

SPSO decision report

Case: 201801293, The Moray Council
Sector: local government
Subject: communication / staff attitude / dignity / confidentiality
Decision: some upheld, no recommendations

Summary

Mr C manages a direct payment on behalf of his two grandchildren. When the direct payment was set up the council exercised their discretion and permitted Mr C to employ family relatives as personal assistants with the agreement that he would begin recruitment for independent personal assistants.

After some time, the council advised Mr C that he could no longer employ family members. The council also requested to observe the children in school as part of their social care assessment. Mr C complained that the council's policy regarding the employment of family members was unreasonable and that they failed to explain their reason for visiting the children in school. Mr C also complained that the council did not properly follow their complaints procedure.

We took independent advice from a social worker. We found that the council's policy on the employment of family members was in line with national statutory guidance and that the council had acted reasonably in this regard. We also found that it was reasonable for the council to request to observe the children in school. Therefore, we did not uphold these aspects of Mr C's complaint.

In relation to complaint handling, we found that the council did not contact Mr C to discuss his complaint nor did they respond within the required working timescale as stated in their complaint handling procedure. Therefore, we upheld this aspect of Mr C's complaint.