

Education, Children and Families Committee

10 am, Tuesday 8 October 2013

Recommendations of the Social Work Complaints Review Committee – 14 August 2013

Item number 8.5.3
Report number
Wards

Links

Coalition pledges	P1 – Increase support for vulnerable children, including help for families so that fewer go into care.
Council outcomes	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.
Single Outcome Agreement	SO3 – Edinburgh’s children and young people enjoy their childhood and fulfil their potential.

Val Tudball

Chair, Social Work Complaints Review Committee

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Terms of Referral

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 14 August 2013 to consider a complaint against the Education, Children and Families Department. The meeting was chaired by Val Tudball. The other Committee members present were Gail Mainland and Fred Downie. The complainant, her representative and Department representatives attended throughout.
- 3 The complaint was that the complainant's grandson had not been put into secure accommodation earlier than he was, allowing him to:-
 - i) place himself and others at risk;
 - ii) accumulate ever more serious charges of assault and robbery;
 - iii) continue to obtain cannabis and alcohol;
 - iv) put himself in a position of being uncared for in terms of shelter and food.
- 4 The complainant explained that she had looked after her grandson since the death of his mother in January 2009. Social Work was first approached for help in 2011, when he was 11 years old, due to deteriorating behaviour. This situation became steadily worse as he developed a reliance on cannabis, became involved in low-level offending, and began spending time with older males and staying out late, sometimes not returning home at all.
- 5 In May 2012, he started to refuse to go to school and a Child Protection Conference in September 2012 agreed to place him in one of the city's Young People's centres. He was transferred to a close support unit in January 2013, after he accumulated a number of assault and possession charges.

- 6 The complainant indicated that the transfer had not improved the situation as her grandson had begun to absent himself from the unit with increasing frequency until he was being reported missing on an almost daily basis. Additionally, his criminal behaviour had escalated. He was finally placed in secure accommodation on 1 March 2013.
- 7 The complainant believed that the Senior Social Work Management and Senior Secure Accommodation Management had failed to accept the recommendations made by the Children's Panel and social workers that secure accommodation was the appropriate to prevent further escalation of his behaviour. She added that her grandson had been returned to a close support unit at the end of July 2013, and had since absconded several times and accrued a number of further charges. It was her opinion that secure accommodation was still the safest and most appropriate option.
- 8 The investigating officer advised that the decision to place children into secure accommodation was one taken very seriously, and that other avenues had to be exhausted before it was considered, such as community support, outreach education services, specialist foster carers or open accommodation. He explained that Children's Hearings Secure Orders were 'permissible' orders, which meant the Chief Social Work Officer and a manager within Secure Services had to agree it. He added that there were a relatively small number of secure places available in Scotland but in the case of the complainant's grandson, it was when they learned of the level of risk he posed to others that it was decided that secure accommodation was appropriate. This avenue was now under consideration again.
- 9 The officer confirmed that changes in legislation in June 2013 outlined the steps to be taken when responding to a secure accommodation authorisation, which would incorporate the views of the child and relevant persons, and also allow for appeal to the Sheriff against any decision made. In response to the new legislation, the Council had reviewed its processes and documentation to ensure compliance and had also held a staff training event about the use of secure accommodation in Edinburgh.
- 10 The members of the Committee, the complainant and the investigating officers were given the opportunity to ask questions.
- 11 In summation, the complainant agreed that secure accommodation should be a last resort, but she felt that the decision should have been taken in her grandson's case following the recommendation of the Children's Hearing on 11 February 2013 given the level of risk he posed to himself, and increasingly, to others.
- 12 The investigating officer said the Council had tried to act in the best interests of the child and had made its decisions based on the information available at the time.

- 13 Following this, the complainant and the investigating officers withdrew from the meeting.

For decision / action

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

That the complaint be **NOT UPHELD**, as, unfortunately, there had been a history in this case of two sides disagreeing all along;- Side A – Senior Social Work and Secure Accommodation management, and B – the complainant and the Children’s Hearings (the Panel). Both sides made their decisions in good faith..

However, Secure Accommodation Management must, in future, explain their decisions and reasoning much more clearly to all parties concerned; which senior staff have agreed to do. In addition, newly implemented legislation gives the complainant the right to appeal any such decisions.

Background reading / external references

Agenda and confidential papers and minutes for the Complaints Review Committee of 14 August 2013.