

Education, Children and Families Committee

10am Tuesday 6 October 2015

Recommendations of the Social Work Complaints Review Committee – 27 August 2015

Item number	8.10
Report number	
Wards	All

Links

Coalition pledges	P1
Council outcomes	CO3
Single Outcome Agreement	SO2

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Recommendations of the Social Work Complaints Review Committee – 27 August 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 27 August 2015 to consider a complaint against the social work service within Children and Families. The complainant and the service representatives attended throughout.
- 3 The complaint concerned the provision of care at home for the complainant's disabled son.
- 4 The complaint comprised the following main points:
 - i) That the social work service had refused to implement care at home as proposed by the complainant, or as recommended in the family's most recent Section 23 assessment.
 - ii) That the social work service's refusal to do so placed the complainant's son and his sibling at significant risk of harm.
 - iii) That in refusing to implement care at home as proposed by the complainant, or the recommendations of the Section 23 assessment, the Local Authority was in breach of section 2 [1] (a), (c), (d), (e), and (f) of the Chronically Sick and Disabled Persons Act 1970.
 - iv) The authority had also failed to adhere to Scottish Government guidance in terms of Chapter 6 of the Children (Scotland) Act 1995 Regulations and Guidance, Volume 1, Support and Protection for Children and Their Families, which extended Section 23 of the Children (Scotland) Act 1995.

- 5 The complainant explained that her son had a high level of need and required intensive support and care throughout his waking hours. When distressed, he was prone to self-harm and trying to calm him during such episodes was becoming increasingly difficult the bigger and stronger he became. The current care package comprised a 52 weekend respite placement, but without support in the home during the week it was extremely difficult to meet her son's care needs, and those of his sibling.
- 6 The complainant believed that none of the various options which had been suggested by the social work service adequately met the needs of the family. The Section 23 assessment carried out in March 2014 suggested respite care each weekend, plus 12 hours support at home over the Monday – Friday was required. It was the view of the complainant that the level of care at home recommended in the assessment was not enough. She was a single parent and necessary activities such as meal preparation, readying the children for school, and the bedtime routine all presented very obvious challenges when trying to perform them single-handedly. Her son's need for one-to-one supervision also meant his sibling missed out on attention and age-appropriate activities. She had concerns that the risk-assessment elements of her son's assessment were not being adhered to, and added that strategies and techniques suggested by the Council and service providers were often devised for two or more people, and were not always practical for one person to implement successfully.
- 7 She indicated that 20 hours support at home, in addition to weekend respite care, would be considered sufficient to reasonably safeguard and promote the welfare of both her children.
- 8 In her written submission, the complainant explained that she felt that her son's case should be reviewed by an external body such as the Scottish Social Services Council, the Scottish Commissioner for Children and Young People, or the Care Inspectorate.
- 9 The members of the Committee and the Investigating Officer were given the opportunity to ask questions.
- 10 The Investigating Officer advised that the provision of services was determined by agreed eligibility criteria; currently only to those deemed to be in the critical and substantial categories. It was the view of the Children and Families Service that the complainant's son required a high level of support on an ongoing basis to keep him safe, help him realise his potential, and to minimise the impact of his disability on his younger sibling.
- 11 The Investigating Officer acknowledged that budgetary constraints could make it difficult to implement all the recommendations of a Section 23 assessment. Families requested what they needed, and service managers tried to match services as best they could.
- 12 Various offers had been made to the complainant following the assessment of March 2014, as detailed in the report by the Director of Children and Families. None of these matched the recommendations of the Section 23 assessment, or

the complainant's proposal, but did try to offer a range of options within the available resources, and according to her son's needs. She indicated that the Direct Payment route may offer the complainant closer to the level of at-home support she required.

- 13 She confirmed that the sections of the Chronically Sick and Disabled Persons Act 1970 referred to by the client had been superseded by the provisions of the Community Care Act 1990.
- 14 She further confirmed that the Council would be happy to have an external body review its decision, and reiterated that allocation of limited resources meant that it was difficult to provide everything families asked for in terms of support.
- 15 The members of the Committee and the complainant were given the opportunity to ask questions.
- 16 Following this, the complainant, their representative and the Investigating Officer withdrew from the meeting.

Recommendations

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

That the complaint is **not upheld**, for the reason that:

The Council have met the recommendations of the complainant's son's Section 23 assessment within the resources available. The complainant, liaising with the Council where required, should further explore using her existent care package in a way which meets the needs of the family in the most appropriate way.

Background reading/external references

Agenda, confidential papers and minutes for the Complaints Review Committee of 27 August 2015.

Links

Coalition pledges	P1	Increase support for vulnerable children, including help for families so that fewer go into care
Council outcomes	CO3	Our children and young people at risk, or with a disability, have improved life chances
Single Outcome Agreement	SO2	Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health
Appendices	None.	