

SPSO decision report



Case: 201808526, South Lanarkshire Council
Sector: Local Government
Subject: Child services and family support
Decision: some upheld, recommendations

Summary

Mr C's child's nursery raised child protection concerns with social work. Mr C complained about the conduct of the social work investigation. He considered that social work were prejudiced in their actions and manipulated facts to justify their decision to investigate the child protection concerns.

We took independent social work advice, which confirmed that the concerns raised warranted investigation. We concluded that the decision to start a child protection investigation was reasonable and we did not uphold this aspect of the complaint. However, the council might have considered whether there were grounds for the nursery to have acted on the information they had sooner. We fed this back to the council.

Mr C also complained that the communication with him and his wife (Mrs C) during the investigation was inadequate. We were advised that it is normal practice for social work not to communicate with the accused parent in case this jeopardises the investigation. We concluded that the communication with Mr C during the investigation was not inadequate. However, we considered that the communication with Mrs C was inadequate. We noted that she did not appear to have a full understanding of the situation and that social work should have taken earlier steps to pursue the use of an interpreter. Also, when she was told that their child was going to be interviewed by the police and social work at a Joint Investigative Interview (JII), she was told of this over the telephone rather than in person, and she (or someone else familiar to her child) was not given the opportunity to accompany her child to the police station for support. We upheld this aspect of the complaint.

Mr C also complained that they did not receive a clear explanation of the specific nature of the child protection concerns. We noted that Mrs C's lack of understanding of the situation appeared to include the nature of the allegations. When social workers visited to share the details at the conclusion of the investigation, Mr C was not included in this discussion and it was not clear why this was the case given that no further investigation was planned. Mr and Mrs C were informed the next day of the decision to take no further action. This was not followed up with a written explanation of the decision. Mr C requested written confirmation of the decision but the letter sent merely confirmed the social work case had been closed. Mr C was required to submit a formal complaint to the council before he received an explanation, and even then we considered things could have been explained more clearly. We upheld this aspect of the complaint.

Finally, Mr C complained about the time it took to complete the investigation. We were advised that there were departures from expected process which resulted in avoidable delays in progressing the investigation. There were delays in opening a record following the initial contact from the nursery; in checking the child protection register; and in contacting the police. Also the JII was unusually held before an Initial Referral Discussion took place. The time taken to decide to take no further action exceeded the target timeframe by 16 calendar days. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr and Mrs C for not clearly explaining to them the specific nature of the child protection concerns and for the avoidable delays caused by the departures from expected process in the child protection investigation, and the consequent distress caused.
- Apologise to Mrs C for not explaining the Joint Investigative Interview process to her in person, and for not giving her or someone else familiar to her child the opportunity to accompany the child to the police station for support. The apologies should meet the standards set out in the SPSO guidelines on apology available at HYPERLINK "<http://www.spsso.org.uk/information-leaflets>" www.spsso.org.uk/information-leaflets .

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

- In line with the National Guidelines for Child Protection in Scotland, parents/carers should, wherever possible, be given full information about the nature of the concerns. A written record of decisions taken about the outcome of an investigation should be given to parents/carers unless this is likely to impede any criminal investigation; and where necessary explanations should be given more than once and/or in writing.
- In line with the West of Scotland Child Protection Consortium Inter-Agency Child Protection Procedures Manual: the Initial Referral Discussion should take place promptly and more appropriately before a decision is taken to proceed to a Joint Investigative Interview, the child protection register should be checked as part of the initial inquiries and this should happen almost immediately, and certainly before the decision to undertake a Joint Investigative Interview, a record should be opened within 24 hours of the initial contact in which child protection concerns are raised, the Police should be contacted early in the process to discuss whether a joint or single agency response is required and, a decision to proceed to a Child Protection Conference, or to take no further action, should be reached within 21 calendar days of the notification of concern, unless there are clear reasons why the investigation requires a longer time to conclude.
- Staff should ensure the non-accused parent or carer is involved as much as possible. In line with the council's Child Protection Procedures, staff must give careful consideration to providing support and security to the child when carrying out interviews, including whether to ask someone who knows the child well to sit with the child during interviews.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.