STIRLING COUNCIL

10 APRIL 2008

COMPLAINTS REVIEW PANEL – HEARING OF COMPLAINT

1 SUMMARY

1.1 The Council are asked to consider the recommendations of the Complaints Review Panel following the hearing of a complaint which took place on 31 March 2008.

1.2 The National Health Service and Community Care Act 1990 inserted a Section in the Social Work (Scotland) Act 1968 Section 5B requiring local authorities to establish procedures for considering complaints by service users. In establishing these procedures, the Council must follow directions contained in the Social Work (Representations Procedure) (Scotland) Directions 1996 which make provision for the establishment of a review committee to process appeals.

1.3 On 31 March 2008 the Panel met to consider such a complaint. A copy of the minute of the meeting is appended (Appendix 1).

1.4 In accordance with Directions by the Secretary of State made under the legislation, the Panel must submit its recommendations to the Committee responsible for the subject matter of the complaint, which in this instance is the Council.

1.5 According to the legislation this has to take place as soon as reasonably practicable and within 56 days after the complainant has requested reference to the review committee.

1.6 An outline of the hearing is included below.

2 RECOMMENDATION(S)

2.1 It is recommended that the Council approve the decision of the Complaints Review Panel (detailed at point 3.9 below).
3. CONSIDERATIONS

Complaints Review Panel

3.1 In accordance with the Directions, the Council’s Social Work Complaints Procedure involves three stages. At the third stage, when every attempt to resolve a complaint has been made, a complainant has the right of appeal to the Complaints Review Panel.

3.2 Panel membership includes an independent Chairperson, and two Councillors (taken for each case from a pool of Councillors).

3.3 The role of the Panel is to examine objectively and independently the facts as presented by the complainant and the Authority, then to make a recommendation to either the Executive or Council.

3.4 The Panel functions in a slightly different way to other appeals/complaints panels and according to the Code of Practice the review committee should take any opportunities to resolve the complaint.

3.5 According to the Code of Practice, in considering recommendations from the Complaints Review Panel, the Committee should have regard to the standing of the Panel and only reject recommendations in exceptional circumstances.

The Hearing/Complaint

3.6 The Panel, at a hearing on 31 March 2008, considered a complaint by Mr C, in respect of services received from Stirling Council’s Community Services.

3.7 Mr C was not happy with the risk assessment carried out by the Occupational Therapist in respect of his mother-in-law.

3.8 The complainant advised that the service failed to offer and provide an assessment of his and his wife’s needs as carers.

3.9 The Panel’s decision was as follows.

Decision

The Panel agreed:

1) to uphold the Services view that the complaints made by the complainant had been responded to as fully as practical, however, that the risk assessment policies require to be reviewed and improved;

2) to acknowledge the Service had been reviewing assessment procedures and would like to endorse that this is thoroughly carried out in light of the complaint received, particularly around the issue of communication between Community Services and Environment Services; and

3) to note that Community Services had acknowledged that a Carers Assessment should have been carried out and recommends that Carers Assessments should be offered in all appropriate cases.
### 4. POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

<table>
<thead>
<tr>
<th>Policy Implications:</th>
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<tbody>
<tr>
<td>Diversity (age, disability, gender, race, religion, sexual orientation)</td>
<td>No</td>
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<tr>
<td>Sustainability (community, economic, environmental)</td>
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<td>Corporate/Service Plan</td>
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<td>Existing Policy or Strategy</td>
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<td>Risk</td>
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<td>Resource Implications:</td>
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<tr>
<td>Consultations:</td>
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<tr>
<td>Internal or External Consultations</td>
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**Policy Implications**

4.1 None.

**Resource Implications**

4.2 None.

**Consultations**

4.3 Chair of Complaints Review Panel.

4.4 Peter Farquhar, Principal Solicitor.

### 5. BACKGROUND PAPERS

5.1 Agenda and supporting papers for meeting of Complaints Review Panel – 31 March 2008.

**Author(s)**

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<tr>
<th>Name</th>
<th>Designation</th>
<th>Tel No/Extension</th>
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<tbody>
<tr>
<td>Michelle MacDonald</td>
<td>Committee Officer</td>
<td>2599</td>
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**Approved by**

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<tr>
<th>Name</th>
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<tr>
<td>Bob Jack</td>
<td>Director of Corporate Services</td>
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Date: 2 April 2008  
Reference: 

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STIRLING COUNCIL

MINUTES of MEETING of the COMPLAINTS REVIEW PANEL held in the BRUCE ROOM, OLD VIEWFORTH, STIRLING on MONDAY 31 MARCH 2008 at 6.00 pm.

PRESENT:

Mrs Chris BURNS (Chair)

Councillor Ian BROWN

Councillor David GOSS (Substitute)

In Attendance:

Mr Peter Farquhar, Principal Solicitor, Corporate Services
Mrs Michelle MacDonald, Committee Officer, Corporate Services (Clerk)

The Panel resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

CR1  HEARING OF COMPLAINT

Members of the Panel had before them a complaint against Social Work Services.

The complainant, Mr C, was present at the hearing. Ms Shiona Strachan, Development Manager, Community Services, and Mr Gavin Burt, Complaints Officer, were also present, representing the Authority.

The Chair and Members of the Panel introduced themselves and the Chair then outlined the procedures to be followed.

Mr C was asked to outline his complaint to the Panel.

Panel Members and the Authority’s representatives were given the opportunity to ask questions of the complainant.

Shiona Strachan and Gavin Burt presented the case for the Authority.
Panel Members and the complainant were given the opportunity to ask questions, following which both sides were asked to sum up their case.

Both parties then withdrew from the meeting to allow the Panel to consider the cases presented to them.

After the panel had deliberated all parties were recalled to hear the following decision. The decision of the Appeals Panel would be conveyed, in writing to both parties, within five working days of the date of the Hearing.

**Decision**

The Panel agreed:-

1) to uphold the Services view that the complaints made by the complainant had been responded to as fully as practical, however, that the risk assessment policies require to be reviewed and improved;

2) to acknowledge the Service had been reviewing assessment procedures and would like to endorse that this is thoroughly carried out in light of the complaint received, particularly around the issue of communication between Community Services and Environment Services; and

3) to note that Community Services had acknowledged that a Carers Assessment should have been carried out and recommends that Carers Assessments should be offered in all appropriate cases.

The Chair declared the meeting closed at 8.00 pm.