

Education, Children and Families Committee

10am, Tuesday 24 May 2016

Recommendations of the Social Work Complaints Review Committee – 11 March 2016

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Report number	
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Recommendations of the Social Work Complaints Review Committee – 11 March 2016

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 11 March 2016 to consider a complaint against the social work service within Children and Families. The complainants and the service representatives attended throughout.
- 3 The complainants remained dissatisfied about the level of support given to them by the Council to secure appropriate accommodation to meet the needs of their grandchildren, for whom they acted as Kinship Carers. Following a response to their complaint from the department, they had requested that their case be put before the Social Work Complaints Review Committee.
- 4 The complaint comprised the following main points:
 - i) The complainants felt that they required to be supported by the Council to have appropriate housing to meet the needs of their grandchildren, which to date had not happened.
 - ii) That the Council's response to the family's difficulties had been inadequate and discriminatory.
 - iii) That inaccuracies within the Council's response highlighted serious miscommunication and misrepresentation of what had been said, done and agreed.
 - iv) That the Council's investigation had not been sufficiently impartial.
 - v) That proper consideration should be given to the family's request for an extension to the property based on accurate information and the

grandchildren's needs alone. Alternatively, an appropriate tenancy should be found in an area which presents minimum disruption to them.

- 5 The complainants currently cared for their three grandchildren in their local authority two-bedroom flat. The gender and age range of the children, coupled with the small dimensions of the accommodation, meant that living and sleeping conditions were cramped and stressful. Discussions to attempt to mitigate the overcrowding began with the Council in February 2014, but were perceived by the complainants to be slow. Following agreement in principle by the Council to look into extending the property, an architect was engaged to produce plans and secure estimates for the work, and preliminary sketches were presented in late spring 2015.
- 6 An additional bath/shower-room had been requested for inclusion in the plans, which required an occupational therapy (OT) assessment. This was carried out in May 2015 and concluded that the complainants did not meet the criteria for this adaptation owing to the grandmother's health prognosis, which included reduced mobility and the likelihood of being a wheelchair user. The report stated that the property would not meet her long-term health needs and that, should one be required in future, the physical constraints of the building would prevent the installation of an external stairlift. The OT guidance in such circumstances is relocation to a ground floor/wheelchair accessible property. At the complainant's instigation, her GP had been contacted and had indicated he agreed with the report.
- 7 Additionally, the Kinship Support Team had been advised that legal issues could exist around extension of the current property, involving airspace and communal loft and path areas.
- 8 The Kinship Care Support Team submitted a report to the Officer Panel operated by Housing Services which considered particular cases of requests for housing. The Panel decided there were no exceptional needs to warrant either priority status being awarded, or the allocation of a property.
- 9 When told that the extension could not be progressed, the complainants were disappointed and felt that the decision should not have been made on the basis of one assessment. They had been left with the impression that the go-ahead had been given to the works provided funds could be secured.
- 10 Subsequent exploration of possible relocation to a larger, preferably ground floor, dwelling had not progressed as the complainants were not keen to subject the children to the upheaval a move to another part of the City may involve, and did not wish to consider private lets. A complaint was submitted in June 2015 which was investigated and duly responded to on 28 September 2015. The complainants remained dissatisfied and requested that a Social Work Complaints Review Committee be convened.
- 11 The complainants explained the impact current living conditions were having on the family, pointing out that family members were not able to have privacy, and the younger children had no space to play.

- 12 They indicated that there was confusion over the legal issues around extending the property and they could not clearly understand the reasons for refusal.
- 13 They also felt that too much of an issue was being made of the health assessment, stating that the children's grandfather was very capable of looking after them single-handedly when this was required. They clarified that what had been requested was a compact shower-room rather than a wet-room, but the chief requirement was for bedroom space.
- 14 In terms of looking at other properties, they had been on the exchange register since they began looking after their grandchildren and stated they were willing to consider other areas. Within their locality, not many suitably sized flats or houses came up, but the benefits of the local area to the children were, in their view, significant. Any reluctance on their part to move was motivated by the positive change in the children's demeanour since they had moved in with their grandparents, and this was evidenced by encouraging reports coming back from school.
- 15 The members of the Committee were given the opportunity to ask questions of the complainants.
- 16 The complainants clarified that they wanted the Council to fulfil its responsibility with regard to the children and support them to enjoy a normal childhood.
- 17 The members of the Committee were then given the opportunity to ask questions of the Investigating Officer.
- 18 Following questions from members the officer confirmed that the complainants' current residence was too small to be internally reconfigured to provide additional bedroom space. Given the legal issues surrounding extension coupled with the conclusions of the OT assessment, progression of this option could not be supported. The team was continuing to try to meet identified needs and liaise with housing to try to assist the complainants. If a suitable ground floor property came up in future it could be considered for adaptation on its merits.
- 19 The Investigating Officer explained that the complainants' case had involved unfamiliar territory for the Kinship Care Support Team and officers had had to seek advice on housing and legal issues from colleagues elsewhere in the Council; advice which had often been confusing and complex. She indicated that the Team would be able to employ the knowledge they had gained in future cases.
- 20 Following this, the complainants and Investigating Officer withdrew from the meeting to allow the Committee to deliberate.

Recommendations

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

To uphold the appeal in part, for the following reasons: -

- 1) That written communication had not been particularly good and the Committee recommended that in future the outcome of serious discussions of this sort be put clearly in writing to avoid confusion.
- 2) The Committee felt that the Council as a whole had a duty of care as regards the children, and whilst the Kinship Support Team appeared to have tried their best to help the complainants, advice and support from Housing did not seem to have been as of high a standard. The Committee requested that the complainants (and Kinship Support) be given a clearer definition of what constituted 'exceptional need'.
- 3) The Committee also recommended that the Council's legal services team should be asked to urgently review the legal complexities in this case, as there did seem to be some confusion about the legal feasibility of extending the property.

Background reading/external references

Agenda, confidential papers and minutes for the Complaints Review Committee of 11 March 2016.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

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

Appendices

None.