



**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL
DEVELOPMENT COMMITTEE 18 NOVEMBER 2020**

SUBJECT: SPSO REPORT ON CONTINUING CARE AND TRANSITIONS

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To inform the Committee 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 Committee:-

- (i) **notes that following agreement at Moray Council on 28 October the final recommended revisions of the transitions policy and of the continuing care policy are tabled at Education, Communities and Organisational Development Committee on 3 February 2021;**
- (ii) **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 03 February 2021 following active and meaningful engagement with parents and carers; and**
- (iii) **advises whether a progress report should be submitted at Council on 21 January 2021.**

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 A very similar report to this was presented to special Council on 7th October 2020. Council had expressed concern at practice and agreed that final draft policies for consideration of approval would be tabled at this Committee in November. However we are not in a position to table final draft documents of policies for consideration or approval given the need to ensure effective meaningful engagement with parents and carers, and young people where possible.
- 3.7 Action to date has included; -
- Colleagues from education, adults and children's services working together given the recommendations made by the SPSO reflect the need for services to work together.
 - Audit and review of minutes of review meetings.
 - Surveys being asked of parents and carers seeking the views and experiences of young people, their parents or carers: numbers of responses, had been very small.
 - We were also attempting to contact key organisations such as Enquire, in an endeavour to increase engagement with young people/ parents and carers.
- 3.8 The necessity for so doing was not only the recommendation by the SPSO but the fact that 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 The report to special council noted the following progress: -
- (i) Invitations to looked after child reviews and minutes.
- New systems were being tested to ensure invites to review conferences or looked after child reviews were issued in good time for all to be able to fully prepare. The standard being tested is for invitations being issued not less than 2 weeks in advance of pre-agreed meeting dates.

- (ii) New minute templates were being tested. 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.
- (iv) Feedback would be sought and if favourable revisions will be embedded in practice and added to the Reviewing Team Administration Handbook which was being developed.

Test cycle one concluded 20.10.2020. Test cycle 2 will have started on 10.11.2020.

- (v) Increased advocacy.

- 3.10 However it noted that progress had not been made in achieving final draft of the policies, and so there is impact on the delivery of staff training.
- 3.11 After writing the report for Special Council the working group was advised of a group of parents and carers called Friendly Access. Contact was made with the Chief Executive, Glyn Morris. We asked for their support given that Friendly Access, having considered the SPSO report and findings, had undertaken a survey of their group members' experiences of transition. The report reflects a number of areas where practice could be improved. The report can be accessed at **APPENDIX II**.
- 3.12 Following initial contact with Friendly Access, Glyn Morris on behalf of the organisation has confirmed that it would wish to be involved in the process of making developments and changes, and maybe also in certain elements of delivering training based on experience. However they note that for meaningful engagement, more time is needed. We explored if there might be scope for a staged approach however this was not appropriate.
- 3.13 The action plan, point 6 clearly focuses on meaningful engagement therefore it is proposed that work continues with Friendly Access, that Council in January 2021 consider a progress report – and ideally the report with recommendations will be tabled to this Committee on 03 February 2021.

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 in most case 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. Current policies for young people transitioning to adulthood are being reviewed in light of the outcome of the investigation and required actions. The revision will 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 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 has really only recently made some constructive headway and ideally the recommendations for change in practice indicated by the

SPSO should be further strengthened by addressing the themes that have been identified in the Friendly Access survey.

- 5.3 An update report on progress being made could be tabled at Council in January and ideally the final draft report with recommendations will be tabled at Education, Communities and Organisational Development Committee on 03 February 2021.**

Author of Report: J Gordon
Background Papers:
Ref: