

SPSO decision report



Case: 201903373, Dundee City Council
Sector: Local Government
Subject: Child protection
Decision: upheld, recommendations

Summary

C complained about the council's actions in response to a child protection concern about their child (A) particularly about information shared with the Police and the conduct of specific social workers. After C received a copy of the report relating to the child protection concern, they submitted a complaint. Remaining dissatisfied with the council's response, C brought the complaint to our office.

We took independent advice from a social worker. We found that, while the initial actions by the council in response to the child concern were reasonable, the council failed to reasonably gather and record information throughout the investigation, and in so doing failing to follow national guidance. There was no evidence that appropriate checks were made before A's family member (B) became temporarily responsible for A's welfare or that appropriate action was taken after C advised the council that A's health was being impacted by the arrangement. There was no evidence that the council provided a reasonable rationale behind their decisions for this case or that relevant legislation was appropriately utilised, and records kept of the same. This was unreasonable and we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to B for failing to undertake reasonable action in relation to their role for caring for C's child.
- Apologise to C for failing to reasonably respond to the child protection concern. The apology 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](http://www.spsso.org.uk/information-leaflets) .

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

- Child protection concerns are reasonably responded to.
- Decisions affecting the rights and responsibilities of parents are clearly recorded, and reasons given why any particular legislation has been utilised, with the decision appropriately reviewed.
- Decisions relating to investigations of child protection concerns are supported by a reasonable rationale which is recorded appropriately.
- National guidance is followed when gathering and recording information in relation to child protection concerns.

In relation to complaints handling, we recommended:

- Complaints investigations should be thorough and identify any key failings that occurred.

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.