

EAST RENFREWSHIRE COUNCIL

16 December 2015

Report by Deputy Chief Executive

SOCIAL WORK COMPLAINTS REVIEW COMMITTEE –  
APPOINTMENT OF ADDITIONAL INDEPENDENT PANEL MEMBER

**PURPOSE OF REPORT**

1. To appoint an additional person to the Panel established for the purposes of convening Social Work Complaints Review Committees (CRCs).

**RECOMMENDATIONS**

2. It is recommended that the Council:-

- (a) agree that the person recommended in Paragraph 8 of the report be appointed to serve as an independent person on the Panel of persons for the purposes of convening CRCs, with the appointment to be time limited to expire on the date of the next local authority elections in 2017, at which time the appointment will be reviewed;
- (b) agree that the Deputy Chief Executive continues to review the adequacy of the size of the Panel and recommend further appointments if necessary;
- (c) note that the Council's Social Work Committee is the one responsible for dealing with recommendations made by CRCs; and
- (d) note that the social work complaints procedure is currently under review.

**BACKGROUND**

3. The Council has a Social Work Complaints Review Committee (CRC), the terms of reference of which are:-

- (a) to review any matter in accordance with the procedure as laid down in Section 5(B) of The Social Work (Scotland) Act 1968 as amended by Section 52 of The National Health Service and Community Care Act 1990 including consideration of any complaints where the complainer has indicated that he/she is dissatisfied with the response from the Chief Officer - Health and Social Care Partnership; and
- (b) to make recommendations in writing to the Social Work Committee as soon as reasonably practicable.

4. In accordance with The Social Work (Representations Procedure)(Scotland) Directions 1996 and associated guidance, the Council required to establish a Panel from which a CRC could be convened. Originally this comprised both independent persons and elected Members. However, in 2002, to ensure that any CRC convened complied with Article 6 of the European Convention on Human Rights (a section on the right to a fair trial), the Council agreed that the Panel should comprise independent persons only.

5. A CRC must report to the appropriate local authority committee responsible for social work issues. Although CRC membership is now totally independent, a CRC is only empowered to make recommendations to that committee. A Social Work Committee has been established for this purpose, its sole remit being to consider and respond to recommendations made by any CRC. Its membership comprises the 4 elected Members on the Health and Social Care Partnership Integration Joint Board. Related procedural guidance specifies that CRC recommendations should only be rejected in exceptional circumstances and, if so, the reasons must be published in the committee minutes and given to the complainer in writing together with information on further steps that may be taken such as referring issues to the Scottish Public Services Ombudsman.

6. Under the Directions referred to above, the Council requires to have in place a Panel from which a CRC can be convened. It has been stipulated that:-

- (i) Each CRC must consist of three persons (a Chair and two others);
- (ii) The Chair of a CRC must be an independent person;
- (iii) The Chair must have knowledge and experience of both social work matters and the conduct of proceedings before a review body or tribunal;
- (iv) The other two members of the CRC must have knowledge and experience of either social work matters or the conduct of proceedings before a review body or tribunal;
- (v) Each CRC is to be drawn from a panel of persons (who may be independent persons or members or officers of the local authority but not officers of the department responsible for social work matters) which is appointed by the local authority; and
- (vi) Independent persons must not be:-
  - (a) a member of the political party or parties forming the ruling group on the Council or an officer of any local authority or have been such a member or officer during the period of one year prior to being appointed to the CRC;
  - (b) a person who is a member of, or employed by, an organisation to which the local authority has delegated any of their social work functions; or
  - (c) a spouse of any such member, officer or person.

## **PROPOSAL**

7. Following the local authority elections in May 2012, the Council agreed to reappointment seven independent persons to the Panel from which a CRC could be convened. This proved sufficient for local needs, but has been kept under review. Since then, one member has resigned so it was considered prudent to increase the membership of the Panel to help ensure that the Council could, if required, fulfil its obligations without any problems.

8. Contact was made with Members of Panels from a number of local authorities seeking expressions of interest in being appointed to the local Panel, given the particular experience they have. As a result one person, who is currently a member of the Glasgow, Inverclyde and Renfrewshire Panels, expressed interest in being appointed to the existing East Renfrewshire Panel of 6 persons. Following receipt and review of her application, the applicant below is considered suitable for appointment:-

Mrs Maureen Robertson

## **FUTURE OF COMPLAINTS REVIEW COMMITTEES**

9. The Scottish Government is currently consulting on a Draft Order to revise the procedures for dealing with complaints about social work services. If implemented, the proposals would allow the Scottish Public Services Ombudsman to consider complaints in relation to social work under their model complaints handling procedures, possibly from some time in 2016. A consequence would be that the requirement to have CRCs would no longer exist.

## **RECOMMENDATIONS**

10. It is recommended that the Council:-

- (a) agree that the person recommended in Paragraph 8 of the report be appointed to serve as an independent person on the Panel of persons for the purposes of convening CRCs, with the appointment to be time limited to expire on the date of the next local authority elections in 2017, at which time the appointment will be reviewed;
- (b) agree that the Deputy Chief Executive continues to review the adequacy of the size of the Panel and recommend further appointments if necessary;
- (c) note that the Council's Social Work Committee is the one responsible for dealing with recommendations made by CRCs; and
- (d) note that the social work complaints procedure is currently under review.

Local Government (Access to Information) Act 1986

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