SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201303449, Scottish Children's Reporter Administration**
Sector:	Scottish Government and devolved administration
Subject:	complaints handling
Outcome:	upheld, recommendations

Summary

Mr C complained that the Scottish Children's Reporter Administration (SCRA) unreasonably restricted his contact with one of their offices, after some phone calls in which they felt Mr C was abusive and hostile towards staff. They wrote to him, explaining that he could only contact that office by email, although he could still phone their head office.

Our investigation found that although SCRA wrote to Mr C promptly to tell him about the restriction, there was no documentary evidence of his calls. There was only an internal email confirming the decision, and the recollection of a staff member. As there were no records, and as the staff member was not at work for a period afterwards, this had contributed to a delay in SCRA considering Mr C's complaint about the restriction.

SCRA are entitled to decide to restrict contact in appropriate circumstances, and we did not comment on their decision to do so in this case. In addition, we noted that phone contact was effectively restored some three months later when SCRA provided a named point of contact for Mr C. However, we were concerned that when they initially restricted Mr C's contact, they did not appear to make him aware that this decision could be reviewed or tell him the duration of the restriction, as their policy said they should. We upheld his complaint, as we considered that this, coupled with the lack of record-keeping and failure to document the reasoning behind the decision, meant that SCRA's administrative handling of the matter fell below a reasonable standard.

Recommendations

We recommended that the SCRA:

- ensure that people are advised of the review process and duration of any restriction of contact; and
- consider making notes of phone calls – particularly where restricting contact is a possibility – to ensure a clear, demonstrable audit trail.