

## The Highland Council

### Education, Children and Adult Services Committee 18 May 2016

Agenda Item	20ii.
Report No	ECAS 48/16

#### Complaints Review Committee Outcome

#### Report by the Depute Chief Executive/Director of Corporate Development and the Director of Care and Learning

##### Summary

The purpose of this report is to set out the findings and recommendations following a Complaints Review Committee held in February 2016. 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 Education, Children and Adult Services Committee.

#### 1. Background

- 1.1 The right of Care and Learning 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 1990.
- 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 to the Education, Children and Adult Services Committee of The Highland Council.

#### 2. Introduction

- 2.1 The original complaint relates to services offered to the complainants regarding the care of their child who requires support to meet her needs. This support is provided by way of Self Directed Support payments. In January 2015, the introduction of the new Resource Allocation System resulted in a significant drop in the sum of money received by the complainants. The complainants did not accept that their child's needs had changed in this period and, accordingly, took the view that the reassessment was financially driven rather than about the needs of their daughter.
- 2.2 The complaint was first made in August 2015 and due to the complexity of the case was investigated at Stage 2 of the complaints process by a Children's Services Manager.

### 3. The Investigation

- 3.1 The complaint was dealt with at stage 2 of the complaints process and an investigating officer was appointed, who met with the family to discuss the points of their complaint.
- 3.2 The points of complaint were identified as:-
1. The Resource Allocation System was not an appropriate method for assessing their child's level of need.
  2. A Carer's Assessment requested 18 months ago had not been carried out.
  3. Incorrect information around the Self Directed Support accounts being carried out and failure to return receipts.
  4. Unreasonable advice was given around supporting staff tax returns.
  5. Discontent with the quality of the Child's plan and some of the process around its development.
  6. A plan for another child was sent to the complainant 2 years prior.
- 3.3 The investigating officer reviewed all previous correspondence and documentation relating to the case and spoke with relevant parties to enable her to complete a report to the Head of Service.
- 3.4 The Children's Services Manager wrote to the complainants on 12 October 2015 setting out the findings of the investigation. Points 2, 3, 5 and 6 were **upheld**. Points 1 and 4 were **not upheld**.
- 3.5 In a note dated 9 November 2015, the complainants indicated they were unhappy with the response and wished the complaint to be escalated to a Complaints Review Committee.

### 4. The Complaints Review Committee

- 4.1 The Committee agreed to review complaints 1 and 4 on the grounds that the other points of complaint had been upheld.
- 4.2 In respect of complaint point 1, the Committee heard that the Resource Allocation System operated on the basis of consideration for funding once an assessment of need had been prepared by the Social Worker for the service user. The system was introduced to bring equity to funding allocation across Highland. They heard that a considerable amount of planning had been undertaken prior to the implementation of the system. Events had been held and literature distributed explaining the new system to parents. The family had appealed but on the basis that Resource Allocation System was not an appropriate assessment tool had refused to engage with the appeal process. The Committee were satisfied that the Service had endeavoured to make the situation clear to parents and accordingly this complaint was **not upheld**.
- 4.3 In respect of complaint point 4, the Committee heard that the family had asked for advice about tax and national insurance matters in relation to employees they used for the care of their child. The social worker had explained that they were not an expert in the matters raised by the complainants and suggested that they contact SPAEN, a specialist broker that provides advice to families receiving direct payments and self-directed support. The Committee were satisfied that, given the family had been in receipt of Direct Payments for over 9 years, they would have

some knowledge of the processes involved. The advice was considered appropriate and accordingly, this complaint was **not upheld**.

## **5. Conclusions**

5.1 The Committee understand the need to change policy, particularly where this ensures parity across Highland. They noted, however, that where changes are required, it is imperative that the changes are fully understood by families. The Committee supported the need for the advice sessions they were advised about that provided clarity on the new system for families.

5.2 The Committee also commented on the need for a good relationship between social workers and families, noting that the relationship in this case had broken down. Although the Committee had not investigated the conduct of the worker in this case they accepted that further training in the Resource Allocation System may be required and they recommended that if necessary such training should be arranged.

## **6. Committee Recommendations**

6.1 Provide advice sessions for parents where changes to policy are required.

6.2 Provide further training in the Resource Allocation System for the social worker if necessary.

## **7. Recommendation**

7.1 Members are asked to :

- Note that the Complaints Review Committee met to consider this case, and the findings.
- Note the recommendations made by the Complaints Review Committee

**Designation:** Depute Chief Executive/Director of Corporate Development  
Director of Care and Learning

**Date** 6 May 2016