

SPSO decision report

Case: 201103657, Fife Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: not upheld, recommendations

Summary

Mr and Mrs C complained about comments that they said a council officer had made about Mr C. The council initially dealt with the complaint through the statutory social work complaints procedure and upheld it. However, after taking legal advice the council decided that the complaint had been outwith the remit of that procedure and had it investigated by a council officer instead. Mr and Mrs C were unhappy with the outcome of that investigation.

Our investigation found that the legal advice said that, as Mr and Mrs C's complaint did not relate to the provision of a service, it should not have been considered by the statutory social work review committee. The council were entitled to seek legal advice, and to decide whether to accept all or part of that advice. However, we were critical that they had not obtained it before having the matter considered by the statutory social work review committee. We were also concerned about the length of time that it took before the council officer's investigation was completed, and made a recommendation about this.

Recommendations

We recommended that the council:

- apologise for the delay and poor handling of the complaint.