

## SPSO decision report

**Case:** 201900885, Dumfries and Galloway Council  
**Sector:** Local Government  
**Subject:** child protection  
**Decision:** upheld, recommendations

### Summary

C, an advocacy worker, complained to us on behalf of their client (A). A and their partner agreed to care for their partner's two younger siblings, after their parent became seriously unwell. The children were on the child protection register (a list of children who are considered to be at risk of significant harm and who are subject to a child protection plan) and they had additional support needs. During our investigation, we took independent advice from a social worker.

C complained that the council delayed in contacting A, after the children went to live with them. We found there was an unreasonable delay in the council contacting A to provide them with advice and to discuss plans for the children's immediate and longer term care.

C complained that the council failed to visit the children weekly. We found that the council should have ensured the children received weekly visits from social workers while they were on the child protection register and that did not happen. We found there was a failure to properly seek the children's views and include them in the child protection case conferences and associated paperwork. We noted that the council considered that the children were no longer at risk when they went to live with A. We found that the council failed to appropriately gather information to assess the risk to the children before they decided to remove them from the child protection register. We also found that, if the council considered that the children were no longer at risk, the council should have held a review child protection case conference within the timescales set out in the national child protection guidance.

C also complained that the council failed to help support the children with their special education needs. We found that the council's social worker, as the lead professional, should have taken steps to co-ordinate the education aspects of the children's care and ensure this aspect of the child's plan was progressing.

Finally, C complained that the council failed to carry out a kinship care assessment and A was not given financial support for the children. We noted that the council had made payments to A that were the equivalent sum to a kinship care payment. However, we found that the council's timescales for completing the kinship care assessment was considerably outwith the timescales in the statutory guidance. We also found that the council's record-keeping was unreasonable, as the information was blended and it was not in chronological order.

We upheld all aspects of C's complaint and while we recognised that the council had acknowledged some of the failings and reflected on this, we made a number of recommendations to address the failings we found. We also made recommendations in relation to the council's complaint handling.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to A for the failings identified. The apology should meet the standards set out in the SPSO

guidelines on apology available at: [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

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

- Child protection should be delivered within the context of the Getting It Right For Every Child (GIRFEC) framework so the views of the children should be listened to, considered and recorded.
- If the council concluded the risk to the children had been removed, they should have held a review child protection case conference within 21 days, with the involvement of local social work services.
- In child protection matters, it is important that social work records are clear, transparent and easily understood.
- In making decisions regarding the care and wellbeing of children, appropriate steps should be taken to gather information that is relevant to the assessment of risk.
- Kinship care assessments should be completed within an appropriate timescale, in line with relevant guidance and legislation.
- When children are on the child protection register, it is the lead professional's responsibility to co-ordinate action to meet their education needs and ensure the child's plan is progressing.
- When children are on the child protection register, their carers should be visited promptly in order to safeguard the children's wellbeing, health and development.
- When children are on the child protection register, they should receive weekly visits from social workers.

In relation to complaints handling, we recommended:

- Complaint responses should include an apology where things have gone wrong. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- The council should ensure that accurate responses are issued to our enquiries, which are based on the records as well as the evidence gathered during their complaint investigation.

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.