

SPSO decision report

Case: 201302949, Aberdeenshire Council
Sector: local government
Subject: adoption procedures
Outcome: no decision reached

Summary

Mr and Mrs C complained about the council's handling of an adoption. They said that the council failed to alert them to legal issues that arose because of a change in legislation, and led to significant delay and expense. Mr and Mrs C also said that other prospective adopters had been treated differently and their adoptions had proceeded successfully. They said that they had been put under pressure about the way in which to progress the adoption.

In investigating the complaint, we considered all the relevant documentation, including the complaints correspondence, counsel's opinion and the council's adoption policy, and made further enquiries of the council. Our investigation found that much of the complaint hinged on the time taken by the court to release Mr and Mrs C's prospective daughter for adoption, and that this was a matter outside the council's control. Similarly, the council did not have control over other issues arising from the change in legislation. The council held particular views about the way to deal with these, with which Mr and Mrs C did not agree, but this was not in itself evidence of maladministration. Neither were the council responsible for the extra legal costs that occurred as a result of Mr and Mrs C's instructions to their solicitor. We noted that the council agreed to increase their usual financial contribution towards the legal fees in recognition of the difficult and different situation that had arisen. Overall, therefore, we did not find that the council had failed to take steps to expedite the adoption nor had they placed Mr and Mrs C under undue pressure.