

## SPSO decision report

**Case:** 201903840, Comhairle nan Eilean Siar  
**Sector:** Local Government  
**Subject:** Child services and family support  
**Decision:** upheld, recommendations

### Summary

C, parents to two children with additional support needs, complained about the social work service provided by the council. C complained that the council failed to provide overnight respite care to meet the family's assessed need. The council upheld the family's complaint and accepted that there had been a reduction in respite provision. The council explained this situation was beyond their control, as joint overnight respite was not currently available from the service provider and no suitable alternative was available at the time.

We took independent advice from a social worker. We found that the council's assessment documentation should have been more clearly worded to avoid ambiguity. We concluded that it was unreasonable for the council to rely on care arrangements that were 'subject to availability' as a long-term position and we considered that they should have done more to explore alternatives. We upheld this aspect of the complaint.

C also raised concern that the council unreasonably declined to consider new respite arrangements despite acknowledging that the current arrangements were inadequate. At the time, the family was awaiting the outcome of an appeal to the Additional Support Needs Tribunal. The family declined the council's offer of a full-time placement for one of the children on a short-term basis. The council said it was not reasonable to fully explore the family's support proposals given the uncertainty of the tribunal outcome and the family's circumstances. We acknowledged this, but found that it was not reasonable for the council to decline to consider interim respite arrangements. We upheld this aspect of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to the family for failing to meet their assessed needs for overnight respite, and for declining to consider alternative arrangements pending the Tribunal outcome. 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).
- Consider providing some nights of joint overnight respite or a mutually acceptable alternative (as a one-off provision), in recognition of the period of unmet need and the family's ongoing difficult situation.

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

- The council should be open to discussion and continue to explore alternatives with families in light of changing circumstances. Where families exercise a right to appeal a decision about longer-term educational placement, this should not preclude their interim respite needs being considered (particularly where their assessed needs are not being met).
- The council should ensure their strategic commissioning takes into account the future needs of all families requiring support. Conditional arrangements should primarily be used in the short term (while action is taken to ensure the need can be met over the longer-term).

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.