

SPSO decision report

Case: 201406406, West Dunbartonshire Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: not upheld, no recommendations

Summary

Mr C complained to the council about the social work department's handling of his concerns regarding his mother. This complaint was considered by a Complaints Review Committee (CRC) and was partly upheld. However, Mr C was concerned that the CRC had not been properly conducted and he complained to us about this. He raised concerns that the CRC stopped him from making submissions or asking questions on occasion, which he said meant he had no reasonable opportunity to present his case. He also raised concerns that no minutes were taken at the CRC and there was no reasonable record of the discussion on which the CRC's decision was based.

The council said Mr C had ample opportunity to make submissions and ask questions of witnesses. Although the council acknowledged that the chair of the committee curtailed some of Mr C's questions and submissions, they said this was because he was repeating information or raising points that were not relevant to the complaint. In relation to the records, the council provided a copy of the CRC minute, the decision letter and the handwritten notes from the CRC clerk. The council also noted that there was no requirement to keep a transcript or verbatim record of the CRC hearing.

After investigating these issues, we did not uphold Mr C's complaint. We found no evidence that Mr C had been inappropriately stopped from making submissions or questioning witnesses, and the CRC records showed Mr C had an opportunity to present his case, refer to documents and ask questions over several hours. In relation to the records, we accepted that there was no specific requirement to keep a verbatim account of the hearing, but we considered that the council should keep sufficient records of the evidence and arguments considered in order to explain the reasons for their decision. We found, on balance, that the council's records were reasonable. While the decision letter was brief, it did identify the points of complaint which were upheld and not upheld, as well as setting out the CRC's findings and conclusions on each point.