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**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL  
DEVELOPMENT COMMITTEE 31 MARCH 2021**

**SUBJECT: SPSO REPORT ON CONTINUING CARE AND TRANSITIONS**

**BY: CHIEF OFFICER HEALTH AND SOCIAL CARE**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that as an outcome of a parental complaint made to the Scottish Public Services Ombudsman (SPSO), which was upheld, the actions required of the authority, have concluded.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

**2. RECOMMENDATION**

- 2.1 It is recommended that the Committee considers and notes that:-
- (i) the revised policies for transitions and for continuing care were approved at Education, Communities and Organisational Development Committee on 3 February 2021 (para 19 and 20 of the draft minute refers);
  - (ii) throughout March 2021 there have been briefing sessions for staff; and
  - (iii) the SPSO have acknowledged completion of all actions.

**3. BACKGROUND**

- 3.1 The SPSO are a Government agency that investigate complaints when a complainant remains dissatisfied with a Council's response. Report 201811019 – Social Work/ Continuing Care relates to a complaint made by a parent on behalf of her child. The investigation report can be accessed at the following <https://www.spsso.org.uk/investigation-reports/2020/april/the-moray-council>

- 3.2 In response to the complaint that the Council had not fulfilled its responsibility to provide continuing care to a looked after young person, the SPSO upheld the complaint and made a number of requirements.
- 3.3 Previous reporting has been made to Moray Council on 7 October 2020 (para 5 of the minute refers) and to this Committee on 18 November 2020 (para 24 of the minute refers).
- 3.4 The action plan that was agreed as a result of the outcome of investigation is attached at **APPENDIX I**. The plan has been Red/ Amber/ Green (RAG) rated and shows that all actions have been fulfilled.

#### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

The Children's Services plan 2020/23 identifies improving outcomes for looked after children as a key priority the Children and Families and Justice Social Work service improvement plan identifies actions to be taken to support these improvements the Corporate Plan ( 2020 update) identifies the following priorities:

Work with families as partners to give their children the kind of lives they want them to lead so that children grow up to be strong and resilient. Improve the life chances and outcomes for care experienced children and young people. Improvement in children and young people's health and well-being.

**(b) Policy and Legal**

The Children (Scotland) Act 1995 was amended by the Children and Young People Scotland Act 2014 to enable looked after children to request continuing care and remain in their current placement from 18 until 21 years in most cases and subject to certain criteria.

The provision aims to assist young people towards independence but applies to all young people, including those who may never achieve independent living.

The revised policies reflect current law and practice but it should be noted that there are likely to be further changes required as the law develops, including from the Disabled Children and Young People (Transitions to Adulthood) (Scotland) Bill recently introduced in parliament.

**(c) Financial implications**

There are no additional financial implications arising from this report.

**(d) Risk Implications**

The risk has been that planning for the more vulnerable children in Moray has fallen below the standard that should be in place in terms of practice and legislation.

**(e) Staffing Implications**

There are no additional staffing implications arising from this report.

**(f) Property**

There are no property implications arising from this report.

**(g) Equalities/Socio Economic Impact**

There is key legislation for looked after children and young people and for children who have additional support needs. Revision of the policies in place will ensure that equality issues are addressed.

**(h) Consultations**

Chief Executive, Chief Social Work Officer; Head of Service, Children & Families & Criminal Justice Services; Senior Human Resources Adviser; Paul Connor, Principal Accountant, Morag Smith, Senior Solicitor, Tracey Sutherland, Committee Services Officer and the Equal Opportunities Officer have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

**5. CONCLUSION**

**5.1 Committee is asked to note that the outcome of complaint to the SPSO required a number of actions which are recorded on the action plan which has been RAG rated. The actions required have been achieved.**

Author of Report: J Gordon

Background Papers:

Ref: SPMAN-1315769894-31