

Culture and Communities Committee

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Recommendations of the Social Work Complaints Review Committee – 16 August 2017

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Recommendations of the Social Work Complaints Review Committee – 16 August 2017

Summary

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

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

- 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 16 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 was dissatisfied with the Council's response to his complaint regarding the decision to end the meal planning and preparation component of his care package. He stated that there were inaccurate comments in the original assessment, which he raised with the allocated social worker both prior to and during a meeting on 22 December 2016. The complainant also raised points about the reliability and accuracy of the evidence obtained from other agencies including the care agency. He advised that the points relating to the care agency were also shared by his support worker at the time.
 - ii) The complainant stated that his social worker did not take action when he advised him that his health had declined since the original assessment. Despite advising that consideration would be given to this during the meeting on 22 December 2016, the complainant received an email the next day to advise that the package of care would be withdrawn.
 - iii) The complainant was dissatisfied with the notice period given to withdraw the package of care. He stated that he was informed of this on 24 December

2016 and the service was withdrawn on 6 January 2017 after his social worker had indicated that the package of care would remain in place until January 2017, when he would discuss it with the Sector Manager.

- iv) The complainant disagreed that the OT and GP's assessment advising that personal care could be managed and his range of mobility was good is indicative of his ability to complete meal preparation. He believed that the GP and care agency supported the OT assessment rather than contribute independently to the My Steps to Support assessment, which had a broader remit. He questioned what evidence they provided to support the information they gave. The complainant was concerned that the supplementary information referred to in the complaint response was a telephone conversation with a doctor who was not his usual GP and whom he had not seen for a number of years. He questioned when the conversation took place and what had been discussed.
 - v) The complainant stated that the final complaint response implied that his belief that the package of care was terminated with prejudice was central to his complaint, when this was only stated in the section of the complaint entitled 'Historical Context' because he wanted the focus to be on the factual elements.
 - vi) The complainant stated that the delays in responding to his complaint at each stage had made it more difficult for him to remember and therefore increased the level of stress he had experienced during the process
- 4 The complainant's representative indicated that the complainant felt that the decision to withdraw assistance with meal preparation had been based on insufficient evidence, that assumptions had been made about his abilities based on the appearance of his flat and that there had been inaccuracies in the assessment report. He had felt that there was a perception that he did not require help but that he felt reliant on this assistance.
- 5 The complainant indicated that his mental and physical health had declined since the assessment had been carried out and that his mobility was now so poor that he was unable to go out and was therefore dependant on external support.
- 6 The complainant's representative indicated that that there had been a lack of notice given with the decision to withdraw the care package. Following a meeting on 22 December 2016, the complainant had been advised on 24 December 2016 that the personal care component of his care package would be withdrawn on 6 January 2017 and that his housing support would be provided by a more specialist service going forward.
- 7 The complainant's representative stressed that the complainant had been advised by his social worker that the package of care would remain in place until January 2017 when it would be discussed with the Sector Manager.
- 8 Members of the Committee were then given the opportunity to ask questions of the complainant.

- 9 The investigating officer indicated that she was concerned about how the complainant was presenting when she visited him as part of the complaint investigation and felt that it was clear that his ability to cope had declined and that he had become reliant on care from his mother.
- 10 Following on from this a new assessment had been requested from a separate assessment team so that the complainant would not feel that there was any pre-conceived agenda.
- 11 The investigating officer indicated that a review of the assessment, case notes and examination of the assessment process had found no new evidence to suggest that the social worker had not applied the criteria correctly when assessing the complainant's care needs. She further noted that any inaccuracies in the original assessment would not have made a difference to the outcome.
- 12 The investigating officer had noted that although the complainant did not agree with some of the information included, it did not mean that these elements were inaccurate in the context of the assessment and applicable criteria.
- 13 The investigating officer indicated that the complainant was awaiting the appropriate agency being able to provide the care he required.
- 14 Members of the Committee were then given the opportunity to ask questions of the Investigating Officer.
- 15 In summation the complainant stressed
 - i) that specialist provision for daily care was ongoing;
 - ii) that when he had been re-assessed, he had been assured that he would receive the care package he felt he required.
 - iii) that he had tried to access care privately.
- 16 In summation the investigating officer indicated that the social worker had acted in good faith given the professional advice available at the time.
- 17 Following this, the complainant and the investigating officer withdrew from the meeting to allow the Committee to deliberate in private.

Recommendations

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

- 1) The Committee did **not upheld** the complaint set out in paragraphs 3(i) and 3(iv) above.

The Committee noted that the assessment contained some inaccurate statements, however, the assessment had been made by an Occupational Therapist at a moment in time and was supplemented by additional information from the complainant's GP. The inaccurate statements would not have changed the outcome of the assessment.
- 2) The Committee did **not upheld** the complaint set out in paragraph 3(ii) above.

The Committee noted that the social worker had advised that the complainant should see his GP about his health.

- 3) The Committee **upheld** the complaint set out in paragraph 3(iii) above.

The Committee accepted that the period of notice from 24 December 2016 to 6 January 2017 was unrealistic and that the time of year had made it difficult for alternative arrangements to be made.

- 4) The Committee did **not uphold** the complaint set out in paragraph 3(v) above.

The Committee felt that they had seen no evidence to support the belief of prejudices of the complaint.

- 5) The Committee **upheld** the complaint set out in paragraph 3(vi) above.

The Committee noted that the complainant had already received an apology for the delays.

The Committee was pleased to note that a further assessment of the complainant's needs was underway.

Background reading/external references

Agenda, confidential papers and minute for the Complaints Review Committee of 16 August 2017.

Appendices

None