

## SPSO decision report

**Case:** 201101537, The City of Edinburgh Council  
**Sector:** local government  
**Subject:** policy/administration  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained on behalf of Mr A, whose mother (Mrs A) required permanent residential care. The council had assessed Mrs A's finances and decided that she was able to fund her own care. Mr A complained to the council about their handling of the financial assessment and, dissatisfied with their response, took the matter to a social work complaints review committee (CRC). Based on the evidence submitted to them, the CRC ruled that Mrs A should be self-funding. Mr C complained that the information the council submitted to the CRC was incomplete and misleading. Furthermore, he did not consider that there was any evidence that the CRC took into account relevant guidance and legislation when reaching their decision. Mr C also raised concerns about the information that was made available to Mr A before and after the CRC hearing, and that the CRC chairman failed to disclose a conflict of interest.

Our investigation found that the information provided to Mr A before and after the CRC hearing was complete and in line with the published CRC procedure. The council's submission to the CRC referred to the relevant guidance and legislation, but we noted that it misquoted a key part of the legislation and paraphrased other sections without providing a full copy of them. Although we recognised that it was for the council to submit information in support of their position on the case, we found no evidence of the CRC having scrutinised the evidence submitted to them or having sought out copies of the guidance and legislation. We considered their report to be poor in that it did not give any detail of the reasoning behind their decision. We felt this was important as the report was to be passed to the relevant council committee for consideration of the recommendations being proposed by the CRC. We found that the chairman had known Mr A's wife in the past. We accepted, however, that there was no way that he could have identified this potential conflict of interest before the hearing, and there was no suggestion that he did not carry out his duties impartially. However, we considered that he could, and should, have made this known on the day to ensure transparency.

### Recommendations

We recommended that the council:

- arrange for Mrs A's case to be reconsidered by a CRC, with specific consideration given to the legitimacy of the department's decision in terms of relevant legislation and guidance;
- take steps to ensure CRCs record the reasoning behind their decisions; and
- remind CRC panel members that they should declare any potential conflicts of interest.