

SPSO decision report

Case: 201104029, Fife Council
Sector: local government
Subject: policy/administration
Outcome: upheld, action taken by body to remedy, recommendations

Summary

Mrs C complained on behalf of herself and on behalf of her niece and nephew (Mr and Miss A) who were receiving social care services from the council. Mr and Miss A lived with their mother who was their main carer. When their mother was admitted to hospital, they were left without support. The council arranged for a care provider to provide care at home to Mr and Miss A in the form of help with cooking, washing and dressing while their mother was in hospital. Unfortunately, Mr and Miss A's mother passed away shortly after the council put these services in place. The council then reassessed Mr and Miss A as needing additional help with personal care, managing finances, carrying out domestic tasks, daily living skills and sleepover care.

Mrs C told me that she had a number of problems with the care provider which she raised with the council, including one incident when she says they failed to renew home insurance for Mr and Miss A, resulting in them having to pay £700 for repairs following a leak.

Mrs C complained about the care provider to the Care Inspectorate who told the council that the care provider was not registered to provide housing support services (such as assistance with managing bills, protecting the home and learning life skills). The Care Inspectorate issued a report upholding Mrs C's complaint against the care provider, and criticising them for a number of matters including how they had dealt with Mr and Miss A's finances. The council immediately arranged for a new care provider to provide services to Mr and Miss A.

When we investigated, the council acknowledged that the care provider had been providing a care service to Mr and Miss A that they were not registered to provide. Section 99 of the Public Services Reform (Scotland) Act 2010 obliges councils to ensure that their services are appropriately registered at the time they are provided. As the council had failed to do this, we upheld this complaint.

We welcomed the evidence that the council had taken a number of steps to ensure that this would not happen again. This included identifying any other similarly affected individuals and carrying out a tendering exercise to ensure they were aware which of their care providers are registered to provide particular levels of service. However, we considered that the council should have taken further action to remedy the injustices suffered by Mrs C, Mr and Miss A and we made particular recommendations to address these.

Recommendations

We recommended that the council:

- apologise to Mrs C for failing to ensure that the care provider was appropriately registered;
- investigate the care provider's actions in relation to the renewal of home insurance in 2010/2011 with a view to establishing and remedying any financial losses suffered by Mr and Miss A as a result, reporting back to Mrs C; and
- review their practice in relation to taking social work complaints about a social work service provided to another person.