

## SPSO decision report



**Case:** 202101005, Stirling Council  
**Sector:** Local Government  
**Subject:** Child protection  
**Decision:** some upheld, recommendations

### Summary

C raised a complaint on behalf of their advocacy partner (A). Following A's arrest, C complained that A's child (B) had been removed by social work services (SWS) from A's care and placed with their non-custodial parent (D) without legal authority, against B's express wishes and without taking account of A's views. C also raised concerns that during B's residency with D, SWS had not appropriately facilitated contact between A and B, had unreasonably requested A complete a parenting assessment and had failed to reasonably respond to A's further concerns about B's welfare.

In their response, the council explained that D had enacted their parental rights and responsibilities (PRR) and assumed care of B when A had been arrested which they had helped support. They said that a range of professionals had been actively involved and utilised different approaches in obtaining B's views. They noted that contact between A and B had not been straightforward, and that the regularity of contact had been disrupted by decisions of both A and B. They said that the requirement that A complete a parenting assessment had been reasonable given the longstanding issues of concern and more recent issues involving A and that the concerns A had raised about B's welfare while in D's care had been treated seriously and resulted in prompt attention.

We took independent advice from two social work advisers. We found that there was a lack of recording of the discussions and the process by which the decision was taken to place B in D's care and that there was a failure to convene a formal interagency referral discussion (IRD) to plan the approach on a multi-agency basis to assess the suitability of D as alternative care for B. We upheld the complaint as a result of the failings identified.

We found that once B had moved to D's care, their conflicting and changing views should have prompted a referral to independent advocacy sooner. However, the council had taken reasonable steps to ensure B's views were appropriately sought and taken regular account of. Therefore, on balance, we did not uphold this aspect of the complaint.

We also found that once B had moved to D's care, SWS' approach to facilitating contact between A and B had been in line with national guidance and social work practice at that time, that SWS were justified in their decision to request that A complete a parenting assessment given the long-standing concerns regarding A's parenting capacity and history caring for B and that SWS had responded reasonably to the welfare concerns A had raised. We did not uphold these aspects of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to A, Band C for the failings identified. 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).

What we said should change to put things right in future:

- Ensure the findings of this investigation have been reflected on, and learning is shared, with the relevant department and externally with Police partners to ensure effective future practice.
- In child protection matters, it is important that all multi-agency decisions and discussions with those affected, and their views, are clearly recorded.