

Education, Children and Families Committee

10am Tuesday 8 December 2015

Recommendations of the Social Work Complaints Review Committee – 25 November 2015

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Report number	
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Recommendations of the Social Work Complaints Review Committee – 25 November 2015

Summary

To refer to the Education, Children and Families Committee recommendations of the Social Work Complaints Review Committee on consideration of a complaint against the social work service within Children and Families.

For decision/action

The Social Work Complaints Review Committee has referred its recommendations on an individual complaint against the social work service within Children and Families to the Committee for consideration.

Main report

- 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.
- 2 The CRC met in private on 25 November 2015 to consider a complaint against the social work service within Children and Families. The complainant, her representative and the service representatives attended throughout.
- 3 The complaint comprised the following main points:
 - i) That the social work service had neglected to advise the complainant that she could become a kinship carer for her granddaughter.
 - ii) That had the advice been provided at the appropriate time when the complainant was providing the care, she would not have been left out of pocket.
 - iii) That although a lack of advice to the complainant had been acknowledged by the Council at different stages of the complaints procedure, no retrospective payment had been offered.
 - iv) That the Council had not treated the case with the care it deserves and an explanation and apology is insufficient.
 - v) That it was unclear what guidance prevented the Council from making a retrospective payment if the case had been poorly handled by social work staff.

- 4 The complainant's representative stated that inadequate advice and support had been given to his client throughout the 3 year period over which she cared for her granddaughter. She had been contacted by a social worker from the Sheriff Court and felt that had she not taken her in, her grandchild would be placed in care. She was at no time advised that her status as a kinship carer could be formalised, or of the financial support available in such circumstances.
- 5 His client had moved house and cut her work hours in order to look after her granddaughter. Had she been properly advised of her options the financial strain could have been mitigated. That the complainant had not received the advice she should have had been consistently acknowledged by the Council. Further, it had become apparent that informal kinship carers had been given discretionary payments in some instances.
- 6 He also raised concerns that the situation had not been treated by the Council with the care it deserved. There was no follow-up when the child had moved in with the complainant. Her granddaughter was not apparently considered a 'looked after' child in the technical sense, and yet the social work department had contacted the child's school regarding restricted pick-up arrangements which suggested formal intervention. The complainant was performing a duty of care which would otherwise have been carried out by the Council.
- 7 His client had only later found out about the possibility of receiving kinship payments, and having incurred a degree of financial hardship as a consequence of the period caring for her granddaughter, requested a retrospective payment from the Council. The Council's position was that payments could only be made when someone was still caring for a child; retrospective payments would not be considered. His client had then tried to pursue her claim through the Council's insurers, but this had been turned down due to the lack of a formal arrangement.
- 8 The members of the Committee and the Investigating Officer were given the opportunity to ask questions.
- 9 The Investigating Officer advised Council records indicated that, following the placement of the child with her grandmother, no specific care plan or formalisation of the care arrangement with the complainant had been actioned. He clarified that the criminal justice social worker who had contacted the complainant had done so without the knowledge of the local area practice team. When it was brought to their attention, no formal kinship carer agreement could be found.
- 10 The team social worker who had been allocated the case on a short term basis at the time of the placement had been contacted, and recalled that a voluntary agreement had been arranged within the family for the complainant to look after her granddaughter until such time as her parent could resume care. The social worker felt as an amicable arrangement had been worked out, further measures were not required. Housing assistance received by the complainant had been with the involvement of the social work team.
- 11 The officer indicated that having both formal and informal arrangements could be useful; some families preferred the less intensive intervention an informal

arrangement afforded. He confirmed that the Council did not consider making payments to informal kinship carers retrospectively once the child was no longer with them.

- 12 The members of the Committee and the complainant were given the opportunity to ask questions.
- 13 In response to questions, the Investigating Officer explained that practice with regard to kinship care had been changed since the complainant looked after her grandchild. He confirmed that current practice would, where formal kinship arrangements were established, require a care plan to be set up, and the carer would be notified of the financial help available. The revised procedures, applied in a formal context, would also involve more intensive intervention.
- 14 Following this, the complainant, their representative and the Investigating Officer withdrew from the meeting.

Recommendations

- 15 After full consideration of the complaint the Committee reached the following decisions/recommendations:

To **uphold the appeal**, on the basis that the complainant had not been given any advice about kinship caring, and consequently may have been left financially worse off. The Committee did not have financial information from either side to be able to determine this conclusively. We feel that if it is demonstrated that the complainant has suffered financially, the Council should consider an appropriate ex-gratia payment.

Committee notes that in the time since the complainant was caring for her granddaughter, arrangements for kinship caring have been significantly improved, which should ensure that this does not happen again.

Background reading/external references

Agenda, confidential papers and minutes for the Complaints Review Committee of 25 November 2015.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

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

Appendices

None.