

SPSO decision report

Case: 201301979, South Lanarkshire Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: upheld, recommendations

Summary

Ms C complained that the council had not considered her complaints in line with the social work complaints procedure. Ms C had complained on behalf of her friend (Ms A) about the extent of Ms A's involvement in the care the council were providing for her aunt (Miss B).

Ms C sent her complaint to the council in May 2013, enclosing a mandate signed by Ms A, authorising Ms C to complain on her behalf. She did not receive a response and wrote to the council again a month later. They responded towards the end of August. Ms C then emailed asking for her complaint to be considered by a complaints review committee (the final stage in the social work complaints procedure). Although the council acknowledged the email, Ms C then had to contact them again before they wrote to her some three weeks later. They explained that they would not be responding to Ms C directly, as Miss B had not appointed her to handle her affairs.

The council told us that they had responded appropriately to Ms C as she did not have the authority to complain on Miss B's behalf. They also considered it unclear whether she had Ms A's authority. They did not think that the law and guidance about the social work complaints process allowed either Ms C or Ms A to complain on Miss B's behalf.

We could consider only the way the council had responded to the complaints Ms C had made on behalf of Ms A, not the underlying concerns she raised. We noted that when Ms C complained she had enclosed Ms A's mandate. Although, in line with the guidance around the social work complaints procedure, the council may not always have to take a third party's complaint through that process, we considered that they could have responded to Ms C sooner and more clearly to explain their concerns. The paperwork indicated that their first response was sent over three months after she first complained and so, taking everything into account, we took the view that their handling of the matter fell below a reasonable standard.

Recommendations

We recommended that the council:

- remind social work staff to respond to complaints timeously and, where appropriate, to advise of the steps being taken in response to the complaint; and
- apologise to Ms C for the delay in responding to her complaints.