

# Education, Children and Families Committee

10 am, Tuesday 10 December 2013

## Recommendations of the Social Work Complaints Review Committee – 14 November 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 – 14 November 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 14 November 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 complainants and Department representatives attended throughout.
- 3 The complaint concerned the use of inaccurate information relating to the complainants' daughter's dental treatment. They stated that the Council had not apologised for the distress caused to the family by use of the false information, which, they believed, was used by the Council to obtain a Supervision Requirement for their daughter on 20 December 2012. The complainants stated that the Council did not confirm that this misinformation had been removed from its records. Additionally, they did not believe that the Council had done everything possible to get clarification of the correct position.
- 4 The complainants explained that the report the family's social worker, Ms Fleming, had prepared for the planned Children's Hearing on 20 December 2012 contained inaccurate details of dental work carried out on their daughter in 2010. This was considered by the Children's Hearing on 20 December 2012 which decided to continue their daughter's Supervision Requirement.
- 5 The investigating officer informed the meeting that wider issues surrounding a lack of parental care had been taken into account when the decision to continue the Supervision Requirement had been made.

- 6 The adviser to the Complaints Review Committee clarified that as parents, the complainants would have found it easier to access the information.
- 7 The complainants had indicated to the Council that the information contained in the report was wrong in December 2012, but the Council did not confirm that this was the case until May 2013. They wondered how it took the Council nearly six months to establish the true position, when they had managed to gain access to the information in two days.
- 8 The investigating officer explained the inaccurate information had been supplied by NHS Lothian and that information sharing protocols dictated that information received by the Council from partner agencies such as the Police or NHS Lothian could not be amended until they received correcting information in writing from the agency concerned. Initial phone calls were made to try to obtain this, followed up by formal letters of request (1 February, 2 March), but clear confirmation was not received from them until 3 May 2013. This was made available to the Children's Hearing on 7 May, at which the complainants' daughter's Supervision Requirement was terminated. An electronic case note reflecting the previously held and corrected information was added to her file on 10 May 2013.
- 9 The complainants stated that they would like to access their daughter's social work file to ensure that the change had been made. They were informed that this would be arranged if they submitted a letter to this effect.
- 10 The members of the Committee, the complainant and the investigating officers were given the opportunity to ask questions.
- 11 In summation, the complainants wanted an apology for the distress their family had endured as a result of the use of the inaccurate information, and the length of time which elapsed before the mistake was rectified.
- 12 The investigating officer said the Council had apologised for the use of inaccurate information in the response from the Chief Social Work Officer on 31 July 2013, and acknowledged that it had taken a long time to obtain the true position. However, efforts had been made to get the correct information from NHS Lothian, first by phone calls, then by letter.
- 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 referred the following recommendation to the Education, Children and Families Committee for ratification:

That the complaint is **not upheld**, for the following reasons:

- 1) The complainants stated that the Council had not apologised for the distress caused to their family by the use of inaccurate information relating to their daughter's dental treatment. However, the letter dated 31 July 2013 sent to the complainants by the Chief Social Work Officer does contain an apology.
- 2) The Committee agreed that the 'false' information had been included in the meeting on 20 December 2012 when the Supervision Requirement was continued, but noted that this was not the only information taken into account. The inaccurate information had been provided by NHS Lothian and had been used by the Council in good faith. The Committee did not agree that the Council did not confirm the erroneous information had been removed from its records, as an electronic case note had been added to the family's file on 10 May 2013 noting the correcting information provided by NHS Lothian on 3 May 2013.
- 3) In terms of the final aspect of the complaint; that the Council did not make adequate efforts to get clarification of the true position regarding the complainants' daughter's dental health, the Committee did not agree that this was the case. Initial attempts to obtain correcting information from NHS Lothian by telephone were unsuccessful, and these were followed up by formal written requests on 1 February and 2 March 2013.

## **Background reading / external references**

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