

SPSO decision report

Case: 201704141, West Lothian Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Decision: upheld, recommendations

Summary

Ms C complained about the way that the council handled her complaint. Ms C was unhappy with the council's decision to change investigating officers late on in the process and to appoint a different officer. Ms C said the council had done this because they were unhappy with the conclusions of the first investigation, which had been critical of the council. She noted that the second investigation had reached a conclusion that was much less critical. Ms C was also unhappy with the way her Complaint Review Committee (CRC, the process previously used to investigate social work complaints) was conducted. She said there had been unexplained delays in holding the hearing and that, following the hearing, the council had issued an inaccurate decision letter which did not reflect the views of the panel.

We took independent advice from a social work adviser. We found that the council had acted unreasonably in the way that they handled the investigation and the way they administered Ms C's CRC hearing. The council had failed to evidence the reasons they gave for changing the investigating officer. They had also failed to keep records of the review of the first investigation, which led to the decision to change investigating officer. We noted that council staff also appeared to have attempted to influence the decision issued by the CRC after the hearing had concluded. Finally, we considered that the council had failed to communicate reasonably with Ms C following the CRC and it was unclear whether the council had accepted all the findings of the CRC and intended to implement them. We upheld all of Ms C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C and her family for failing to handle her complaint reasonably or appropriately. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

In relation to complaints handling, we recommended:

- The council should reflect on the failings identified by this investigation to ensure that all relevant learning has been fed back to staff.