

Education, Children and Families Committee

10am, Tuesday, 1 March 2016

Children and Families Response to Complaints Review Committee Outcome

Item number	8.6.2
Report number	
Executive/routine	
Wards	All

Executive Summary

This report should be read in conjunction with the report from the Committee Services relating to a Social Work Complaints Review Committee held on 25 November 2015. The report details the rationale for not implementing the recommendations of the CRC.

Links

Coalition pledges	P1
Council outcomes	CO1, CO3, C10, C11
Single Outcome Agreement	SO2, SO3

Children and Families Response to Complaints Review Committee Outcome

1. Recommendations

- 1.1 The Education, Children and Families Committee is asked to note the decisions of the Social Work Complaints Review Committee held on 25 November 2015. Managers have considered an ex-gratia payment to the complainant as asked by the CRC but have decided that such a payment should not be made for the reasons given below.
- 1.2 The Education, Children and Families Committee is further asked to approve the proposal not to award an ex-gratia payment to the complainant for the reasons set out in paragraphs 3.4 to 3.13 of this report.

2. Background

- 2.1 This report should be read in conjunction with the report from the Committee Services relating to a Social Work Complaints Review Committee held on 25 November 2015.
- 2.2 The decisions are set out below.
 - 2.2.1 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. The committee felt that if it is demonstrated that the complainant has suffered financially, the Council should consider an appropriate ex-gratia payment;
 - 2.2.2 The 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.

3. Main report

- 3.1 Relevant background information is set out in detail in the Council report to the Complaints Review Committee dated 25 November 2015.
- 3.2 In upholding the appeal, the CRC has taken the view that the allocated social worker should have entered into discussion with the complainant, at the time of

placement, regarding the possibility of the Council deeming the child in her care to be Looked After and Accommodated (LAAC).

- 3.3 This position is not accepted by senior managers within Communities and Families for the following reasons.
- 3.4 The primary consideration is whether the child should have had LAAC status at the time of placement. The question of payment to the carer only becomes relevant if that is seen to be the case.
- 3.5 The Council does not seek to confer LAAC status upon children for whom it is not necessary. The Council has an explicit aim to reduce the numbers of children who are LAAC and this has been the case for a number of years.
- 3.6 When family members reach a mutual agreement that a relative will look after a child whose parent is unable, unwilling, or unsafe to do so, and where there are no concerns about the appropriateness of the family arrangement, no other intervention is necessary to protect the child unless that agreement changes.
- 3.7 Such agreement existed in this case and the council officers involved with the child were satisfied that the care of the child by her grandparent was appropriate.
- 3.8 There was therefore no basis in this case for the child to have LAAC status. LAAC status is not something that can be referred in retrospect since it needs either a legal order to have been in place or the parent to have signed their consent at the time.
- 3.9 The purpose of paying a maintenance allowance is to help someone meet the costs of looking after a child. Where we have made “one off” payments to other kinship carers of children who were not looked after, it has been on the basis that the child in placement is in need and that the payment will contribute to their ongoing wellbeing.
- 3.10 That does not currently apply in this case since the child is no longer living with the complainant.
- 3.11 It is likely that there are a number of other situations in which family members who have looked after a child in the past might come forward and argue that the child should have been deemed Looked After since they were known to social workers. Implementing the recommendation of this CRC would set an unhelpful precedent which might have significant financial implications for the Council.
- 3.12 The Council clearly has a responsibility for prudent management of financial resources.
- 3.13 In addition it is noted that the complainant’s daughter paid her the benefits which were due for looking after the child during placement. It is therefore the case that the complainant received some financial support for child care.

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4. Links

Coalition pledges	P1 - Ensuring every child has the best start in life
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. C10 - Improved health and reduced inequalities C11 - Preventative and personalised support in place.
Single Outcome Agreement	SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health SO3 - Edinburgh's children and young people enjoy their childhood and fulfil their potential
Appendices	None