

## Scottish Parliament Region: North East Scotland

### Case 200600542: Dundee City Council

#### Summary of Investigation

##### ***Category***

Local government: Social Work; Access to files and information

##### ***Overview***

The aggrieved (Ms C) raised concerns that Dundee City Council Social Work Department (the Social Work Department) revealed personal information about her health to her early teenaged child (Child C) after Ms C believed she had been assured that they would not.

##### ***Specific complaint and conclusion***

The complaint which has been investigated is that the Social Work Department divulged personal information about Ms C to her child, contrary to her request and their assurances (not upheld).

##### ***Redress and recommendation***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. On 24 May 2006 the Ombudsman received a complaint from an MSP on behalf of one of her constituents (Ms C) regarding Dundee City Council (the Council). The complaint related to Dundee City Council Social Work Department (the Social Work Department) divulging information about Ms C's health to her early teenaged child (Child C) contrary to Ms C's wishes and the assurances Ms C received. Ms C felt that her relationship with her child had deteriorated since the involvement of the Social Work Department in autumn 2005.

2. The complaint from Ms C which I have investigated is that the Social Work Department divulged personal information about Ms C to her child, contrary to her request and their assurances.

### **Investigation**

3. The investigation of this complaint involved obtaining and reading all the relevant information, including communication between Ms C and the Council, the Council's notes of their investigations into Ms C's complaint and the Council's procedures and guidance relating to dealing with children requiring assistance. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. I have quoted from the Council's Children In Need procedure in paragraph 12 of this report. As part of my investigation I have read and considered this document in full. Ms C and the Council were given an opportunity to comment on a draft of this report.

4. Due to the sensitive circumstances of this investigation I have taken particular care to ensure that no unnecessary identifying information is included in this report.

### **Complaint: The Social Work Department divulged personal information about Ms C to her child, contrary to her request and their assurances**

5. Ms C was admitted to hospital on an evening in autumn 2005 following an overdose of drugs. There were concerns about this due to recent previous admissions of Ms C and it was known that her child had been left at home alone. The NHS Paediatric Liaison Health Visitor spoke to Ms C about arrangements for the care of her child in these circumstances. During the

conversation Ms C said that if contact was made with Child C she did not want her child to be made aware of the circumstances leading to her admission as she felt that Child C was too young to cope with the implications of the incident. Ms C was assured by the NHS Paediatric Liaison Health Visitor that communication with her child would be very discreet.

6. It was decided that Ms C would be kept in hospital overnight and the NHS Paediatric Liaison Health Visitor telephoned the Social Work Department with information about Ms C and her child. I have had sight of the faxed referral from the hospital to the Social Work department. It does not make any mention of a request that circumstances leading to Ms C's admission be withheld from her child.

7. Two social workers (Social Worker 1 and 2) from the Duty Access Team were allocated responsibility for following up the information. They called Child C at home and explained that they were coming to see her because Ms C may be detained overnight in hospital. When they arrived at Ms C's home, Social Worker 1 told Child C that Ms C was being kept in hospital overnight to be monitored. The Social Workers felt that Child C was reluctant to leave the house and Social Worker 1 explained that Child C's age meant that Child C could not be left alone overnight.

8. During the Council's investigations of Ms C's complaint, the two social workers were interviewed and I have had sight of the notes of those interviews. Social Worker 1 said that Child C initiated a conversation about being left alone at night. In response to this, Social Worker 1 told Child C that on a recent occasion Ms C had been at the hospital. Social Worker 1 said that she had asked about Child C's perception of events but that she did not recall agreeing with Child C that self-harm was a mental health problem as Ms C had alleged. Social Worker 1 said that she felt Child C was a mature and intelligent early teenaged child who was calm throughout their contact. Social Worker 2 agreed with this.

9. Arrangements were made for Child C's care overnight and Social Worker 1 spoke to Ms C by telephone to advise her of the arrangements for Child C's care.

10. Ms C believed that the social workers had given too much information to her child on the night she was in hospital. She also believed that the social

workers should have left any discussion about the circumstances of their involvement to a later date. Ms C complained to the Council about this.

11. During the investigations by the Council into Ms C's complaint, Social Worker 1 was asked if she would have done anything differently had she been told that Child C was not aware of the background to the incident and that Ms C did not want her child to know. Social Worker 1 said that she would not have lied to Child C and would have said much the same as she did.

12. The Council's procedure on Children In Need, section 5.1.1 states that 'Referrals require to be assessed and Social Work staff should use their professional judgement, with appropriate managerial support, to determine what action and what services best meet the child's needs taking into account the Council's duty, its policy and resource priorities'.

#### *Conclusion*

13. The NHS Paediatric Liaison Health Visitor had assured Ms C that the Social Work Department would be discreet. However, there is no evidence that Ms C's request that the background to her admission to hospital be kept from her child was communicated to the Social Work Department. Notwithstanding this, the social workers who visited and arranged for Child C's care in autumn 2005 acted correctly in explaining to Child C, as sensitively and clearly as possible, the circumstances that had led to their involvement. In line with the guidelines in the Council's guidance on Children In Need, the social workers used their professional judgement to decide on what information to give to Child C and how best to express it. Therefore, I do not uphold the complaint.

#### *Recommendation*

14. The Ombudsman has no recommendations to make.

19 September 2007

**Explanation of abbreviations used**

Ms C	The complainant
The Council	Dundee City Council
The Social Work Department	Dundee City Council Social Work Department
Child C	The complainant's early teenaged child
Social Worker 1	One of the social workers who dealt with the referral
Social Worker 2	One of the social workers who dealt with the referral

**List of legislation and policies considered**

Dundee City Council's Children In Need procedure