

SPSO decision report

Case: 201507491, Perth and Kinross Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: not upheld, recommendations

Summary

Mr C raised a complaint with the council on behalf of his mother (Mrs A) regarding home care. As the complaint was regarding social work, it was progressed through the statutory social work complaints procedure and a complaints review committee (CRC) was held. Mr C complained about various aspects of the council's handling of his complaint.

We found that while there had been a delay in the CRC being held, it was not unreasonable. We concluded that there was no evidence of bias. We were satisfied that the council had handled the request for the CRC to be recorded in a reasonable way. We were satisfied with the council's explanation regarding the effect of the power of attorney on the complaint and that the CRC had accepted Mr C was the power of attorney. Mr C had decided not to continue with the CRC and therefore they were not given the opportunity to consider the complaint itself at the meeting. We therefore did not uphold Mr C's complaint.

We did have concerns that the council had subsequently written to Mr C stating that they would not reschedule the CRC and referred him to the SPSO as this meant that the complaint that had been raised was not actually considered at CRC stage, which is a complainant's right under the statutory social work complaints procedure. We also had concerns that the council continued to correspond with Mr C following the referral to the SPSO after the CRC and treated his correspondence as a new complaint. We therefore made recommendations to address this.

Recommendations

We recommended that the council:

- offer Mr C a final option to have this complaint considered by a CRC on the basis of the written submissions he and the council had previously made to the CRC; and
- remind staff that complaints about complaints handling should not normally be treated as a new complaint and that if appropriate, complainants should be referred to the SPSO.