

SPSO decision report



Case: 202103458, Dundee City Council
Sector: Local Government
Subject: Child services and family support
Decision: upheld, recommendations

Summary

C complained that the council failed to respond appropriately to concerns they raised about their child (A) who had cancer. C was separated from A's other parent (B) and, at the time A became ill, both C and B shared A's care on an equal basis and had Parental Responsibilities and Rights in relation to A. C was concerned about aspects of A's care and quality of life during their illness. C raised concerns that B repeatedly acted against medical advice, and acted aggressively and was abusive to C and C's partner while A was present. C complained about the way social workers and A's Named Person (a central point of contact if a child, young person or their parent(s) want information or advice) dealt with their concerns. C complained that during A's illness council staff acted unprofessionally and did not take their repeated requests for help seriously.

We took independent advice from a social worker. We found that the council should have more fully investigated the concerns C raised about A's welfare. In particular, they should have made contact with a relevant health professional involved in A's care to clarify whether they shared C's concerns. The council had a statutory duty to make enquiries in connection with A's welfare, to satisfy themselves that A was not at risk. We found that the council failed to meet their statutory obligations in this regard. Therefore, we upheld this part of C's complaint.

C complained about the council's complaint handling. We recognised this was a difficult and complex complaint for the council to investigate, but we were critical of a number of aspects of the complaint handling. We recognised that the complaint investigation spanned some of the COVID-19-related lockdowns, when services were adversely impacted. However, we found that the council not only failed to meet the relevant timescales in accordance with their complaints handling procedure, they also failed to keep C updated regarding progress. We were critical of the complaint being passed back to the team manager to finalise the response when the senior manager investigating the complaint retired; the team manager was not sufficiently senior to deal with the complaint and they were cited in the complaint themselves. We also found that there was a lack of depth in the investigation. We considered the complaint handling was unreasonable and upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings identified in our investigation. The apology should recognise the impact of these failings on C, C's wider family, and on A. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Council staff are clear about their obligations and act within the relevant statutory framework. Parents with parental responsibilities and rights are treated equally by council staff. In particular, where parents present differing accounts of significant events which cannot be reconciled, relevant independent third parties should be contacted for verification, both parents should be involved in planning for meetings such as

TATC, the child's views should be sought in relation to matters affecting them.

- The council should consider putting in place a system for auditing records of child protection concerns reported to a school or noted by a school.

In relation to complaints handling, we recommended:

- Complaints are investigated in line with the Model Complaints Handling Procedure. Complainants are kept updated regularly. Complex stage 2 complaints are investigated by a senior manager. Complaints should not be investigated by staff cited within the complaint.

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.