

SPSO decision report

Case: 202401604, Midlothian Council
Sector: Local Government
Subject: Adoption / Fostering
Decision: some upheld, recommendations

Summary

C adopted a young child (A), however, the placement ended when C relinquished care via Section 25 of the Children (Scotland) Act 1995 due to irreconcilable behavioural difficulties and a breakdown in the relationship. A was placed in the care of the council.

C complained that the council unreasonably failed to produce balanced and accurate assessments in relation to child protection concerns and the breakdown of the adoption, and did not reasonably amend these reports when these matters were raised. C also complained that the council unreasonably failed to involve C in ongoing care planning considerations regarding A. Lastly, C complained that the council unreasonably failed to facilitate and enable contact between C and A following the invocation of the section 25 agreement.

We took independent advice from a social worker adviser. We found that while it is an essential requirement that any reports be balanced and accurate, the council had failed to give a complete picture of the history of A's early life, to reflect the positive aspects of C's parenting, and to reflect the views of other agencies who had provided support to the family. Overall, the reports were of mixed quality and contained inaccuracies. We upheld this aspect of the complaint.

We also found that there had been failings in information sharing and case transfer between the council and C's previous local authority. We also found a lack of formalised adoption support. Significantly, a referral had not been made to the Scottish Children's Reporter Administration following the adoption breakdown, and there were failings to involve C in ongoing care planning. We upheld this aspect of the complaint.

Lastly, we found that while continued attempts had been made to encourage contact, at the time of writing A, who had advocacy support, did not want to engage with C. The actions of the council were reasonable in this regard and we did not uphold this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings identified in this decision. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

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

- When making decisions regarding the care and welfare of children, the council should ensure that reports are balanced, accurate, include all relevant information and reflect the evidence and discussions that have taken place. Clear reasoning should be recorded for any decisions made. When writing reports that may allow for cutting and pasting as the information is the same, they should always be checked to ensure that all aspects are up to date and accurate.

In relation to complaints handling, we recommended:

- There should always be a case transfer meeting when a case involving the adoption of a child moves from one local authority to another and a formalised system of transfer should be in place. Where there is disagreement on the care plan, a referral to the Reporter allows for this to be considered by a neutral authority and should be appropriately considered. If a parent has specifically requested this, it is their right to have that followed through and they should be advised that they can do this directly. An Unplanned Ending meeting should follow the terms of the Adoption and Children (Scotland) Act 2007 so it is clear what an adoptive parent should expect in the adoption process and what is the role of the relevant local authority. Where there has been disruption, an Unplanned Ending meeting should look at the whether the matching process was adequate and identify areas to learn from.

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.