

SPSO decision report



Case: 201800911, North Lanarkshire Council
Sector: local government
Subject: child services and family support
Decision: upheld, recommendations

Summary

Mr C complained about the manner in which the social work department communicated with him and his wife regarding the removal of their children from the family home. Mr C also complained the child protection investigation was inappropriate, the investigation was not thorough, and social work were over critical of how the parents disciplined their children. The council were of the view that they were working with the parents and that the placement of the children was on a voluntary basis. They said delays in holding a child protection case conference was due to a criminal investigation which was on-going into the matter. They advised that the children were placed appropriately following assessments of the children's grandparents and they had no concerns about the placement.

We took independent advice from a social work adviser. We found that the council unreasonably failed to follow their procedures in relation to child protection concerns. We found that there was no evidence that a careful assessment was carried out in respect of the family friend that the children were initially placed with (and removed from shortly after) and therefore it was unclear how much confidence social work could have had that the parents would have cooperated with the measures. We found there was no evidence that appropriate paperwork had been completed. We did note that there was an appropriate assessment of the grandparents despite the fact that the children had not seen them in a number of years. However, we noted that the placement with the grandparents was treated as an emergency placement which would suggest that kinship care procedures should have been implemented but this was not done. In any case, there was no evidence of any looked after and accommodated child reviews being carried out, even if it had been. We considered that the reasons given for the delay in the child protection case conference were unreasonable as this could have been progressed regardless of any criminal case. Therefore, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C, and his wife, for not sharing enough detail about their concerns so that he could make an informed decision regarding voluntary measures, and failing to carry out a careful assessment of the initial placement. The council should apologise for the misjudged use of section 25 and for the failure to follow appropriate procedures and timescales with respect to the investigation of concerns, and the requirements to have appropriate plans in place for the children. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- That social work act in accordance with the Looked After And Accommodated (Scotland) Regulations 2009 and hold LAAC reviews within 72 hours of a child being moved to an emergency placement and reviews before the expiry of six weeks from the date a child is moved to an emergency placement.
- That kinship care assessments are commenced within three days of a child's placement, in accordance

with the council's Social Work Child Protection Procedures (paragraph 2.8.1).

- Child protection case conferences should be convened with 21 days in accordance with the council's Social Work Child Protection Procedures paragraph 5.9.1.
- The council should ensure that it complies with paragraph 2.11 of their Social Work Child Protection Procedures.