

SPSO decision report

Case: 201508439, Inverclyde Council
Sector: local government
Subject: complaints handling (including appeals procedures)
Outcome: upheld, recommendations

Summary

Mr C and his then partner (Ms D) attended a multi-agency meeting at a school in the council's area regarding their foster son. Mr C was unhappy about the way he was spoken to at the meeting by one of the school's staff. Mr C complained to us that the council failed to reasonably investigate his complaint about the way in which he was spoken to at the meeting in line with their complaints procedure.

Mr C's concerns included that the council's investigating officer should have interviewed all four of the meeting attendees to ascertain the truth and that the council's complaints procedure available to him online was out of date. He also said that the council failed to signpost him to us and had to be pressed to confirm that their complaints procedure had been completed.

We considered that it was for the council's investigating officer to determine what evidence she needed in order to make a decision on Mr C's complaint. There was no requirement in the council's complaints procedure for her to have interviewed all persons present at the meeting. However, it would have been helpful if the council had explained to Mr C why they considered that the social worker at the meeting could be a corroborating witness for the member of the school's staff, but that Ms D could not be considered a corroborating witness for his version of events.

The council acknowledged that the complaints procedure available online at that time was out of date. The evidence showed that the investigating officer failed to inform Mr C that her response was the final stage of the council's complaints procedure and the response did not refer him to us. This resulted in several months of unnecessary communications between Mr C and the council on his complaint. We were also concerned that the council failed to make and retain notes of key events in the handling of Mr C's complaint. We upheld Mr C's complaint.

Recommendations

We recommended that the council:

- feed back our decision on Mr C's complaint to the staff involved;
- take steps to ensure that, in future, records of key events during the investigation of complaints are made and retained; and
- provide Mr C with a written apology for the failings identified.