

# STIRLING COUNCIL

**MINUTES of MEETING of the SOCIAL WORK COMPLAINTS REVIEW PANEL held in the WALLACE ROOM, OLD VIEWFORTH, STIRLING on WEDNESDAY 1 JUNE 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.**

## **CR6. 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 McN, was present at the hearing and accompanied by his representatives, Mr and Mrs M. Ms Joan Hutcheson, Corporate Complaints Officer, Stirling Council was also present as a witness for the complainants. Also present, representing the Authority, were Shiona Strachan, Interim Head of Social Care, Grant Alexander, Advice Service Manager and Gavin Burt, Complaints Officer.

The Chair invited all those present to introduce themselves. She then outlined the procedures to be followed. The Chair further advised that due to the complexity of the complaint that the Panel would issue its decision to all parties in writing within 5 working days.

Prior to the start of the meeting Mrs M advised that the complainants felt intimidated by the number and seniority of officers who were present representing the Authority.

The Chair advised that she understood the feelings of the complainant however felt it important that the officers remained in order that they could answer questions throughout the meeting.

Mrs M was asked to outline the complaint to the Panel.

Panel Members and the Authority's representatives were given the opportunity to ask questions of the Complainant.

Gavin Burt, Shiona Strachan and Grant Alexander presented the case for the Authority.

Panel Members, the Complainant and the Complainants Representatives were given the opportunity to ask questions.

Ms Hutcheson provided the Panel with a brief summary as to how she became involved in the Social Work Complaints procedure and summary of the report which she had prepared for Social Care for consideration. Panel Members, the complainants representatives and the Authority's representatives were given the opportunity to ask questions of Ms Hutcheson.

*The Panel adjourned for lunch at 12.30pm and agreed to reconvene at 1.00pm.*

*The Panel reconvened with the same Panel Members, Officers, Complainant and Complainants representatives and witness present.*

On reconvening the Panel and the Complainants representatives asked the authority a series of questions relating to the complaint.

The Complainant, his representatives and witnesses and the Authority's representatives left the meeting at 1.55 pm to allow Members of the Panel to consider the information presented.

### **Decision**

The Panel agreed that the complaint had been dealt with according to the proper procedures and that the Chief Social Work Officer's decision not to apply a discretionary disregard had been in accordance with legal requirements. However, it was clear that there had been a severe lack of providing prompt responses to the complainant, and to responding to corrections to misinformation provided by the family within a reasonable timeframe, and lack of acknowledgement that the family were acting in good faith which could have led to this matter being determined some time ago and with considerably less stress and inconvenience for the family.

### **The Panel therefore recommends to Council:**

1. to note that the Chief Social Work Officer rightly acknowledged the Service's failings in communicating throughout the complaints procedure but a further apology should be issued on the Council's behalf for the way in which the family had been treated throughout the complaints procedure as a result of delays in responses given and the tone of correspondence, given the family had acted in good faith;
2. that the Service produce draft policy guidelines for use when exercising discretion to disregard premises in financial assessments, in accordance with Section 7.007 of the Revised Guidance on Charging for Residential Accommodation (CRAG Guidelines), and that these policy guidelines be submitted to the relevant Council Committee;
3. that an ex-gratia payment be made to cover the fees which had accumulated for the outstanding care home payments up to the end of June 2011 and for the stress and inconvenience including the presumption that the family were not acting in good faith which had been placed on the family throughout the complaints procedure.

The Chair declared the Meeting closed at 3.15 pm