

SPSO decision report

Case: 201304141, North Ayrshire Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: not upheld, recommendations

Summary

Mr C complained that the council decided that some of his complaints were not eligible to be dealt with by the complaints review committee (CRC), which is the final stage of the council's social work complaints process. The council, by law, have a special process for dealing with complaints about social work services. The council said, and we agreed, that the particular complaints Mr C wanted the committee to look at were primarily educational rather than social work matters. The council had, at each stage of their complaints process, told Mr C that he should complain to the part of the council responsible for education, but we found that he had chosen to disregard this advice.

Mr C also complained about the role of a council legal adviser during the committee meeting. He said that the officer had gone beyond her remit by asking him a question which he felt was an attempt to discredit his evidence. We found that the legal adviser had not acted unreasonably in asking the question, and the committee chairperson told us the question was relevant and reasonable. However, we thought it would have been helpful for the council to explain the role of each participant in advance of the committee and we made a recommendation about this.

Recommendations

We recommended that the council:

- consider producing a short guidance note explaining the role and rights of participants. This could be shared in advance of a CRC or explained by the chair on the day of the hearing.