

The City of Edinburgh Council

10am, Thursday 29 June 2017

Recommendations of the Social Work Complaints Review Committee of 24 May 2017

Item number	8.15
Report number	
Wards	All

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Sandra Mair

Chair, Social Work Complaints Review Committee

Contact: Veronica MacMillan, Committee Services

E-mail: veronica.macmillan@edinburgh.gov.uk | Tel: 0131 529 4283

Recommendations of the Social Work Complaints Review Committee of 24 May 2017

Summary

To refer to the City of Edinburgh Council recommendations of the Social Work Complaints Review Committee on consideration of a complaint against the social work service within Health and Social Care.

For decision/action

The Social Work Complaints Review Committee has referred its recommendations on complaints against the social work service within Health and Social Care to the City of Edinburgh Council 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 are required to be objective and independent in their review of responses to complaints.
- 2 The CRC met in private on 24 May 2017 to consider a complaint against the social work service within Health and Social Care. The complainant and the service representatives attended throughout.
- 3 The complainant remained dissatisfied with the Council's response to his complaint regarding the decision not to retrospectively fund adaptations the complainant had made to his bathroom to the cost of £3,000.
- 4 The complainant explained that he contracted meningitis in 1980 and as a result was medically retired shortly thereafter. His health had continued to deteriorate and he was required to use catheters up to 4 or 5 times per day and sometimes at night. It was important to do this in a sterile environment to prevent damaging infections which was why he arranged for alterations to his bathroom to be carried out as a matter of urgency.
- 5 The complainant advised that he had contacted the Council after the works had been completed on his bathroom to ask for a Home Improvement Grant to cover the costs of the works in June 2016. The complainant also advised that he requested the Council paid to install a shower unit. He was advised that he should not phone the Council and an inspector would come to his home instead.
- 6 The complainant further advised that an inspector came to his house in November 2016. The inspector did not look around the complainant's property

and was only there for a few minutes. On leaving, the inspector advised the complainant that he would not get a Council Tax reduction.

- 7 Members of the Committee were then given the opportunity to ask questions of the complainant.
- 8 The Presenting Officer advised that the complainant had had works carried out to his bathroom before an Occupational Therapy (OT) assessment could be completed or a Home Improvement Grant could be approved because of the need for a sterile environment.
- 9 The Presenting Officer explained that there was no record of the phone call that the complainant made to Social Care Direct in June 2016 to ask if he could claim back the cost of the works on his bathroom and that it was likely that the complainant had spoken to someone in the wrong department.
- 10 The Presenting Officer advised in August 2016 Social Care Direct contacted the complainant and were advised by the complainant that adaptations had been carried out to his bathroom because of his disability and he wanted to know if he was entitled to a grant to pay for the work. The complainant was advised that because an assessment was not carried out before the work was done payment could not be provided retrospectively.
- 11 The complainant, following a discussion in September 2016 with an Advice and Complaints Officer, requested the decision not to reimburse him for works carried out be given in writing. A letter dated 12 September 2016 was sent to the complainant.
- 12 The complainant remained dissatisfied with the decision and Council officers, including a Senior Occupational Therapist, arranged to visit the complainant at home to further explain the Council's policy. Discussion took place about the possibility of accessing a Home Improvement Grant to install an over bath shower to enable him to access the bath that was installed. The complainant advised that he did not wish to consider this at the time and was focussed on being reimbursed for works carried out on his bathroom.
- 13 The Presenting Officer advised that a further investigation found that aside from the provision of grab rails, the work carried out on the complainant's bathroom was an upgrade of the existing standard bathroom amenities which was deemed maintenance and an assessment had not been carried out before the work was done to establish if adaptations to the bathroom were required and eligibility for the associated grant had been met.
- 14 The Presenting Officer advised that as the complainant was in receipt of a higher rate of attendance allowance he would now be eligible for an assessment for a Home Improvement Grant for the installation of an over bath shower.
- 15 The Presenting Officer advised in relation to the visit that the complainant received at home from a City of Edinburgh Council staff member in November 2016 when the complainant was advised that he would not receive a Council Tax reduction, it was not within the gift of the statutory social work complaints process

to investigate an appeal against the decision to refuse an award of Council Tax Disabled Person Relief (DPR). This was a separate process.

- 16 Members of the Committee were then given the opportunity to ask questions of the Presenting Officer.
- 17 Following this, the complainant and the Presenting Officer withdrew from the meeting to allow the Committee to deliberate in private.

Recommendations

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

- 1) The Committee **did not uphold** the complaint set out at paragraph 2.1 of the report by the Chief Officer, Health and Social Care Partnership.
- 2) The Committee noted that the Council had a documented procedure that required a client to be assessed by an Occupational Therapist to ensure their needs for any adjustments to their property fully met the long term needs of the client. In this case the work done to improve the bathroom was done prior to any assessment being carried out. The Council had no authority to provide funding retrospectively as detailed in the Housing Scotland Act (2006) In addition, the work that was carried out on the bathroom did not meet long term mobility needs as the bathroom was a standard design and with only grab rails being installed.

The Committee felt they were unable to uphold the complaint to grant retrospective funding for the works carried out on the bathroom on the evidence presented.
- 3) The Committee were pleased to note that after an Occupational Therapy assessment had been carried out in November 2016, it was decided that the complainant was eligible for a Home Improvement Grant to install an over bath shower, a shower board and a swivel seat. This would meet the recommendations made by the complainant's doctor as described in Document 6 of the papers.
- 4) The Committee noted that the complainant had been receiving a higher rate of attendance allowance and recommended that the complainant was given an assessment with a view to ensuring he had appropriate support going forward.

Background reading/external references

Agenda, confidential papers and minute of the Complaints Review Committee of 24 May 2017.

Links

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Council outcomes

Single Outcome Agreement

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

Appendices

None.