

SPSO decision report



Case: 202000443, Fife Council
Sector: Local Government
Subject: Child services and family support
Decision: upheld, recommendations

Summary

C complained on behalf of their client (A). Following an incident at A's home, A agreed with the council's Child Protection Team that their two children should be placed in the care of a relative. This was a voluntary placement under the Children (Scotland) Act 1995. C emailed the council's social work team to inform them that A would withdraw their consent to the placement if no progress was made in their case.

A attended their youngest child's school and attempted to take custody of their child, but was prevented from doing so by social workers and the child left in the custody of relatives. Later that day, A attended their relatives' house and A was prevented from taking custody of the child. Social workers were not present, but police attended and then refused to intervene after speaking to the social workers.

A then agreed to the voluntary placement again. C advised A that they should withdraw their youngest child from the placement and attend their school to collect them and C informed the social workers of this advice. In response, social workers obtained a Child Protection Order (CPO). C complained to the council that they had failed to respond to A's wishes regarding the placement. The council did not identify any substantive failings.

C complained that the council's response was inadequate and inaccurate and that the council had failed to obtain a CPO timeously. We took independent advice from a children's social work adviser. We found that A had tried to end the voluntary placement twice and that A had been prevented from exercising their parental rights. We found that the council had failed to obtain a CPO timeously and that they had failed to adequately investigate or respond to C's complaint. We upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A for their failure to take A's parental rights into consideration and their failure to administer the placement of A's children adequately. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/information-leaflets>.
- Apologise to C for their failure to investigate and respond adequately to C's complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/information-leaflets>.

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

- Council staff should be aware of and take into account relevant guidance and legislation in a situation like this including parental rights and carrying out timeous checks of voluntary placements of children under section 25 of the Act.
- Staff dealing with complaints should be familiar with the council's Complaint Handling Procedure, understanding the importance of communication and the need to demonstrate thorough investigation of

the points raised.

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.