

**Case:** 201102066, Care Inspectorate  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** some upheld, action taken by body to remedy, no recommendations

### Summary

Ms C, a childminder, complained about the Care Inspectorate's decision to uphold a complaint that she did not have a safety net on a trampoline used by the children in her care. She said that this had not been pointed out on previous inspections.

The law says that we cannot question discretionary decisions reached by an organisation where there is no evidence of administrative error. We found no evidence of administrative fault or service failure by the Care Inspectorate in reaching the decision to uphold this complaint. We were, therefore, unable to question the decision. We also considered that it was appropriate for officers from the Care Inspectorate to raise any legitimate concerns that came to their attention that had not been picked up on previous inspections.

Ms C also complained that the Care Inspectorate ignored documentation she provided from the parents of all the children she minded. This indicated that they had always been aware that the trampoline did not have a safety net and were still happy for their children to use it. We found that the Care Inspectorate had considered this documentation. It was for them to decide how much importance it should be given.

However, we found that the Care Inspectorate had failed to respond to all of the points in Ms C's complaint about their handling of the matter. They had also delayed in responding to this letter. They had, however, since issued a response that we considered appropriate and had apologised for the omission, so we did not make any recommendations about this.