

Education, Children and Families Committee

10am, Tuesday 8 October 2013

Recommendations of the Social Work Complaints Review Committee

Item number 8.5.1 (a)
Report number
Wards

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Recommendations of the Social Work Complaints Review Committee

Summary

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.

For decision/action

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

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.
- 3 The CRC met in private on 27 June 2013 to consider a complaint against the Children and Families Department. The meeting was chaired by Gail Mainland. The other Committee members present were Fred Downie and Linda Veitch. The complainant and Department representatives attended throughout.
- 4 The complainant was dissatisfied with the response she had received through the Social Work Statutory Complaints Process. Her complaint concerned the separation of her son whilst he was living in a secure unit. There were two strands to her complaint:
 - 1) "My son was locked in his room because being a concerned mother I had phoned on the 3rd September to report a member of staff (name redacted) then on the 5th September the staff member locked my son in his room for no apparent reason and left him for over 3 and a half hours and told no one, not his mother or children's rights officer and staff."
 - 2) "The green form with timings and names on it was altered and falsified from all levels, again I can prove this."
- 5 The complainant stated that on 5 September 2012, her son had been locked in his room from 12.55pm until 4.25pm. She believed that while her son was in his room he was not checked on or looked for, and that the required separation paperwork had not been completed. The staff member who had locked her son in his room had left the unit at 3.30pm. When the complainant contacted the unit at 6pm, the Duty Senior was unaware of the separation.

- 6 An observation sheet shown to the complainant during a meeting she had with the Unit Manager, during the preliminary investigation indicated the complainant's son had been put in his room an hour later than he was, and contained three sets of initials but only two different styles of handwriting. When the complainant questioned why this was, she was advised that the form had been altered following a coffee spillage.
- 7 The complainant had been given the number of the Children's Right's Officer, but upon calling her office was advised that she was on sick leave and had been since July 2012.
- 8 The Unit Manager responded to the complainant by letter on 22 October 2012. The complainant was dissatisfied and requested that further investigation be carried out.
- 9 A complaint investigation interview was held on 30 November 2012. The complainant voiced her concern that her son had not been spoken to directly to get his version of events. The Investigating Officer concluded the meeting by confirming that she would phone the complainant either later that day, or the following Monday to confirm the next steps; a commitment which the complainant claimed was not held to. The next response she received was from the Chief Social Worker on 18 December 2012. Subsequent investigation by the Advice and Complaints Officer, in conjunction with the Team Manager, Specialist Residential Care, was reported to the complainant in a letter dated 1 February 2013. The complainant remained convinced that her son had been left in his room for more than three hours with no checks made on him by staff, and accordingly, requested a Complaints Review Committee.
- 10 The Unit Manager, explained that there had been several errors made with regard to the separation of the complainant's son. The officer who had initiated the procedure had been drafted in from another unit to cover and did not write a report on the circumstances, or contact the complainant, and another staff member completed the paperwork after the covering officer returned to their own unit, not in accordance with standard procedure.
- 11 The inaccurate timings on the observation sheet had never been fully addressed as the staff member who had completed it had been on long-term sick leave. The inaccurate time recordings were also key to the Children's Rights Service not being notified, as staff incorrectly thought that the complainant's son had been separated for less than the three hour period which deemed such notification necessary. Despite the inaccurate timings, managers checked with the two available staff members whose initials were on the observation sheet, who asserted that the checks definitely took place.
- 12 Following Stage Two of the complaints procedure, the Chief Social Work Officer wrote to the complainant on 1 February 2013, acknowledging that standard procedures were not adhered to on the day her son was separated, and that timings on the observation sheet were inaccurate. The failure to contact the Children's Rights Office because staff were unaware he had been separated for more than three hours was unfortunate, and the Department apologised on behalf

of the Council for this oversight. The complainant's son had met with a Children's Rights Officer, on 19 and 29 September, and the matter of single separation was discussed, offering him an opportunity to make a complaint. He did voice a dislike of the use of separation as a behaviour management tool, but he did not raise specific concerns about the incident on 5 September.

- 13 An action plan had been put in place to ensure all staff were aware of policies, procedures and protocols, and the correct process for logging separation incidents. Work was also to be undertaken with staff to reinforce the importance of good communication with young people and their families.
- 14 The members of the Committee, the complainant and the Investigating Officer were given the opportunity to ask questions.
- 15 The complainant said that she hoped that future investigations would be carried out straight away, and that changes in practice would be introduced to stop this sort of situation from happening again.
- 16 The Advice and Complaints officer reiterated that, although the complainant's son was not interviewed as part of the investigation, looked-after young people had ready access to complaint forms and despite having initiated several other complaints independently, her son had not chosen to do so with regard to this incident.
- 17 Following this, the complainant and the Investigating Officer withdrew from the meeting.

Recommendations

- 18 That the complaint that relevant procedures were not followed on the 5th September 2012 when the complainant's son was confined to his room be upheld. The Council has already acknowledged that procedures were not duly followed with regard to her son's detention in his room. The Committee noted that an action plan had already been put in place to ensure that, as far as possible, this poor practice was not repeated. The Committee recommended that this action plan be reviewed at six-monthly intervals by a senior manager to ensure compliance.
- 19 That the complaint that the observation form containing timings of checks on the complainant's son and staff initials had been altered and/or falsified be upheld. While conflicting evidence had been presented to the Committee regarding this part of the complaint, taking into account the number of procedural irregularities at all stages, on balance of probability, the Committee believed this complaint should be upheld. The Committee recommended that Council officials presenting to the Complaints Review Committee be advised that any paperwork which they intend to produce as evidence must be distributed in advance of the meeting to all parties.

Background reading / external references

Agenda and confidential papers and minutes for the Complaints Review Committee of 27 June 2013.

Links

Coalition pledges

Council outcomes

CO11 Preventative and personalised support in place
CO13 People are supported to live at home

Single Outcome Agreement

SO2 Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health

Appendices

None