1 SUMMARY

1.1 The Council is asked to consider the recommendations of the Social Work Complaints Review Panel following the hearing of a complaint which took place on 17 May 2011.

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 17 May 2011 the Panel met to consider such a complaint. A copy of the Minutes of the Meeting is attached as Appendix 1 to this report.

1.4 In accordance with Social Work (Representations Procedure) (Scotland) Directions 1996 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 referral to the Review Committee. The Council is required to agree actions and to notify the complainer in writing of such decisions within 42 days from the date of recommendation by the Complaints Review Panel.

1.6 An outline of the hearing is included below.

2 OFFICER RECOMMENDATION(S)

The Council is asked:-

2.1 To note the decision of the Social Work Complaints Review Panel on 17 May 2011 as detailed in the Minutes included as Appendix 1.
2.2 To consider the recommendations of the Social Work Complaints Review Panel detailed below and determines whether to accept there, with or without modification, or reject them, giving reasons for their decision.

**Social Work Complaints Review Panel Decision**

The Panel agreed that the complaint had been dealt with according to the proper procedures and that due regard had been paid to the sensitive and confidential nature of the Child Protection Investigation.

However, it was clear that the complainant did not fully understand the nature of the proceedings that were underway, or his role in them. Moreover, the Panel acknowledged that this had caused the complainant some concern.

The Panel therefore recommends:

1. that the Service undergo a thorough review of the incidents which led to this complaint, focussing critically and reflexively on any individual or organisational learning that needs to take place (for example looking at training, procedures, and communication);

2. that following this review the Service take the necessary steps to ensure that all staff communicate effectively with everyone involved in Child Protection Investigations and take particular care to ensure that those involved understand the relevant roles and procedures fully; and

3. that the Service takes steps to ensure that everyone involved in a Child Protection Investigation, in whatever capacity, understands their rights and responsibilities in the process.

**3 CONSIDERATIONS**

**Social Work Complaints Review Panel**

3.1 In accordance with Social Work (Representations Procedure) (Scotland) Directions 1996, 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 Social Work 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, and then to make a recommendation to the Council.

3.4 The Panel functions in a slightly different way to other Appeals/Complaints Panels and, according to the Social Work (Representations Procedure) (Scotland) Directions 1996 the Review Committee should take any opportunities to resolve the complaint.
3.5 According to the Social Work (Representations Procedure) (Scotland) Directions 1996, in considering recommendations from the Social Work Complaints Review Panel, the Committee (in this instance Council) should have regard to the standing of the Panel and only reject recommendations in exceptional circumstances.

3.6 Should Council disregard the recommendations of the Social Work Complaints Review Panel, then reasons must be published in the minutes and given to the complainer in writing with advice on what steps may be taken with regard to the complaint.

The Hearing/Complaint

3.7 The Panel, at a hearing on 17 May 2011, considered a complaint by Mr McM, in respect of lack of communication which he had received from Social Care throughout a Child Protection case involving a member of his family.

3.8 The Complainant felt that he was not made fully aware of the nature of the proceedings which had taken place, and that there was a severe lack of communication from Social Care.

3.9 The Panel’s decision was as follows:-

“Decision

The Panel agreed that the complaint had been dealt with according to the proper procedures and that due regard had been paid to the sensitive and confidential nature of the Child Protection Investigation.

However, it was clear that the complainant did not fully understand the nature of the proceedings that were underway, or his role in them. Moreover, the Panel acknowledged that this had caused the complainant some concern.

The Panel therefore recommends:

1. that the Service undergo a thorough review of the incidents which led to this complaint, focussing critically and reflexively on any individual or organisational learning that needs to take place (for example looking at training, procedures, and communication);

2. that following this review the Service take the necessary steps to ensure that all staff communicate effectively with everyone involved in Child Protection Investigations and take particular care to ensure that those involved understand the relevant roles and procedures fully; and

3. that the Service takes steps to ensure that everyone involved in a Child Protection Investigation, in whatever capacity, understands their rights and responsibilities in the process.”

3.10 Council is invited to consider the Social Work Complaints Review Panel’s recommendations.
4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

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<tr>
<th>Policy Implications</th>
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<tbody>
<tr>
<td>Equality Impact Assessment</td>
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<td>Strategic Environmental Assessment</td>
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<tr>
<td>Single Outcome Agreement</td>
<td>Yes</td>
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<tr>
<td>Diversity (age, disability, gender, race, religion, sexual orientation)</td>
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<td>Sustainability (community, economic, environmental)</td>
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<td>Effect on Council’s green house gas emissions</td>
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<td>Strategic/Service Plan</td>
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<td>Existing Policy or Strategy</td>
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<td>Land and Property or IT Systems</td>
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<th>Consultations</th>
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<td>Internal or External Consultations</td>
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Equality Impact Assessment

4.1 The procedure presented in this report was considered under the Council’s Equalities Impact Assessment process and was assessed as not relevant for the purposes of Equality Impact Assessment.

Strategic Environmental Assessment

4.2 The procedure of this report were considered under the Environmental Assessment (Scotland) Act 2005 and a Strategic Environmental Assessment is not required.

Single Outcome Agreement

4.3 The report supports the objectives of Strategic Theme A: Making services better.

Other Policy Implications

4.4 Following consideration of the policy implications of this report no relevant issues have been identified.

Resource Implications

4.5 There are resource implications on staff time to undergo training.
Consultations

4.6 Chair of Social Work Complaints Review Panel.

4.7 Legal Services.

Council and Executive Only

Tick (✓) to confirm

| The appropriate Portfolio Holder(s) has been consulted on this report | N/A |
| The Chief Executive/appropriate Assistant Chief Executive(s) has been consulted on this report | N/A |

5 BACKGROUND PAPERS

5.1 Exempt Agenda and supporting papers for the Meeting of the Social Work Complaints Review Panel held on 17 May 2011.

6 APPENDICES


Author(s)

<table>
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<tr>
<th>Name</th>
<th>Designation</th>
<th>Telephone Number/E-mail</th>
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<tbody>
<tr>
<td>Michelle MacDonald</td>
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<td></td>
<td></td>
<td><a href="mailto:macdonaldm3@stirling.gov.uk">macdonaldm3@stirling.gov.uk</a></td>
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Approved by

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<tr>
<th>Name</th>
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<tr>
<td>Hazel McMorrow</td>
<td>Head of Governance</td>
<td>Hazel McMorrow</td>
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Date      20 May 2011  Service Reference  

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STIRLING COUNCIL

MINUTES of MEETING of THE SOCIAL WORK COMPLAINTS REVIEW PANEL held in the
BRUCE ROOM, OLD VIEWFORTH, STIRLING on TUESDAY 17 MAY 2011 at 10.30am

Present

Professor Kirstein Rummery (Chair)
Councillor Neil BENNY
Councillor Paul OWENS

IN ATTENDANCE

Peter Farquhar, Principal Solicitor, Governance
Michelle MacDonald, Committee Officer, Governance (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 Paragraphs 3 and 4 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973.

CR5. HEARING OF COMPLAINT AGAINST SOCIAL WORK SERVICES

Members of the Panel had before them a complaint against the Social Care Service (Social Work).

The Complainant, Mr McM, was present at the hearing and accompanied by his daughter. Also present, representing the Authority, were Michael Grassom, Interim Service Manager – Social Care and Gavin Burt, Complaints Officer.

The Chair introduced Members of the Panel and Officers and invited the complainant and Authority to introduce themselves. She then outlined the procedures to be followed.

Mr McM 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.

Michael Grassom 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.

The Complainant, his daughter and the Authority’s representatives left the meeting at 12.25 pm to allow Members of the Panel to consider the information presented. At 2.00 pm, these individuals were invited back to the meeting to be informed of the Panel's decision.

Decision

The Panel agreed that the complaint had been dealt with according to the proper procedures and that due regard had been paid to the sensitive and confidential nature of the Child Protection Investigation.

However, it was clear that the complainant did not fully understand the nature of the proceedings that were underway, or his role in them. Moreover, the Panel acknowledged that this had caused the complainant some concern.

The Panel therefore recommends:

1. that the Service undergo a thorough review of the incidents which led to this complaint, focussing critically and reflexively on any individual or organisational learning that needs to take place (for example looking at training, procedures, and communication);

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3. that the Service takes steps to ensure that everyone involved in a Child Protection Investigation, in whatever capacity, understands their rights and responsibilities in the process.

The Chair declared the Meeting closed at 2.20 pm