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**Report to Council**

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**Date: 28th January 2010**

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**Subject: Social Work Complaints Review Committee Meeting**

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**Report by: Head of Administration and Legal Services**

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**1.0 Purpose**

- 1.1. The Social Work Complaints Review Committee met on November 30<sup>th</sup> 2009. Following that meeting, the findings and recommendations require to be reported to Council, and that is the purpose of this report.

**2.0 Recommendations**

- 2.1. It is recommended that Members consider and endorse the findings and recommendations of the Social Work Complaints Review Committee.

**3.0 Considerations**

- 3.1. Complaints made to the Council in relation to the delivery of social work services are, in the main, dealt with and resolved by managers responsible for the service areas involved. Where complaints are not resolved at this level they can be reviewed by the Service's Complaints Officer and/or a senior manager. Where, for whatever reason, resolution has not been possible within the Service, the matter may be referred to a Social Work Complaints Review Committee.
- 3.2. Clackmannanshire Council's complaint procedures were established to meet the requirements of The Social Work (Scotland) Act 1968 (Section 5B) and the Social Work (Representations and Procedure) (Scotland) Directions 1996. The Complaints Review Committee forms part of those procedures.
- 3.3. To ensure objectivity, members of a Complaints Review Committee should be experienced and knowledgeable in relation to social work matters and, as far as possible, independent. On this occasion, the Committee was comprised of three independent people with experience in social work.
- 3.4. The following sections of the report provide details on the background to the complaint. The paper attached (Appendix A ) summarises the Committee's findings and recommendations.

- 3.5. **Background** - In May 2008, child 'A' (male, with identified complex needs) was placed by social workers in the home of a relative. The existing household consisted of two adults and two younger children (females). Their accommodation was a flat with two bedrooms. The adult partner of the boy's relative was the owner of the property, and the main provider for the household. This individual first began complaining to Social Services in September 2008. There were delays in responding to the letters of complaint submitted, but the complainer met with the Service's Complaints Officer (5<sup>th</sup> February 2009), was sent a case review letter by the Head of Social Services (16<sup>th</sup> March 2009), and met with the Director of Services to People (18<sup>th</sup> June 2009). The complainer remained unsatisfied with the responses received. A date for the Review Committee meeting was set for November 30<sup>th</sup> 2009.
- 3.6. The complaint featured nine areas where dissatisfaction was expressed, and these are detailed in the Appendix to this report along with the Committees findings and recommendations.
- 3.7. The Head of Social Services has accepted, and implemented the Committee's recommendations.

#### 4.0 Sustainability Implications

- 4.1. None

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

- 5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

##### 5.3. *Staffing*

There are no staffing issues.

#### 6.0 Exempt Reports

- 6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities 2008 - 2011** (Please tick )

- The area has a positive image and attracts people and businesses
- Our communities are more cohesive and inclusive
- People are better skilled, trained and ready for learning and employment

- Our communities are safer
- Vulnerable people and families are supported
- Substance misuse and its effects are reduced
- Health is improving and health inequalities are reducing
- The environment is protected and enhanced for all
- The Council is effective, efficient and recognised for excellence

**(2) Council Policies** (Please detail)

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

**9.0 Legality**

9.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

10.1 Appendix 1 details the complaint, the Committee's findings, and the Committee's recommendations.

**11.0 Background Papers**

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

**Documents - correspondence held on relevant complaints file**

**Author(s)**

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Rod Richardson	Principal Admin. Officer	2103

**Approved by**

NAME	DESIGNATION	SIGNATURE
Peter Broadfoot	Head of Administration and Legal Services	
Angela Leitch	Chief Executive	



CLACKMANNANSHIRE COUNCIL - SSCRC 30 NOVEMBER 2009

FINDINGS AND RECOMMENDATIONS

\* *Words in italics have been inserted as substitutes to help ensure anonymity.*

1. *Child A* was sent to my home, without any prior consultation with me, yet I was one of the couple who were to look after him. I am also the flat owner and wage-earner of the household.

Finding:

The Committee recognised the Chief Social Work Officer's acceptance of the complaint that the complainer should have been spoken to directly in order to be sure of *the complainer's* views on *child A's* placement in the home.

Recommendation:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainer*.

2. No assessment was made of the suitability of the accommodation. We have only two bedrooms and *child A's* arrival put us under severe pressure.

Finding:

The Committee considered that the response from the Chief Social Work Officer dated 16 March 2009 is not sufficiently clear and no evidence was made available to the Committee to confirm that there had been any assessment of the suitability of the accommodation.

Recommendation:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainer*.

3. No assessment took place of the impact of *child A's* arrival on the existing children in the household (*two younger girls*). They had the right to have their welfare considered. Their having to watch *child A's* abusive behaviour towards *my partner* is an abuse of them.

Finding:

The Committee upheld the complaint that no assessment took place in relation to the impact on the existing children in the household at the time of *child A's* placement. The response from the Chief Social Work

Officer dated 16 March 2009 is not sufficiently clear and no supporting evidence was made available to the Committee to confirm that there had been any assessment of the impact on the existing children in the household.

Recommendation:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainer*.

4. No effort was made by social workers to get to know the individuals in the household - their life stories, their roles within the household - and to work out whether this was, in fact, a household where *child A's* needs could be met.

Finding:

The Committee's view was that this point was inseparable from point 3 above. The Committee upheld the complaint that no assessment was made of the impact on the members of the household at the time of *child A's* placement. The Chief Social Work Officer's response dated 16 March 2009 is not sufficiently clear and no supporting evidence was made available to the Committee to confirm that there had been any assessment of the impact on the existing children in the household at the time of the placement.

Recommendation:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainer*.

5. *A social worker (identified)* was unwilling to speak to me when I sought advice and support, saying that I was not a relevant person for social work to talk to about *child A*. Meanwhile, I was one of the two people caring for *him* on a daily basis.

Finding:

This complaint was not addressed in the Chief Social Work Officer's response dated 16 March 2009. The Committee noted that the Chief Social Work Officer was not able to produce any relevant records which may have provided evidence as to whether or not the alleged conversations took place. *The complainer* was also unable to produce evidence to corroborate the claim.

In the absence of evidence, it was not possible for the Committee to draw a conclusion and it was, therefore, unable to make a determination on this aspect of the complaint.

Recommendation:

The Committee recommends that no further action is taken in respect of this matter.

6. No meaningful support was given to us, even when we asked for this. The medical care *child A* needed was not put in place over a period of months; no support was offered as we struggled to deal with *child A's* behavioural issues; financial arrangements were inadequate during much of the time, which made life difficult and worrying in our low-income household. *Child A* was not even provided with a bed during the five months he spent with us.

Finding:

(a) **Medical Care**

The Committee upheld the response from the Chief Social Work Officer dated 16 March 2009 in that it accepted the evidence that a medical assessment had taken place on 28 May 2008 and appropriate referrals were made thereafter. The Social Work Service had acted upon earlier concerns raised in relation to *child A's problems* and although efforts to engage with his birth family were unsuccessful, concerns were raised again when he was removed from their care in 2008.

Recommendations:

The Committee recommends that no further action is taken in respect of this matter.

(b) **Behavioural Issues**

In the Chief Social Work Officer's response dated 16 March 2009, there is conflicting information in relation to the acknowledgement that *the two adults in the household* were undertaking a "difficult caring role" in relation to *child A*, and, yet, the letter goes on to state that "at no time during these (home) visits (by the Social Worker) was *child A's* behaviour described as 'troublesome'. The Committee upheld the complaint that no support was offered to deal with *child A's* issues.

Recommendations:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainant*.

(c) **Financial Issues**

The Committee upheld the complaint that financial arrangements were inadequate in the circumstances. The Committee determined that there were support options (including the potential for financial

provision) which may have been more responsive to the needs of the family.

Recommendations:

The Committee recommends that the Council should formally acknowledge service deficiencies and offer a clear apology to *the complainer*.

7. No attempt was made to find out in what ways other members of *child A*'s family, apart from *my partner*, could contribute to his care. Social Workers put *my partner* under pressure to continue to look after *child A* by painting a totally negative picture of what his life would be if he did not remain with them.

Finding:

The Committee upheld the Chief Social Work Officer's response dated 16 March 2009 which confirms that contact was made with *child A*'s paternal grandfather. The Committee accepted the Chief Social Work Officer's comment that there had been no contact with other family members because *my partner* had expressed a determination to provide care for *him*. The complaint was not upheld as the Committee had no evidence to support the assertions made.

Recommendation:

The Committee recommends that no further action is taken in respect of this matter.

8. When I said I was unable to parent *child A* on a long-term basis, social workers supported the break-up of our family unit, despite the fact that *my partner* clearly stated that *they* did not wish to leave me. They offered to pay the deposit on a flat, and the cost of furnishing one if this was required. Contrast this with the previous failure to supply even a bed for *child A*. Was this discrimination against a same-sex couple? If not, what was the reason for supporting the break-up of a 10 year relationship, with all this would involve for *the two girls*?

Finding:

The Committee accepted the Chief Social Work Officer's response dated 16 March 2009 that more should have been done by Social Work Services to help the *complainer* and *their partner* be confident about their future commitment to each other, to *child A* and the girls.

In arriving at this conclusion, however, the Committee took into account a letter dated 25 October 2008 from *the complainer* to the Chief Social Work Officer which stated that (*the complainer*) decided that they "were unable to take on the responsibility of bringing up a third child". They



went on to state that "*My partner*, however, does not wish *child A* to leave *their* care, and the outcome is that *my partner*, has decided to move out, taking the three children."

(a) **Break Up of the Family Unit**

Finding:

The Committee upheld the Chief Social Work Officer's response dated 16 March 2009 in which the *complainer* stated that interpreting support to *their partner* as supporting the break-up of the family unit "was misleading, as *they were* clear in *their* request for *child A* to be found another home until *they were* able to secure appropriate accommodation".

Recommendation:

The Committee recommends that no further action is taken in respect of this matter.

(b) **Discrimination against a same-sex couple**

Finding:

The Committee heard no evidence which supported a view that there had been any form of discrimination in this case. The Committee upheld the Chief Social Work Officer's response dated 16 March 2009 that there was no evidence to support a finding of discrimination against a same-sex couple.

Recommendation:

The Committee recommends that no further action is taken in respect of this matter.

9. *Child A's* medical problem was reported to the Social Services Department by *my partner* in August 2007. He has still not received treatment for his problem.

Finding:

The Committee upheld the response from the Chief Social Work Officer dated 16 March 2009 in that it accepted the evidence that a medical assessment had taken place on 28 May 2008 and appropriate referrals were made thereafter. The Social Work Service had acted upon earlier concerns raised in relation to *child A's condition*.

Recommendation:

The Committee recommends that no further action is taken in respect of this matter.

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*The complainer* has, particularly in the letter of 28 March 2009, confirmed that the desired resolution to the complaint is an appropriate apology. In correspondence from officers, and most recently in the submission to the Committee by Mr Jim Burke (Senior Social Services Manager), there have been acknowledgements of service deficiencies, and apologies have been offered to *the complainer*. The Committee is, however, of the view that where an apology is appropriate it should be formally made and be presented in a way which is clear and directly relevant to the issues.