SPSO decision report

Case:	**201909583, The Highland Council**
Sector:	Local Government
Subject:	Child protection
Decision:	upheld, recommendations

Summary

C complained about the council's social work department's handling of child protection concerns that were raised about their children and their subsequent removal from the family home. C was not at home at the time and said that they objected to the decision. C complained that their spouse also did not give consent to the children being removed and, therefore, the appropriate powers were not used to remove the children.

The council said that they understood that C's spouse had given their verbal consent to the children's removal; however, they acknowledged there was a failure to prepare the necessary paperwork prior to visiting the children's home.

As part of our investigation, we reviewed the relevant case records and took independent social work advice. We found that there were failings to properly obtain consent, that there was confusion over the legislation being used to remove the children and that there was a failure to explain to either C or their spouse what the legislative framework was. We found that the council failed to follow their child protection procedures and, therefore, upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to correctly follow their child protection procedures. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spso.org.uk/information-leaflets.

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

- The council should undertake further reflection on the findings of this investigation, taking into account in particular the summary of points we provided and implement relevant learning and improvement. This could involve a review of internal procedures and/or additional training for staff.

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.