
- 12 She further indicated that at the meeting on 25 August 2016, the possibility of a further meeting being held on 29 August 2016 had been discussed but it had been felt that there would be insufficient time to see how the care package was working and that the 5 September 2016 at 10am had been recorded as the meeting date, subject to the availability of the contracted service.
- 13 Members of the Committee were then given the opportunity to ask questions of the Investigating Officer.
- 14 Following this, the complainant and the Investigating Officer withdrew from the meeting to allow the Committee to deliberate in private.

## Recommendations

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After full consideration of the complaints the Committee reached the following decisions/recommendations:

- 1) The Committee did **not uphold** the complaint set out in paragraph 3(i) above.  
The Committee noted that the complainant's mother had not had her capacity assessed and that the Council had followed their guidelines. The complaint was investigated but details of a personal nature withheld to meet requirements of client confidentiality.
- 2) The Committee did **not uphold** the complaint set out in paragraph 3(ii) above.  
The Committee noted that Council records showed that a copy of the Care Plan had been sent by recorded delivery, however, this had not been received by the complainant. The Committee noted that responsibility for delivery did not rest with the Council.
- 3) The Committee did **not uphold** the complaint set out in paragraph 3(iii) above.  
The Council records showed that 29 August 2016 had been discussed as a date for a Social Work meeting but that 5 September 2016 had been confirmed to allow time for the Care Plan to be enacted. It had been recorded that the complainant was to be on holiday on 5 September 2016 but that his aunt would attend the meeting.
- 4) The Committee made the following recommendations:
  - That the complainant receive a written copy of the Care Plan as soon as possible.
  - That confirmation of future Social Work meetings for the complainant's mother should be sent by letter or e-mail to ensure all parties were communicated the correct details.

## Background reading/external references

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Agenda, confidential papers and minute for the Complaints Review Committee of 11 August 2017.

## Appendices

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None