

# Education, Children and Families Committee

10 am, Tuesday 8 October 2013

## Recommendations of the Social Work Complaints Review Committee – 7 August 2013

**Item number** 8.5.2  
**Report number**  
**Wards**

### Links

<b>Coalition pledges</b>	P1 – Increase support for vulnerable children, including help for families so that fewer go into care.
<b>Council outcomes</b>	CO1 – Our children have the best start in life, are able to make and sustain relationships and are ready to succeed. CO3 – Our children and young people at risk, or with a disability, have improved life chances. CO11 – Preventative and personalised support in place.
<b>Single Outcome Agreement</b>	SO3 – Edinburgh’s children and young people enjoy their childhood and fulfil their potential.

### Fred Downie

Chair, Social Work Complaints Review Committee

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## Recommendations of the Social Work Complaints Review Committee – 7 August 2013

### Terms of Referral

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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

- 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 7 August 2013 to consider a complaint against the Education, Children and Families Department. The meeting was chaired by Fred Downie. The other Committee members present were Gail Mainland and Val Tudball. The complainant, her representative and Department representatives attended throughout.
- 3 The complaint comprised several issues, specifically:-
  - 1) That a support worker service for the complainant's son was withdrawn without a reassessment taking place.
  - 2) That the service was withdrawn on the basis of cost not need.
  - 3) That the decision to withdraw the service was taken regardless of the assessment of need.
  - 4) That the Children and Families Department refused to reinstate a service which the complainant believed her son had been assessed as requiring.
  - 5) That the Children and Families Department dealt with the concerns as a formal complaint rather than informally, and that the way the complaints were handled at stages 1 and 2 of the process did not provide effective opportunities to resolve the complaint.
  - 6) That Council minutes of the Stage 2 meeting were not fully accurate and misrepresented aspects of the discussion and decisions reached that day.

- 7) That the Council refused to meet with the complainant and her elected representative without reasonable justification.

Some issues had not been progressed through the formal complaints process and were therefore unable to be considered by the CRC. The Council was involved in ongoing consultation with the complainant to try to resolve these.

The complainant was dissatisfied with the outcome of Stages 1 and 2 of the complaints process and had asked that the complaint be referred to the Complaints Review Committee.

- 4 The complainant, who lived with her two children, one of whom had severe physical and learning difficulties, had received various services to help support her in caring for her son at home. This included social care worker support which enabled her to undertake an activity with both her children at the same time; generally swimming. The service continued until 2 February 2011, when the social care worker began her maternity leave earlier than expected. A letter to the complainant dated 5 October 2011 from the Social Care Work Manager appeared to suggest that the service had been discontinued because of staffing issues.
- 5 The complainant believed that the level of support offered by the Council was insufficient to meet her son's needs as he required 1:1 support at all times while he was awake. A representative from Vocal, accompanying the complainant, explained the effect that the withdrawal of the support worker service had had on the complainant and her family. The need for support had, if anything, intensified as her son got older, and yet this service had been abruptly cut off without notification. The Section 23 Assessment undertaken in 2008 had indicated that the support was required. No further assessment had been carried out since. Efforts through the complaints process to resolve the situation were slow, and hampered by inaccuracies in formal letters and minutes, where discussion might have provided swifter results.
- 6 The complainant reported that she had phoned the Emergency Duty Team at times of crisis with her son, but they indicated that they were unable to help, a matter of concern to the complainant given the level of risk involved in trying to keep the family safe.
- 7 The investigating officer advised that the Children and Families Department had accepted that the way that the Social Care Work Service had been discontinued had been poorly handled, and regretted the wording of the misleading letter of 5 October 2011. The service had now revised its practice to ensure that users were formally notified when a service was stopped and the reasons why clearly communicated to them. She explained that in the circumstances of a worker going on maternity leave work was reallocated, provided that eligibility criteria were met.

- 8 The investigating officer indicated that a review of the complainant's son's needs had been offered and refused following cessation of the service, but it was likely that had it gone ahead, the service would have been withdrawn anyway. This was because he received a higher degree of support than other children in Edinburgh with a similar level of need. An integrated assessment would have revealed this overprovision at an earlier stage and services were now reviewed inclusively rather than as stand-alone services.
- 9 The investigating officer stated that the package of care sought by the complainant was more than was usually provided. Services had to be targeted within budget and this meant that not all the needs of eligible children could be met. However, the Council had explored many avenues to find an acceptable outcome for the complainant. The department had recently made an offer £34,320 in direct payment to help support her son.
- 10 The members of the Committee, the complainant and the investigating officers were given the opportunity to ask questions.
- 11 In summation, the complainant said that when need had been identified for a particular support or service, it should be the duty of the local authority to provide it. She added that she had refused reassessments because she was apprehensive that the process may result in even less support. She wanted her son to remain at home and felt that reinstatement of the service would be far less costly than residential school, which was one option suggested by the Council.
- 12 The investigating officer reiterated the Council had improved procedures for ending contracts, and integrated assessments had also now been implemented. In the case of the complainant's son, considerable effort had gone into working with the complainant and her various representatives to try to achieve resolution and an acceptable package of support, as indicated by the level of direct payment offered.
- 13 Following this, the complainant and the investigating officers withdrew from the meeting.

### For decision / action

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- 14 The Social Work Complaints Review Committee has referred the following recommendation to the Education, Children and Families Committee for ratification:-

That the complaint against the City of Edinburgh Council Social Work Department be **NOT UPHELD**, for the following reasons:

- 1) That since the original complaint was made the Council have changed the procedure for ending contracts, and have apologised for the way this was handled in this specific case.

- 2) That the Committee recognise the efforts made to try to resolve the complaint, and the action taken to improve services.
- 3) That the Committee recognise the need for provision of services to be equitable for all children in Edinburgh who have need of them.

### **Background reading / external references**

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Agenda and confidential papers and minutes for the Complaints Review Committee of 7 August 2013.