

**Social Work Complaints Review Panel - Membership****Report by John Blair, Director, Corporate Resources****1 Purpose of Report**

This report invites the Council to update elected member representation on the Social Work Complaints Review Panel (SWCRP) and note discussions ongoing at national level which might potentially result the role of the SWCRP being transferred to the Scottish Public Services Ombudsman (SPSO).

**2 Background****2.1** The SWCRP comprises 3 members as follows:-

- an independent person to chair the meeting drawn from a panel of persons appointed by the authority in accordance with the Social Work (Representations Procedure)(Scotland) Directions 1996; and
- 2 members drawn from a pool of 4 Cabinet elected members (but excluding the portfolio-holder for Social Work and Health).

**2.2** The pool of 4 Cabinet elected members from whom the 2 elected members are to be drawn was agreed by Council on 22 May 2012 as:-

Councillor Bryant  
Councillor Constable  
Councillor Thompson  
Councillor de Vink (now resigned from Cabinet)

**3 Meeting of SWCRP on 10 June 2013****3.1** A meeting of the SWCRP was scheduled for Monday 10 June 2013, but because of conflicts of interest neither Councillor Bryant nor Councillor Thompson were able to participate. In the circumstances, and to allow the meeting to proceed, the Chief Executive authorised Councillor Beattie's participation given that the remaining Cabinet member, Councillor Johnstone, was ineligible on account of being the portfolio-holder for Social Work and Health.**3.2** The Council is accordingly now asked to authorise Councillor Beattie's appointment to the pool of Cabinet members from whom members of the SWCRP are drawn.**3.3** In accordance with the procedure for hearing Social Work client complaints, the SWCRP makes recommendations in writing (via the minutes) to the Cabinet as soon as reasonably practicable after the review, and the local authority must agree actions and notify the complainer in writing of decisions within 42 days from the date of recommendation by the Review Panel.

- 3.4** Given that the next meeting of the Cabinet will not take place until after the summer recess, it is proposed in order to meet the 42 day deadline referred to above, that the minutes of the SWCRP of 10 June be presented to today's meeting of the Council instead.
- 3.5** There would in any event have been difficulty in the Cabinet hearing the SWCRP's recommendations in this particular case owing to the fact that four of the five members would have either sat on the Panel or had an interest. Accordingly, it is recommended in future that on any occasions where a similar situation arises which prevents Cabinet consideration, the recommendations of the SWCRP be presented to Council instead.

#### **4 Future of the SWCRP**

- 4.1** A key finding of the Crerar Review of regulation, audit, inspection and complaints handling of public services in Scotland, was that complaints processes were not always accessible or easy to use, were often complex and too variable in their content.
- 4.2** In response to the Crerar Review, Scottish Ministers established a number of groups to consider the recommendations in more detail, including the Fit for Purpose Complaints System Action Group (FCSAG). The report of this group, known as the Sinclair report, was published in July 2008, and provided Ministers with proposals for simplifying public service complaints handling processes, including recommendations that were specific or relevant to social work complaints.
- 4.3** One of the Sinclair report's recommendations in relation to social work was that Government should consider:-
- Transferring the role currently performed by local authority Complaints Review Committees (CRCs) for social work to the Scottish Public Services Ombudsman (SPSO).
- 4.4** The report expanded on this recommendation as follows:-

*"The SPSO should take on the role of social work Complaint Review Committees (CRC). The current systems are based on statutory guidance from 1996, which gave each local authority scope to interpret how it should apply the rules. This has led to several different approaches being taken, and introduced complexity for consumers, and now needs simplification and updating. Government had already been considering reviewing the standard guidance issued to local authorities for handling social work complaints. A standardised system, within the SPSO would make the link between outcomes and improvements more consistent across the country and might possibly address the potential imbalance between the experience of complainants in larger and smaller authorities."*

*"[This would] ... make the overall process simpler and more consistently applied across councils. There needn't be any reduction in influence by social work or education professionals: any transfer of functions would be dependent on Chief Executives still being able to call on professional advice in determining cases at the local authority level."*

- 4.5** In response to the Sinclair report, the Public Services Reform (Scotland) Act 2010 gave the SPSO the authority to lead the development of simplified and standardised Complaints Handling Procedures (CHPs) across the public sector. As a consequence a new model Complaints Handling Procedure now applies to all local authorities and all local authority services **with the exception of social work services.**
- 4.6** The position regarding social work is currently being looked at by a working group at national level and no changes have meantime been proposed to the arrangements for the SWCRP, which remain as before.
- 4.7** In the event of any change a further report will be submitted to Council in due course advising of the outcome.

## **5 Report Implications**

### **5.1 Resource**

There are no resource implications arising from this report.

### **5.2 Risk**

Having suitable arrangements in place to allow meetings of the SWCRP to be convened assists the Council in meeting its obligations under the Social Work (Representations Procedure)(Scotland) Directions 1996.

### **5.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☒ Adult health, care and housing
- ☒ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

### **5.4 Impact on Performance and Outcomes**

None

### **5.5 Adopting a Preventative Approach**

None

### **5.6 Involving Communities and Other Stakeholders**

None

### **5.7 Ensuring Equalities**

None

### **5.8 Supporting Sustainable Development**

None

### **5.9 IT Issues**

None.

## 6 Recommendations

The Council is invited to:-

- (a) appoint Councillor Beattie to the pool of Cabinet members from whom members of the SWCRP are drawn;
- (b) agree that in circumstances where because of timescale and/or disbarment of Cabinet members from hearing the recommendations of the SWCRP, these be presented to Council instead; and
- (c) note the discussions ongoing at national level which might potentially result the role of the SWCRP being transferred to the Scottish Public Services Ombudsman (SPSO).

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