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Head of Operations to William Boyd's
Solicitor in which a complaint from
William Boyd is upheld
Dated: 30/01/03**Mr Pumphrey
Solicitor, Primrose & Gordon
Solicitor & Estate Agents
92 Irish Street
DUMFRIES
DG1 2PFPlease Ask For: Ms S Campbell
Direct Line: 01463 702872
Email: sandra.campbell@highland.gov.uk
Your Ref:
Our Ref: SC/HAS
Date: 30 January 2003

Dear Mr Pumphrey

I am writing to you in response to your registered complaint on behalf of Mr William Boyd, which was investigated by Ms Irene Bloomfield, Principal Officer.

I would like to say first of all that Ms Bloomfield was aware of how desperately your client Mr Boyd misses his daughter, for whom he has cared for a considerable time, and how distressing recent events have been to him.

I apologise for the delay in completion of the investigation which was due to receipt of the complaint shortly before the Christmas and New Year holidays, when the Council closed until the 3rd January 2003.

The complaint centres on two issues. Firstly, that Mr Allan MacFadyen, social worker, in writing a letter to Ms Carbarn's solicitor on 21st November 2002 was "unprofessional given the one-sidedness of the situation". This is a quote from your letter to the Director of Social Work dated 13th December. I have decided to uphold this aspect of the complaint.

Mr MacFadyen's letter was written at the request of the legal representative of the child's mother. This is in contravention of established social work practice. The views stated about Mr Boyd's mental health and actions were those of Ms Carbarns and no attempt was made to verify or discount them. As such this was one sided. The last sentence of the letter states "if Ms Carbarns were not already pursuing this action" (that is the application for a residence order), "we would consider using Child Protection procedures to secure the safety and welfare of the child". While the word, "we" is used this does not indicate the view of the management of the department at the time, and would appear to be Mr MacFadyen's alone.

Mr Macfadyen admits that his actions were one-sided and regrets the action he took in relation to the letter and its contents. He has said that his motive was to help Ms Carbarns and is apologetic that his views were not balanced. This is a serious matter and I offer sincere apologies for the actions of Mr MacFadyen.

I would like to clarify Mr MacFadyen's position within the Social Work Service. He had been seconded to the Dingwall team as an Acting Senior Social Worker, but after a period of absence from work he returned as a social worker with no supervisory or management responsibilities. Hence, he should not have used the title Senior Social Worker in his letter. The second part of Mr Boyd's complaint was that the Social Work Service and Mr MacFadyen in particular, were not "independent" in their enquiries and conclusions about his concerns because the child's paternal step grandfather worked in the same office as Mr MacFadyen. The implication was that Mr Carbarns influenced Mr MacFadyen and others.

I have decided to uphold this part of the complaint in respect of Mr MacFadyen. I would like to explain the context in which Social Work staff work. Children's services and Community care services are managed separately, within distinct structures. Nevertheless it is true that Mr MacFadyen does sometimes work in the same building as Mr Carbarns. During the course of this matter he has been approached by, and has given advice to Mr Carbarns as a colleague. This was not appropriate. Mr MacFadyen should have referred him to a solicitor. In addition, the letter of the 21st November 2002 reads primarily as if the mother was his client. This was not the case. The focus should have merely been the child.

I have decided not to uphold the complaint in respect of Ms Keough, Area Children's Services Manager, Ross and Cromarty. Ms Keough, in recognition that a complaint had been made about Mr MacFadyen arranged for a Senior Social Worker and a team member to visit to assess the concerns of Mr Boyd of the 4th January 2003. Arrangements were also made to move the file from the Dingwall office. Ms Keough was unaware of the letter written by Mr MacFadyen until your client raised a complaint.

The Senior Social Worker Mrs Gordon and the Social worker work in the Children's Resource Centre in Canon Bridge. They visited the child twice as a result of Mr Boyd's concerns about his child's care. From these visits they had no concerns about the child's welfare, health or development. They are not colleagues of Mr Carbarns and were mindful to be particularly careful in their contact with the child and her family. They observed the child on two occasions. This was reported to Mr Boyd on 12th January 2003. I am aware that Mr Boyd continues to be concerned for his child.

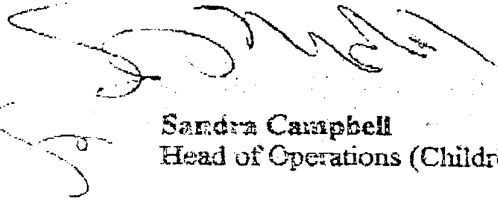
I am aware that the court is considering the matter of the child's residence on 31st January. Whilst it is clear that the views stated in Mr MacFadyen's letter of the 21st November regarding Mr Boyd are uncorroborated and not the view of the Social Services management, it is worth noting that Mrs Gordon and Ms Goodwin had no concerns about the child's health, development and care.

Nevertheless I would want to make clear that these observations are not of the detailed nature, current and historical, that a Court may require in reaching a long-term decision about Residence for a child.

To conclude, I am upholding the elements of the complaint in respect of Mr MacFadyen, and would unreservedly apologise to Mr Boyd for his action in the writing of the letter and its content.

You have the right to appeal my findings and should you not agree with them, please write to the Director of Social Work, Ms Harriet Dempster at address below within 28 days of the receipt of this letter. If Ms Dempster or I do not hear from you within this time scale, I will assume that you have accepted the outcome of your complaint.

~~Yours sincerely~~



Sandra Campbell
Head of Operations (Children)