

SPSO decision report

Case: 201004025, Glasgow City Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: some upheld, recommendations

Summary

Mr C complained to the council about a social services investigation into child protection issues affecting his family. Mr C said that the council had not handled his first complaint appropriately and had refused to fully respond to two further complaints he raised.

Although we noted that there were significant delays in Mr C's first complaint progressing through the council's social work complaints procedure, we considered that the council had handled it appropriately and in line with their procedures. We found that the delay was due to exceptional weather conditions over the Christmas and New Year period, along with problems the council had in understanding the detailed letters of complaint that Mr C had submitted. We also found evidence showing that Mr C was given the opportunity to provide evidence to support all the elements of his first complaint and to provide his version of events at a complaints review committee hearing.

Mr C's second complaint was about a video recording he had made, which apparently showed that social workers had provided inaccurate information at a social work child protection case conference. After obtaining legal advice, the council refused to review the recording because they said they believed it was inadmissible as evidence. They later departed from this view, and said that they were unsure whether it was lawful to use a recording that had been made covertly (ie not made openly), without the consent of the staff involved.

We have previously obtained advice about covert recordings, which allows us to provide a clearer view that an authority, such as the council or our office, may consider evidence even if it was obtained through covert recording without the prior consent of all parties involved. Relevant material in respect of a case which has been obtained covertly, without the prior consent of all parties, is not as a rule inadmissible as evidence. So, when considering a case, both the Ombudsman and the council are obliged to take into account all relevant evidence in reaching their conclusions and are under a common law duty to give adequate reasons for these conclusions. However, it is then for the authority concerned to decide how much weight they should attach to such evidence when reaching their decision about the matter. We concluded that the council should have fully responded to Mr C's complaint about the case conference and reviewed his video evidence through the social work complaints procedure.

Mr C raised a third complaint about matters surrounding the birth of his youngest child. Although the complaint was related to social services' overall child protection investigation, we considered that the council acted unreasonably in not fully responding to the complaint through the social work complaints procedure.

Recommendations

We recommended that the council:

- ask the complaints review committee to consider reviewing Mr C's video recording of, and his concerns about inaccurate information being discussed at, the case conference on 25 November 2010; and

- ask the complaints review committee to consider reviewing Mr C's complaints about the pre-birth and post-birth conferences in relation to his youngest child.