

# Education, Children and Families Committee

10am, Tuesday 11 October 2016

## Recommendations of the Social Work Complaints Review Committee – 11 August 2016

Item number	8.6
Report number	
Wards	All

### Links

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## Recommendations of the Social Work Complaints Review Committee – 11 August 2016

### Summary

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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 Communities and Families.

### For decision/action

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

### Main report

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- 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 August 2016 to consider a complaint against the social work service within Communities and Families. The complainant and the service representatives attended throughout.
- 3 The complaint related to the complainant's dissatisfaction with the Council's response to a complaint which comprised the following main points:
  - i) The arrangements for the complainant's daughter following the complainant's surgery.
  - ii) That the Council did not agree to pay a family member to care for the complainant's daughter for the period that the complainant was recovering from surgery as the criteria was not met.
  - iii) That the Council did not use discretionary powers to provide this payment. The complainant stated that the Council had set a precedent using discretionary powers to provide other families for caring for their disabled family members.
  - iv) The complainant disputed the Council's position that another provider would be able to support her child and stated that the Council failed to provide an alternative carer for her child while she was recovering from surgery.
  - v) The complainant was dissatisfied with the level of funding currently provided by the Council for her child's general care.

- 4 The complainant indicated that her daughter had severe learning difficulties, had splints on her legs and was being considered for a full body brace due to her suffering with Congenital Myotonic Dystrophy. She felt that the Section 23 Assessment of need carried out did not reflect her daughter's needs and that those carrying out the assessment did not understand her child's requirements.
- 5 The complainant felt that the account presented by the Social Worker of her daughter's abilities was fantasy as her daughter did not dance as she had no control of her body and that the horse riding consisted of her being supported and led round to try and strengthen her trunk.
- 6 The complainant indicated that she had advised the Department on 11 January 2016 that she was due to have surgery on 27 January 2016 and would require support post surgery. She indicated that she had been advised that there may be funds available to provide for additional support but that this had not been forthcoming. She stressed that her parents were elderly and that her daughter's father did not live within the Edinburgh area, would have to have been put up in a hotel and paid loss of earnings to care for his daughter at this time.
- 7 The complainant's mother was however able to assist with the care of her grand-daughter and the complainant believed that there were other cases where the Council had funded a Direct Payment to pay a relative to care for a child with a disability. She felt that her mother should be paid for fulfilling a caring/respice role.
- 8 She further indicated that although her daughter was eligible to have a taxi take her to school, she chose to take her there herself but was unable to get assistance for her daughter returning from school as she attended an after school club.
- 9 The complainant had also expressed concern that the level of funding currently provided by the Council for her daughter's general care was less than her daughter's needs required.
- 10 The members of the Committee were given the opportunity to ask questions of the complainant.
- 11 The Investigating Officer advised that short notice had been given to the Council regarding the need for additional support following the complainant's surgery and felt that they could have provided appropriate advice had they been advised as soon as details of the surgery were known. They indicated that the complainant had stated that she had no family support otherwise they would have requested the child's father's details.
- 12 She stressed that payment of a family member to provide care was only considered in exceptional circumstances and that this had not been considered appropriate in this particular situation.
- 13 The Investigating Officer indicated that the complainant's child's funding had been reviewed and was considered to be accurate but that the complainant had been paying the personal assistant a higher rate than that recommended by the Council

which had resulted in less hours being received and no contingency being available. She indicated that a worker would meet with the complainant to ensure that the direct payment was being used correctly.

- 14 The members of the Committee were then given the opportunity to ask questions of the Investigating Officer.
- 15 Following this, the complainant, and the Investigating Officer withdrew from the meeting to allow the Committee to deliberate in private.

## Recommendations

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After full consideration of the complaints the Committee reached the following decisions/recommendations:

- 1) That the complaint not be upheld for the following reasons:
  - a) The Council had provided a full response which addressed all the issues raised by the complainant.
  - b) Payment to a family member was only permitted under exceptional circumstances which the Committee accepted were not met in this case.
  - c) The Council followed the guidelines when making the decision not to support payment to a family member.
  - d) The Council were informed of the need for an alternative carer very late in the process. It would have been helpful if the complainant had informed the Council of the need for an operation as soon as possible. The Committee accepted that the notice given by NHS Lothian for the operation was very short, however, the Council may have been able to provide a contingency plan had it known about the likelihood of a hospital stay when it was first intimated in September 2015.
  - e) The Council had followed its guidelines and it noted the funding had been reviewed and increased slightly.
- 2) The Committee made the following recommendations:
  - a) That an OT assessment be carried out with a view to providing assistance with lifting and handling and any other current needs.
  - b) That the Family Group Decision Making Service be approached to assist in setting up plans for any future requirements for alternative care arrangements.
  - c) That the complainant meet with a representative from the Council to allow her to review the Direct Payment Regulations and the decision by the Council that they were not met in this case.

## Background reading/external references

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

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

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

**Appendices**

None.