

# Education, Children and Families Committee

10am, Tuesday, 7 March 2017

## Education, Children and Families Committee Response to a Complaints Review Committee Outcome

Item number	8.5.2
Report number	
Executive/routine	
Wards	

### Executive Summary

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This report outlines the actions taken by Communities and Families following the recommendations of a Complaints Review Committee held on 1 March 2017.

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Council Priorities	<a href="#">CP3</a>
Single Outcome Agreement	<a href="#">SO2 SO3</a>

## Response to a Complaints Review Committee Outcome

### 1. Recommendations

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- 1.1 The Education, Children and Families Committee is recommended to note the actions taken in relation to the decision of the Complaints Review Committee on 1 March 2017.

### 2. Background - Complaints Review Committee Findings

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- 2.1 Following the Complaints Committee the complainants alleged inconsistencies between the written report and statements made by the presenting officer about whether their child met the conditions for a secure placement. They contended that these inconsistencies had fundamentally prejudiced their right to a fair hearing. The point in question was that the Council's written response to the complainants had stated that the criteria for admission to a secure unit had not been met in their daughter's case; whereas the officer in attendance at CRC, when asked, accepted that the secure criteria had been met. The differences between these two statements are differences in use of language and they do not indicate any disagreement between the written response and the officer's comments in CRC about the risk assessment in this case.
- 2.2 An explanation has been offered advising that in the legislation there are conditions and circumstances that require to be met before a child can be admitted to a secure unit. There is no mention of "criteria", although we have tended to use that term in Edinburgh to describe the conditions for secure admission. The question asked by the CRC to the senior officer present at the meeting was "do you accept that the secure criteria were met", to which he replied "yes". In doing so, he was referring to what the law describes as the conditions for secure admission.
- 2.3 These conditions are set out in the section 70 of the Children (Scotland) Act 1995, as amended by the Children's Hearings (Scotland) Act 2011:
- (4) The conditions are—
- (a) that the child has previously absconded and is likely to abscond again and, if the child were to abscond, it is likely that the child's physical, mental or moral welfare would be at risk;
  - (b) that the child is likely to engage in self-harming conduct;
  - (c) that the child is likely to cause injury to another person.

Many young people meet these conditions. In our service we have a tendency to refer to a young person meeting these conditions as “meeting the secure criteria”. However the following circumstances, set out in the regulations accompanying the legislation, also need to be met before a child can be admitted to secure.

(3) The circumstances are—

(a) that the chief social work officer and the head of unit are satisfied with respect to the child that one or more of the conditions referred to in paragraph (4) is satisfied and that placement in secure accommodation is in the best interests of the child;

(b) that the chief social work officer is satisfied in relation to the placing of the child in the residential establishment providing the secure accommodation that the placement in that establishment is appropriate to the child’s needs having regard to the residential establishment’s statement of functions and objectives.

- 2.4 This is a question of professional judgement and the guidance essentially requires us to be satisfied that we have done everything else possible other than use a secure placement. In this case, the child had not been previously looked after, she had only been known to the social work service for three or four months, the advice from NHS consultant was that her needs could appropriately be met in local authority care with additional mental health support, and it was therefore reasonable and appropriate for the council to care for her in an open unit in the first instance. It was by no means obvious that secure care was in her best interests at the point of her transfer from NHS care to council care.
- 2.5 A further offer of a meeting with the complainants to discuss this has been made. Officers do not accept that the Complaints Committee was misled at any stage, and invite the Committee to consider the CRC’s recommendations.
- 2.6 The Committee partially upheld the complaint set out in paragraph 2.6 of the report by the Acting Executive Director of Communities and Families.
- 2.7 The Committee believed that a social work review would have taken place even if a complaint had not been received. However, communication from the social work services on this had been confusing.
- 2.8 The Committee also noted that the Department had agreed that the outcome of the inter-agency review would be communicated to the complainants and hopefully this would provide assurance that lessons had been learned

### **3. Main report - Improvement Actions**

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- 3.1 The complainants advised of their dissatisfaction in relation to the lack of social work review into their child’s case and belief that no review would have been undertaken had they not submitted a complaint.

- 3.2 The complainants were provided with conflicting information in relation to whether or not a review of their child’s case would be undertaken. In a letter dated 24 May 2016 from the Acting Children's Practice Team Manager they were advised that there had been a previous miscommunication by staff in informing them that an enquiry into the events that led up to their child’s discharge from the YPU would be undertaken by the department. In the complaint response letter dated 28 October 2016 the complainants were advised that the investigation determined that a case review was requested with NHS Lothian on 19 April 2016 due to the concern about lack of partnership working with at the time of their child’s discharge from the YPU.
- 3.3 A joint review is ongoing between the Council and NHS and the outcome will be communicated to the complainants.

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**4. Links**

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<b>Coalition Pledges</b>	P1 Increase support for vulnerable children, including help for families so that fewer go into care
<b>Council Priorities</b>	CP3 Right care, right place, right time
<b>Single Outcome Agreement</b>	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
<b>Appendices</b>	