



REPORT TO: MORAY COUNCIL ON 7 OCTOBER 2020

SUBJECT: SPSO REPORT ON CHILDREN'S SOCIAL WORK

BY: INTERIM CHIEF OFFICER, HEALTH & SOCIAL CARE

1. REASON FOR REPORT

- 1.1 To inform the Council of actions required as an outcome of a parental complaint made to the Scottish Public Services Ombudsman (SPSO).
- 1.2 This report is submitted to Council in terms of Section II (14) of the Council's Scheme of Administration relating to exercising all the functions of the Council as a Social Work Authority within terms of relevant legislation with regard to research; assessment of need re: community care services, provision of information to carers and assessment of ability to provide care; and to determine the Council's policies in regard thereto.

2. RECOMMENDATION

2.1 It is recommended that the Council:-

- (i) notes the content of this report;**
- (ii) notes the actions underway to address each of the elements; and**
- (iii) agrees that the final recommended revisions of the transitions policy and of the continuing care policy are tabled at Education, Communities and Organisational Development Committee on 18 November 2020.**

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 link [SPSO published sw cont care 201811019 \(HB\).pdf](#)
- 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 found: -

- the Council failed to begin transition planning for Mr A at least 3 years before he was due to leave school;
- the Council failed to carry out a pathway assessment prior to making the decision that Continuing Care was not available to Mr A and prior to transitioning Mr A to Adult services;
- the Council did not take reasonable steps to ensure that Mr A could make informed choices;
- there is no evidence in the records that Mr A was given concrete examples of the type of care he might be offered or that he was taken to see possible care settings;
- a recommendation made at a Looked After Child Review in January 2018 to offer Mr A independent advocacy was not actioned until over a year later.

The SPSO upheld Ms C's complaint that the Council failed to act reasonably regarding Mr A's care and support.

3.3 In response to complaint about the Council's communication with Ms C about her son's care and support, the SPSO found: -

- the Council largely engaged with Ms C via email rather than holding meetings out with the formal Looked After Child Review process;
- an invite to a Looked After Child Review was sent three days before the Review was due to take place;
- there was a delay in the Look After Child Review minutes being available and there was a delay in these being sent to Ms C;
- Ms C was not provided with information on how to make a Continuing Care request when she requested this.

The SPSO upheld the complaint about the Council's communication.

3.4 In response to complaint about how the Council handled Ms C's complaint, the SPSO found: -

- that there was an unreasonable delay in Ms C receiving a response to her complaint
- that the response had been copied directly from an email that had been sent to Ms C before she submitted her complaint
- there was no evidence that the Council had investigated Ms C's complaints
- the Council's complaint response did not address all the complaints that Ms C made to the Council or indicate whether her complaints were upheld or not upheld.

The SPSO upheld Ms C's complaint that the Council had failed to handle her complaint reasonably.

3.5 The action plan that has been agreed as a result of the outcome of investigation can be accessed at **APPENDIX I**. The plan has a Red/ Amber/ Green rating to reflect the stage at which each activity is at.

- 3.6 Colleagues from within education, adults and children's services have been working together on the plan given the recommendations made by the SPSO reflect the need for services to work together.
- 3.7 Consistent with the recommendations made by the SPSO those involved in the revision and review of existing policies and processes have sought the views and experiences of young people, their parents or carers. However numbers of responses, at time of writing, have been small. A further period of time is needed to try alternative ways to hear from young people and their parents/ carers given they have a key role in shaping the changes needed. Adults and children's social work services and education services, will try a number of ways to seek the opinions of parents/ carers/ young people, including contacting key organisations such as Enquire.
- 3.8 In addition to hearing from young people, parents and carers being a recommendation by the SPSO - hearing from young people, their parents and carers is one of the key foundations from the Care Review – The Promise: Voice.

“Children (and young people) must be listened to and meaningfully and appropriately involved in decision- making about their care, with all those involved properly listening and reposing to what children (and young people) want and need. There must be a compassionate, caring decision- making culture focussed on children (and young people) and those they trust”

- 3.9 A number of the issues that are reflected in this complaint are reflected in the outcome of the Care Review and those working on revisions will seek to embed a number of the finding from the review. For example – those in relation to advocacy: -
- “It is vital that for as long as the care system remains complex ...children and care experienced young adults ...have ready access to advocates”.
- 3.10 Progress is being made in relation to invitations to looked after child reviews and minutes. New systems are being tested to ensure invites are issued in good time for all to be able to fully prepare. The standard being tested is that families and professionals have not less than 2 weeks' notice of a looked after child Review.
- 3.11 New minute templates are being tested which will record key points, actions, recommendations and the views of children, young people and their families in a concise, readable and useable manner. The standard being tested is that minutes will be issued within 15 days of the meeting, with a decision letter having been issued the day following the meeting. These system, if agreed depending on feedback, will be added to the Reviewing Team Administration Handbook which is being developed.
- 3.12 There is delay in achieving final revision of the policies. That will impact on staff training. Work is continuing and should conclude by October, for reporting and seeking approval at committee in November 2020, for recommended change to key policies.

3.13 A report with recommendations will be tabled to this Committee on 18 November 2020.

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

Policies are being reviewed in light of the outcome of the investigation and required actions. The revision will reflect what are anticipated are likely to be the changes currently progressing through the various stages of legislation: the Transition Children and Young People (Scotland) Bill.

(c) Financial implications

There are no additional financial implications are a consequence of this 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 as a consequence of this report.

(f) Property

There are no property implications as a consequence of 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, Moray Council; Chief Social Work Officer; Head of Service, Children & Families & Criminal Justice Services; Senior Human Resources Adviser; 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 The complaint and the outcome of complaint reflected that key policies and practices needed to be reviewed in partnership with children/ young people and their parents and carers.**
- 5.2 That work is ongoing.**
- 5.3 Further report with recommendation will be tabled at Education, Communities and Organisational Development Committee on 18 November 2020.**

Author of Report: J Gordon
Background Papers:
Ref: SPMAN-1108985784-328