

## EAST AYRSHIRE COUNCIL - 24 OCTOBER 2002

### ADMINISTRATION OF COMPLAINTS REVIEW SUB-COMMITTEE OF THE SOCIAL WORK COMMITTEE

#### Report by the Depute Chief Executive/Director of Corporate Resources

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to propose, in terms of the administration of the Social Work Complaints Review Sub-Committee, that responsibility for the maintenance of the pool of "independent persons" from which Sub-Committee Members are drawn, is transferred from the Department of Educational and Social Services to the Legal and Administrative Services Section of the Department of Corporate Resources, and to recommend that the Scheme of Delegation be amended accordingly.

#### 2. BACKGROUND

- 2.1 The Social Work Complaints Review Sub-Committee has a remit to examine objectively and independently the facts of a complaint about the Council's Social Work function, as presented by the (i) complainant and (ii) Officers, and to make recommendations to the Social Work Committee.
- 2.2 The Sub-Committee formerly comprised two Elected Members drawn on a rota basis from members of the Social Work Committee and an independent Chair drawn from a pool of "independent persons". However, the meeting of the Council held on 27 June 2002 (Page , Item ) considered a report by the Chief Executive which advised of new guidance from the Scottish Executive on the composition of Complaints Review Sub-Committees in the light of a recent English High Court ruling. The implications of this ruling were that Complaints Review Sub-Committees are now required to ensure that all three of its members are "independent persons". The Council homologated action taken by the Chief Executive to comply with this new requirement in connection with a recent complaint.
- 2.3 The meeting of Council held on 24 June 2002 also noted that a report would be prepared and submitted in respect of new provisions for independent membership of the Complaints Review Sub-Committee including proposed arrangements for the establishment of a panel of independent members.
- 2.4 To date, the maintained pool has effectively comprised members of the former Social Work Inspection Unit Advisory Committee of the Social Work Committee. These individuals were appointed as independent persons, representing carers, users of Social Work Services and both private and public sector residential service providers. However, the Social Work Inspection Unit Advisory Committee has now been disbanded following the recent transfer of responsibility for this area to the Care Commission. As a result, the related pool of "independent persons" in terms of the Complaints Review Sub-Committee has been severely depleted and access to former

members of the Advisory Committee is more limited. Furthermore, in the light of the recent Scottish Executive advice with regard to increasing the independence of Complaints Review Sub-Committees, the practice of utilising a pool of members which was maintained by the Social Work function itself for the purposes of the Inspection Unit Advisory Committee, requires to be revisited.

### **3. CURRENT POSITION**

- 3.1** In reviewing the administration of the pool of “independent persons”, Officers have compiled a person specification for prospective members of the Complaints Review Sub-Committee, identifying essential requirements in the light of legislative provisions, experience, necessary skills and training needs, and a number of groups and organisations have been identified as possible sources for independent members.
- 3.2** Transitional discussions have also taken place between Officers of the Administrative and Legal Services Section of Corporate Resources and colleagues within the Social Work Section of the Department of Educational and Social Services in connection with the proposed transfer of duties, and an approach has been made to the Council’s Personnel Service with regard to the provision of appropriate training to support members of the Sub-Committee. Training is likely to include guidance on basic Committee skills, the procedure for considering complaints and Chairmanship training, together with any necessary refresher training in due course and, if feasible, training in the form of mock hearings.
- 3.3** The intention is to develop a panel whose membership covers all aspects of the Social Work function to ensure that appropriate representation is available where required by the Complaints Review Sub-Committee and that such representation is tailored to the demands of individual complaints. A trawl of appropriate organisations to establish a panel of “independent persons” has now commenced and arrangements are underway with regard to the establishment of a suitable panel.

### **4. INTER-AUTHORITY CO-OPERATION**

- 4.1** The Council has received an approach from North Ayrshire Council in respect of the feasibility of establishing a working arrangement to share panels between the three Ayrshire Authorities. Meetings have been held with Officers from South and North Ayrshire Council to discuss the merits of these proposals. It is considered that a joint Panel would benefit the Complaints Review system, chiefly by allowing a greater pool of independent bodies to be accessed as required; affording individual “independent persons” to have greater experience of participating in Complaints Review Sub-Committees; and providing economies of scale in terms of the provision of training. Furthermore, such an arrangement would be of assistance where there may be restrictions on participation by particular members of the panel because of conflicts of interest which may arise.

**4.2** It has been noted that Officers of each Local Authority will report back to their respective Councils to seek approval of the proposal. In the meantime, preparatory work is underway in relation to the administration of such a joint panel, including issues of recruitment and training. A further inter-authority Officer meeting is scheduled to take place in early November 2002.

## **5. CONCLUSION**

**5.1** In conclusion, the Council's authority is sought to revise the Scheme of Delegation to reflect the administrative arrangements for maintaining the Council's pool of "independent persons", as described in Section 3 of the report. Furthermore, the Council is asked to note the potential for joint working with other Ayrshire Authorities in this matter and to agree, in principle, to the establishment of a joint panel.

## **6. RECOMMENDATIONS**

**6.1** The Council is requested:-

- (i) to agree, in principle, to the establishment of a joint Ayrshire panel of independent members;
- (ii) to agree that the Scheme of Delegation be amended to indicate that responsibility for maintaining and administering the independent joint Ayrshire membership panel on behalf of East Ayrshire Council's Complaints Review Sub-Committee is now the responsibility of the Depute Chief Executive/Director of Corporate Resources;
- (iii) to note that arrangements are underway to revise and expand the pool of "independent persons" maintained in terms of the Complaints Review Sub-Committee, including exploring the possibility of inter-authority partnerships.

Fiona Lees  
Depute Chief Executive/Director of Corporate Resources

3 October 2002  
MJA/SM

### **LIST OF BACKGROUND PAPERS**

1. Letter dated 1 May 2002 from the Scottish Executive on Local Authority Complaints Procedure (Eason Ruling) and Amendments to Guidance to Circular SWSG5/1996
2. Scottish Office Circular SWSG5/1996
3. Letter dated 13 June 2002 from North Ayrshire Council on proposed joint working.

Any person wishing to inspect the background papers relative to this report should contact Melanie Anderson, Administrative Officer on Tel No (01563) 576094. Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on Tel No (01563) 576135.

**Implementation Officer: Bill Walkinshaw, Administration Manager**

**AGENDA**