

## Social Work Complaints Review Committee

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### Education, Children and Families Committee

21 June 2012

#### Purpose of Report

- 1 To refer to the Education, Children and Families Committee the recommendations of the Social Work Complaints Review Committee on consideration of a complaint against the Children and Families Department.

#### Main Report

- 2 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 require to be objective and independent in their review of responses to complaints. All members of the CRC are independent of the local authority.
- 3 The CRC met in private on 14 March 2012 to consider a complaint against the Children and Families Department. The meeting was chaired by Val Tudball. The other Committee members present were Gail Mainland and Linda Veitch. The complainants and Department representatives attended throughout.
- 4 The complainants were dissatisfied that the Council has misinformed them in regard to the adoption allowance paid on behalf of their daughter.
- 5 The complainant indicated that she and her husband had fostered their daughter, who had severe needs, for one year. At this stage they realised she would be unable to return to her family and had adopted her in 1995 when she was 5 years old. There had been no diagnosis given for her disabilities and the complainant indicated that her daughter was unable to speak, her legs were unable to bear any weight and she was not safe to be left on her own.
- 6 When the adoption had taken place the complainants had been advised that an adoption allowance would be available for them which would continue to be paid for as long as their daughter required full time care. The allowance had been paid for the following 16 years. During regular meetings which had taken place with the Department, the adoption allowance had been discussed but it had never been mentioned that it would stop. After their daughter's 21<sup>st</sup> birthday the allowance had stopped and on making enquiries in regard to this the complainants were advised that there would be no more allowance payments.

- 7 The complainant felt that they were being disadvantaged as she had ceased employment to care for her daughter and therefore had no salary or pension and that the consequences of the adoption had been huge.
- 8 The complainant indicated that she felt that she had not been overpaid any money for her daughter at the time of payments being made, as she had been attending Stevenson College on a part-time course. The 2009 Adoption Support Services and Allowances (Scotland) Regulations allowed the Council discretionary power to continue paying an adoption allowance beyond the age of 18, if the adopted person remained in full-time education or training. The complainant felt that the regulations had been applied too strictly and did not take account of those who needed long term care.
- 9 She indicated that if she had been made aware that the adoption allowance payments would stop, she would have been able to make contingencies for this and had an opportunity to investigate the options available to them.
- 10 The investigating officer commended the complainants on their commitment to their daughter. He explained that when the new regulations had come in to operation in 2009, a review of all adoption allowances had been carried out. A number of these had been identified as falling outwith the regulations, however, the Department had agreed to allow a number of them to continue until the client was 21 years of age.
- 11 He indicated that there was now an annual assessment of all adoption allowances and that this had been in place for 2 years. The Department of Health and Social Care had provided a high end package of care and did not have a mechanism to extend further payments.
- 12 The investigating officer agreed that a review of the complainant's case should have taken place at an earlier stage. He indicated that the allowance should have stopped when she reached the age of 18 but that the Department had agreed to allow it to continue until she was 21. He stressed that the Department had no authority to make exceptional payments to persons over the age of 21.
- 13 The complainant stressed that the Council had agreed that there had been a lack of communication and efficiency in dealing with the case. She felt that there was room for a broader interpretation of the Regulations as they did not appear to take account of people in her situation. She felt that they had been discriminated against because they had opted for adoption rather than continuing with foster care.
- 14 The investigating officer indicated that due to legislation they were unable to continue with payments to the complainants although they had offered the family additional support. He indicated that they could not be assessed as carers as they were her parents.

- 15 He expressed regret at the delay in communications and indicated that measures were now in place to ensure that this would not happen again.
- 16 The members of the Committee, the complainant and the Investigating Officers were given the opportunity to ask questions
- 17 Following this, the complainants and the Investigating Officers withdrew from the meeting

### **Recommendations**

- 18 To note that following the introduction of the 2009 Adoption Allowance Regulations, the Council had reviewed their procedures and ceased making payments to the complainants, in accordance with the Regulations and having taken advice from the Council's legal division.
- 19 Accordingly, to not uphold the appeal.
- 20 To note that the Council had recently put procedures in place to annually review Adoption Allowance Payments and record them appropriately.

**Val Tudball**  
Convener

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<b>Appendices</b>	None
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<b>Wards affected</b>	All
<b>Background Papers</b>	Agenda and confidential papers and minutes for the Complaints Review Committee of 14 March 2012