

**ANGUS COUNCIL**

**SOCIAL WORK AND HEALTH COMMITTEE - 11 NOVEMBER 2014**

**CHILDREN AND LEARNING COMMITTEE – 11 NOVEMBER 2014**

**SOCIAL WORK COMPLAINTS AND REPRESENTATION PROCEDURES**

**REPORT BY THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT**

This report advises members of changes to arrangements regarding the consideration of recommendations from the Social Work Complaints Review Committee established to consider complaints in respect of Social Work services in accordance with Section 5B of the Social Work (Scotland) Act 1968.

**1. RECOMMENDATION**

It is recommended that each Committee notes that as a consequence of the implementation of the outcomes of the review of Committee structures agreed by Angus Council, at its meeting on 19 November 2013:-

- (i) Recommendations from the Social Work Complaints Review Committee in respect of services provided to children will be considered by the Children and Learning Committee; and
- (ii) Recommendations from the Social Work Complaints Review Committee in respect of services provided to adults will continue to be considered by the Social Work and Health Committee; and

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Angus is a good place to live, work and visit
- Individuals are supported in their own communities with good quality services.

**3. BACKGROUND**

Section 5B of the Social Work (Scotland) Act 1968 permitted the Secretary of State to require local authorities to establish a procedure whereby a person, or anyone acting on his behalf, may make representations (including complaints) in relation to the authority's discharge of, or failure to discharge, any of their functions under that Act or other enactments in relation to social work services. In addition, this Section also obliged local authorities to comply with any directions given by the Secretary of State as to the procedure to be adopted in considering representations made as mentioned above and as to the taking of such action as may be necessary in consequence of such representation. The Social Work (Representations Procedure)(Scotland) Order 1990 obliged the Council to establish the procedure referred to above. In addition, in respect of that procedure, the Council are obliged to follow the Social Work (Representations Procedure) (Scotland) Directions 1996.

In summary, a local authority is required to establish a review panel of independent persons to consider representations from service users (or their representatives) in respect of the local authority's discharge of its functions in relation to Social Work. The review panel, having

considered the representations of the service user shall make recommendations in writing “to the social work committee or other responsible committee of the local authority as soon as is reasonably practicable”. The review panel in Angus is known as the Social Work Complaints Review Committee.

#### **4. CURRENT POSITION**

Angus Council, at its meeting on 19 November 2013, considered a report by the Chief Executive (Report No: 630/13) entitled Revision of Committee Structures and Associated Matters. Having considered that report, the Council agreed to amend its committee structures, and, in particular, agreed arrangements whereby the functions of the Council in relation to:-

- (i) all matters relating to residential and community services for children and young persons;
- (ii) fostering and adoption services;
- (iii) youth justice services; and
- (iv) child protection services

would be referred to the Children and Learning Committee.

#### **5. CONCLUSIONS**

As a consequence of this decision and having regard to the terms of the Directions referred to above, the Children and Learning Committee is now the “responsible committee of the local authority” in respect of services provided to children. Accordingly, recommendations from the Social Work Complaints Review Committee in respect of services in relation to children will be presented to the Children and Learning Committee for consideration.

The Social Work and Health Committee remains “the responsible committee of the local authority” in respect of services provided to adults. Accordingly, recommendations from the Social Work Complaints Review Committee in respect of services in relation to adults will be presented to the Social Work and Health Committee for consideration.

It is envisaged that circumstances may arise when a complaint or representation may include elements that relate to services in respect of both children and adults. In respect of those matters it is intended that reports on the recommendations will be presented to both committees in order that each Committee can consider the recommendations having regard to their own particular area of responsibility.

#### **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **7. HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications arising from this Report.

**NOTE:** No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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