

SPSO decision report

Case: 201501423, Fife Council
Sector: local government
Subject: care in the community
Outcome: some upheld, recommendations

Summary

Miss C complained about care provided to her father (Mr A) by the council on a specific day, and about the council's handling of her complaint.

We looked at information provided by Miss C and the council about what happened on the day. Both accounts agreed there was an incident with Mr A, but they did not agree about the reason for it. There was no conclusive evidence of the reason for the incident, which could have helped to prove whether the care provided was adequate in the circumstances. In the absence of this evidence, or any independent evidence of what actually happened, we could not uphold this aspect of Miss C's complaint. However, although we did not uphold the complaint, we had concerns about specific actions of the staff member involved, and we made recommendations to address these concerns.

The council's responses to Miss C's complaint focused on the days before and after the day she complained about. The council told us this was to assess whether what happened on the specific day could have been predicted, or if the care provided could have had an effect on Mr A. The council should have explained this to Miss C.

It appears that no action was taken when Miss C first reported her complaint to the council, and there were delays when they did deal with her complaint. We found the council did not, as they should have, interrogate evidence provided by their staff thoroughly, in order to resolve a lack of clarity in the evidence given by staff. Our main concern was that the council failed to tell Miss C that she had the right to refer her complaint to a social work complaints review committee, which meant she was denied the opportunity to have her complaint heard fully through the correct process. We upheld this aspect of Miss C's complaint.

Recommendations

We recommended that the council:

- discuss the timing of a phone call with the staff member, to ensure that in future cases they prioritise the patient they are with;
- ensure that points for improvement arising from a discussion between a manager and Miss C's parents are fed back to the staff member, so this general approach can be applied in future;
- ensure that home care staff and management know how to deal with complaints about their service, and how to signpost them to the correct formal process when necessary;
- feed back to staff involved in this complaint the need for them to interrogate evidence thoroughly; and
- ensure that where they handle complaints through the social work complaints process, complainants are always signposted to the complaints review committee.