

Education, Children and Families Committee

10am, Tuesday 5 March 2013

Recommendations of the Social Work Complaints Review Committee – 23 January 2013

Item number	8.5
Report number	
Wards	

Links

Coalition pledges	Not applicable
Council outcomes	Not applicable
Single Outcome Agreement	Not applicable

Fred Downie

Chair, Social Work Complaints Review Committee

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Recommendations of the Social Work Complaints Review Committee – 23 January 2013

Terms of Referral

The Social Work Complaints Review Committee has referred their recommendations on an individual complaint against the Children and Families Department to the Committee for consideration.

- 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 require to be objective and independent in their review of responses to complaints. All members of the CRC are independent of the local authority.
- 2 The CRC met in private on 23 January 2013 to consider a complaint against the Health and Social Care Department. The meeting was chaired by Donald Ness. The other Committee members present were Fred Downie and Gail Mainland. The complainant and Department representatives attended throughout.
- 3 The complainant had disagreed with the decision taken to place his child on the Child Protection Register as he felt that social work staff had been threatening and bullying; had flagrantly disregarded the views of his extended family; and had based their decision making on inaccurate information and assessments. He considered that the child protection measures taken were unnecessary and had requested an apology from social work managers for the part that social work staff had taken in the process
- 4 The complainant believed that throughout the whole process the Children and Families Department had disregarded information that he and his family were providing. He saw this as a form of bullying as the Council tried to override his family's views and were not prepared to listen.
- 5 He indicated that the family were aware of the potential risks to his child in the family home but did not agree that the possible scenarios which the department were outlining would arise. He felt that he and his family had gone to great lengths to ensure the safety of his child and indicated that he did not believe that the Child Protection Plan which had been drawn up was sufficient to protect his child. The complainant felt that any issues he had raised during the Child Protection Case Conference had been disregarded.

- 6 The complainant stressed that his family were being relied upon to provide the appropriate support to ensure his child was not taken into care. He indicated that the department were concerned that his wife's mental health would have an effect on the development of his child and that his family were being asked to provide do things which they were unable to do.
- 7 Due to the ongoing child protection issues, the complainant felt that his wife was prevented from being given the treatment which she required and therefore the whole process had not been in the interests of his wife or child.
- 8 The investigating officer indicated that the Department had recognised the wishes of the family and that it was their hope that the child would be able to remain in the family home with the appropriate support and a strategy for managing risk. For this to happen, the department had outlined various possible scenarios to enable the family to address the possible outcomes to avoid the need to separate the child from her parents during the process.
- 9 The investigating officer indicated that the case may not have been acted upon as quickly as the family would have liked, however the department had felt that the first phase was to ensure the safety of the complainant's child.
- 10 The Council did not believe that their staff had been threatening or bullying and did not accept that they had flagrantly disregarded the views of the complainant's extended family. The investigating officer felt that the department had gone to considerable lengths to engage with the whole family, take account of their views, ensure that everyone was aware of the department's concerns and that they were engaged in a plan to manage those concerns.
- 11 The Department indicated that the Child Protection measures taken and the process whereby by the complainant's child's name was placed on the Child Protection Register were issues which could not be discussed by the Complaints Review Committee.
- 12 The investigating officer felt that the issues raised in relation to the allegations made about staff members had been fully addressed on several occasions. He further indicated that he felt that staff had taken the correct action in respect of safeguarding the child and supporting the family.
- 13 The members of the Committee, the complainant and the Investigating Officer were given the opportunity to ask questions.
- 14 In summation, the complainant stressed that his primary purpose of involving the Children and Families Department was to get his wife and child the help which they required. He felt as though the whole family had been punished and put under a great deal of stress throughout the Child Protection Process. He indicated that he was unable to see how the action which had been taken was appropriate to his situation.

- 15 Following this, the complainant, her representative and the Investigating Officer withdrew from the meeting.

For decision / action

- 16 The Social Work Complaints Review Committee referred the following recommendations to the Education, Children and Families Committee:
- (i) Having considered all the papers presented and the submissions made by the complainant and the Children and Families Department, to agree that the Complaint against the Children and Families Department not be upheld.
 - (ii) To endorse the Department's view that the complaint had now been fully addressed and that staff be authorised to apply the policy on "unreasonably persistent complainers" within the procedures in relation to this complaint (but not any new, separate complaint raised by the complainant)..

Background reading / external references

Agenda and confidential papers and minutes for the Complaints Review Committee of 23 January 2013.