

## SPSO decision report

**Case:** 201900179, South Ayrshire Council  
**Sector:** Local Government  
**Subject:** child services and family support  
**Decision:** some upheld, recommendations

### Summary

Ms C complained on behalf of her adult son (Mr A) regarding two specific matters. The first concerned child protection procedures that been instigated following concerns for children in Ms C's care. Ms C complained that the council unreasonably requested a police report on Mr A. The guidance for the protection of children in Scotland means that it was reasonable for the social work department, as lead agency, to request any police check on an adult in Ms C's home, given the information that had been reported to them by the children's school. We did not uphold this aspect of the complaint.

Ms C also complained that there was a failure to document the basis on which a police report was requested. Section 91 of the Child Protection guidance states that when information is shared, a record should be made stating the purpose and form in which the sharing occurred. The social work records did not contain any information on why the request was made and we considered this to be unreasonable. The police request was in a standard form but it did not include parameters on the request limited to the alleged incident and we considered that it would have been reasonable to expect that this information should have been documented. We upheld this aspect of Ms C's complaint.

The second matter related to communication and access to social work services. Ms C complained that, despite being advised Mr A had a new social worker, there was a failure to advise Mr A of their name. Mr A was not transferred to adult services and therefore he would not have a named social worker. Mr A was not made aware of this and he was under the impression he would have access to a named social worker rather than the duty social worker. We found there was an unreasonable failure to communicate this. On balance, we upheld this aspect of the complaint.

Ms C also complained that there was a failure to refer to adult services and carry out an assessment for Self-Directed Support, despite stating this would be done. The decision not to refer Mr A to adult services under the children with disabilities and adult services transition arrangements was reasonable; however, the failure to document and explain this to Mr A was unreasonable. We upheld this aspect of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for (1) failing to document why the police report was requested in the social work records and failing to ensure the actual request was confined to parameters relevant to the alleged incident; (2) failing to advise Mr A how he could access social services and providing him with incorrect information that he had been allocated a new social worker when this was not the case; (3) failing to document an assessment which showed that Mr A did not meet the criteria for transfer to adult services and assessment for Self-Directed Support, and advising Mr A that he would receive an assessment by adult services including a Self-Directed Support assessment when this was not the case; and (4) failure to confirm to Mr A that he was not eligible to transfer to adult services and why he did not meet the criteria for

referral to adult services under transition arrangements. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

- Clarify how long the 2.5 hours per week provided to Mr A will be funded by children's services and how this is being monitored and reviewed. Clarify with Mr A how he can continue to access this service at present.
- Provide Mr A with details of how he can access an adult services assessment by self-referral so that it can be determined whether the council has an obligation to meet eligible needs.

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

- Ensure there is a clear transition process between children with disabilities and adult services. This should include information for families of children with disabilities telling them how they can access adult services. This should include what the process is, how decisions are made and how they are communicated with families and who the contact point is.
- Ensure assessments are adequately recorded on social work files.
- Ensure contemporaneous notes are recorded on social work files documenting why child protection concerns have been raised and reasons for seeking information from the police.

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.