

SPSO decision report

Case: 201400244, Care Inspectorate
Sector: Scottish Government and devolved administration
Subject: regulation of care
Outcome: some upheld, recommendations

Summary

Ms C owns a childcare business. She initially set the business up with her daughter (Miss A) and registered the partnership with the Care Inspectorate. Miss A subsequently left the business and Ms C's son (Mr A) joined as her partner. This partnership change came to light during a routine Care Inspectorate inspection visit. Ms C was advised that the registered partnership (of her and Miss A) was no longer valid. She would have to de-register and re-register the new partnership with Mr A. It took several months for this to happen, during which time Ms C was uncertain as to the status of her business. She had been advised by her insurers that if she did not have a valid registration, her insurance would be invalid. Despite attempts to clarify the situation with the Care Inspectorate, Ms C was unable to do so and she had to close her business for two days while the re-registration was completed.

We found that Ms C was appropriately advised to de-register and re-register. However, the information she was given regarding her company's status in the meantime was unclear. Whilst the Care Inspectorate had clarified the situation internally, they advised Ms C to seek legal advice and to confer with her insurers. Whilst this advice was not unreasonable, we were disappointed with the lack of a clear answer from the Care Inspectorate as to whether or not Ms C's company was currently registered with them. As the industry regulator and the organisation responsible for registering care services, we felt this was poor. We were also critical of the Care Inspectorate's handling of Ms C's formal complaint.

Recommendations

We recommended that Care Inspectorate:

- apologise to Ms C for the poor communication in response to her enquiries;
- pay Ms C the sum of £500 for the time and trouble that she had to go to to pursue this matter; and
- review their handling of Ms C's complaint with a view to identifying opportunities for improving the process of agreeing the wording of complaints and completing investigations within the published timescales.