

SPSO decision report



Case: 201803671, Aberdeen City Council
Sector: Local Government
Subject: child services and family support
Decision: some upheld, recommendations

Summary

C complained about the social work service provided to their family by the council. A social worker first had contact with the family after the police charged C's child (A) with an offence. Social work, as part of a multi-agency group, contributed to risk management plans. Under these plans, A's contact with peers and access to school and extracurricular activities was limited.

C complained that the risk plans were too restrictive and disproportionately impacted on A's educational attainment, wellbeing and social relationships. The council did not uphold C's complaint. We took independent advice from a social work adviser. We found that the social work service acted reasonably in the course of making and managing the restrictions. We found evidence of reasonable support and engagement with the family and social workers being responsive to the concerns, including reducing the restrictions when it was considered appropriate. We did not uphold this aspect of C's complaint.

C also raised concern that the service inappropriately shared confidential information about A with a health professional. We were not critical of the council's rationale for sharing the information. However, having reviewed the relevant guidance on information sharing, we considered that, before sharing the information, the council should have informed A's family of the intention to share information and provided reasons for this. We also found that the council's record-keeping of the information disclosure was insufficiently detailed. We upheld the complaint and made recommendations.

Finally, C was unhappy with the way the council handled their complaint. In particular, C raised concern that there was an unreasonable delay in responding and a conflict of interest given the involvement of a manager in the investigation. We found that the council took reasonable steps to extend the timescale to 40 working days, although it appeared they then missed the revised timescale by a small number of days. We did not find failings in relation to the investigation performed. On balance, we concluded that the council handled the complaint appropriately. We did not uphold the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and A for failing to inform them about the intention to share the information or the reason for this; and failing to fully document the information disclosure. 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:

- Information sharing should be conducted in line with the relevant legislation and guidance. Where information is shared, an appropriate record of this should be maintained.

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.