

## SPSO decision report

**Case:** 202003119, Fife Council  
**Sector:** Local Government  
**Subject:** Child services and family support  
**Decision:** some upheld, recommendations

### Summary

C and B complained to the council about their child's (A) move to a residential placement under a section 25 arrangement (Children (Scotland) Act 1995). They said that the placement had been highly inappropriate and had not met A's complex needs. C and B further complained that they had felt pressurised into agreeing to the move and had been given inaccurate information by social workers about the resource.

In response the council said that the placement had been made on an emergency basis and in good faith that it would meet A's needs. They disagreed that it had been highly inappropriate. Although at the time they had been unaware of the provider's personal search practices, they agreed as a result of the complaint to request this information from all residential providers moving forward.

We took independent advice from a social worker. We found that the council had taken reasonable steps to find the best possible resource to meet A's complex needs within the limited timeframe available. Although we agreed that the council should have been made aware of their provider's personal search practices, we concluded that the council had acted reasonably in terms of their communications with C and B regarding the suitability of the resource and the information given to them and found no evidence to support that C and B had been pressurised into agreeing to the move. As such, we did not uphold these aspects of the complaint.

C and B further complained that the council had failed to explain to them that it had been their intention to move A to secure accommodation and social workers had relied on inaccurate health reporting to inform this decision. C and B explained that they had been invited to a meeting with social workers but had been unaware it would be to discuss secure measures. As such, they had been denied the opportunity to have legal representation to challenge the council's decision and to prevent the move.

We were unable to reach a finding on what information had been given to C and B about the purpose of the meeting. While we acknowledged that having legal representation may have aided their understanding of the process, we found that this would not have had any bearing on the decision to move A to secure care. We concluded that the council had provided C and B with all the appropriate information leading to the decision, including the legal process and their rights of appeal. As such, we did not uphold this aspect of the complaint.

C and B further complained that the council had failed to respond appropriately to their concerns that A may be self-harming during their placement.

While we found that overall the incidences of A's self-harm had been taken seriously, one particular incident had not been considered as thoroughly as it should have been and there had been a failure to report A's injuries to C and B at the time. Therefore, on balance, we upheld this aspect of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C and B, and to A, for failing to give appropriate consideration to an incident where A had self-harmed. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).
- In situations where a young person is at risk of self-harm, there should be clarity in the council's contract with external care providers about the reporting of such incidents to the family/carers and to the council themselves.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.