Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016

South Lanarkshire Council

Consultation Questions

1. Do you support the new regulations?

Yes. Replacing the current process will bring Social Work Resources in line with the local authority CHP and it will also align processes with Health.

2. What are your views on Local Authority Complaints Review Committees being replaced?

The number of Complaint Review Committees held on an annual basis in South Lanarkshire is relatively low. Information from the Social Work Scotland Complaints Group indicates that while some local authorities convene CRCs others do not. There is no consistency across local authorities. Replacing the current process will bring Social Work Resources in line with the local authority CHP and bring consistency across Scotland.

Current guidance says that CRCs should aim to bring an objective and independent eye for the public. CRCs are not charged with commenting on the professional assessments undertaken by social workers or on how social workers use their discretionary functions. Decisions from CRCs are remitted to the Social Work Committee and they can make recommendations to the Committee.

There is no mention in the order what will replace the CRC function. CRCs report their findings to the local authority Social Work Committee while the SPSO can lay reports before Parliament and make recommendations. This will be a fundamental shift for the social work function.

3. What are your views on the SPSO being given a new role to investigate social work complaints?

This has the potential to provide consistency as it will align social work with health in relation to clinical and professional decisions particularly in light of health and social care integration. However in terms of other local authority functions the SPSO currently consider complaints about maladministration and not on the professional judgements of other professionally qualified staff, for example, local authorities employ teachers, solicitors, planners, accountants, architects, engineers, surveyors etc. There is no mention in the draft order of other professions.

4. What are your views on the SPSO being given a remit to consider the professional judgement of social work staff?
This will bring social work in line with health processes. The term professional judgement would require to be clearly defined. The Council would like to make the point that those appointed to consider decisions in relation to matters of professional judgement must be practicing social work practitioners with current knowledge in their particular field. The SPSO will also need to understand the context in which social workers make decisions in often complex and changing circumstances. Decisions made about individuals can be multi-agency therefore the scope of investigations will require clear parameters. The Council would like to point out that it may be helpful to nominate a lead agency in relation to the investigation of complex complaints which may come to the attention of a number of regulatory bodies in order to provide consistency and avoid duplication.

5. What are your views on how these proposals relate to the approach currently taken to complaints in the NHS and the consideration of complaints relating to Integrated Joint Boards?

The approach would eventually align Social Work with health if health moves towards a two stage complaints handling procedure.

Further guidance would be welcomed about complaints about a function carried out by the IJB.

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