

The Highland Council

ADULT AND CHILDREN'S SERVICES COMMITTEE 15 January 2014

Agenda Item	15.
Report No	ACS/14/14

Complaints Review Committee Outcome

Joint Report by Depute Chief Executive and Director of Health & Social Care

Summary

The purpose of this report is to set out the findings and recommendations following a Complaints Review Committee held on 20 August 2013. The report also provides Members with an overview of the complaints process, and highlights to members the requirement for decisions of the Complaints Review Committee to be reported to the Adult and Children's Services Committee.

1 Background

- 1.1 The right of Health and Social Care service users and their carers or representatives to make a complaint relating to social work services is contained in Section 52 of the National Health Service and Community Care Act 1990, which inserted Section 5B into the Social Work (Scotland) Act 1968, requiring local authorities to establish procedures for considering complaints about the discharge of their social work functions. Directions for establishing such procedures are set out in the Social Work (Representations Procedure) (Scotland) Directions 1996.
- 1.2 The Social Work Directions outline a three stage process for complaints, where complainants can request that their complaint be reviewed by an independent panel should they remain unhappy with the outcome of the formal response to their complaint at stage 2 of the process. This independent panel is called a Complaints Review Committee and its membership consists of 2 lay members and a lay Chairperson.
- 1.3 The Complaints Review Committee formally reports its decisions on matters relating to Highland Council services, to the Adult and Children's Services Committee of The Highland Council.

2 Introduction

- 2.1 The complainant originally made a complaint to the team manager of a Community Mental Health team in March 2011, in relation to alleged prejudice on the part of the Service during and following a joint assessment. A response to the complaint at stage 1 was provided on 28th March 2011 and the complaint made was not upheld.

- 2.2 The complainant escalated the complaint to Stage 2 at the end of 2011, and through a number of meetings with the complainant an investigating officer identified 12 separate points. These complaints largely focused on the Service's alleged prejudice towards the complainant, and the actions and records that followed from that alleged prejudice.
- 2.3 A comprehensive investigation was carried out with a detailed investigation report forming part of the response, provided by the Director of Health and Social Care on 10th May 2012. Two points of complaint were upheld in full, with 2 other aspects partially upheld. These related to the use of pejorative language or inaccuracies in the social work record without appropriate justifications being made by the Service.
- 2.4 Apologies were made to the complainant by the Director of Health and Social Care in respect of the points of complaint that were upheld or partially upheld, and corrections to case notes were made where appropriate.
- 2.5 The complainant then wrote on 23 May 2012, requesting that the complaint be reviewed by the Complaints Review Committee.

3 The Complaints Review Committee

- 3.1 The Complaints Review Committee considered only the complaints that had not been upheld, noting the Service's apology to the complainant for the complaints that had been upheld.
- 3.2 The Committee considered the investigation report provided by the Service, and in the absence of any other information provided by the complainant, supported the conclusions reached therein.
- 3.3 The Committee did not accept that the actions of the Service had been prejudicial, although it also stated that workers should be careful to ensure that language used in a social work record and when sharing information is not pejorative.
- 3.4 The Complaints Review Committee did not uphold any aspect of the complaint.

4 Recommendations of the Complaints Review Committee

- 4.1 The Committee made only one recommendation:

"It should be made clear to complainants at all stages whether what they hope to achieve when making a complaint is realistic or attainable. For example, it is unlikely that pursuing a complaint will result in financial compensation, or will directly impact on the outcome of disciplinary investigations."

Recommendations

Members are asked to note that the Complaints Review Committee met to consider this case, the findings and the recommendation.

Bill Alexander
Director of Health and Social Care

Michelle Morris
Depute Chief Executive

Date 16 December 2013

Author/Reference Bill Alexander, Director of Health and Social Care