

## SPSO decision report

**Case:** 201204846, Care Inspectorate  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Ms C is the head of care at a service providing education and care for young people with additional support needs. A council who placed young people there complained to the Care Inspectorate (the Inspectorate) about the service. The council was unhappy with the outcome of the Inspectorate's investigation, on the basis that a number of key individuals had not been interviewed, and requested a review. The Inspectorate received another complaint from a former service user at this time, which was investigated alongside the review. The outcome of the review was that all of the council's complaints were upheld. Most of the former service user's complaints were also upheld.

Ms C then complained to the Inspectorate about the way in which they handled both investigations. She felt that in their review the Inspectorate went beyond the remit of the original investigation, by interviewing staff not relevant to the council's original complaint, and that they took irrelevant information as fact. She was also dissatisfied that one of her colleagues was not interviewed, despite allegations being made against him. Ms C also said that when she was interviewed, the Inspectorate failed to complete their paperwork in line with their procedures. The Inspectorate partially upheld two of Ms C's complaints. They apologised for some inaccuracies and said that their outcome letters could have been clearer. Although they did not consider that this affected their overall findings, they amended both outcome letters. Ms C was unhappy with the way in which they investigated both her complaints and complained to us.

We considered that the Inspectorate had broad discretion about who they interviewed and the judgements they made on evidence obtained from their investigations. We considered that the individuals interviewed were appropriate and related to the matters under investigation. We also found no evidence to show that the Inspectorate did not consider information put forward by the service. We noted that they had intended to interview one of Ms C's colleagues, but were unable to do so. They had, however, obtained information about him from other staff and had examined incident reports. In terms of natural justice, we considered that it would have been reasonable to have sought the individual's views, and we drew this to the attention of the Inspectorate. However, it appeared that the information Ms C had given about the member of staff was in any case likely to have covered the relevant issues. We found that Ms C's statement had not been signed and dated by her or the interviewing officers, but also that Ms C had not specifically raised a concern about inaccuracies in it. We concluded that these shortcomings did not have a material effect on the outcomes the Inspectorate reached and that they had taken appropriate action.