SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201508066, Scottish Social Services Council**
Sector:	Scottish Government and devolved administration
Subject:	delay
Outcome:	upheld, recommendations

Summary

Ms C, a solicitor, complained on behalf of Miss A about the time it took for the Scottish Social Services Council (SSSC) to carry out a fitness to practise investigation after allegations were raised about Miss A's conduct. The investigation took 15 months. Ms C also complained that the SSSC did not keep Miss A informed of the progress of their investigation.

In responding to the complaint, the SSSC indicated to both Miss A and Ms C that there had been problems with obtaining statements from witnesses. The SSSC also acknowledged that Miss A had not always been kept informed of the progress of her case.

The SSSC told us that significant matters had affected their investigation of the case. These matters included the performance of individuals who had dealt with Miss A's case and the capacity of the department at the time.

While we identified that Miss A had delayed initially in responding to the SSSC's request for comments on the allegations, over a period of seven months little investigation work was carried out. We considered that a more structured approach to exploring the evidence, along with arranging interviews and statements, should have taken place sooner.

We found that the level of activity on the case appeared disproportionate to the 15 months it took to reach a decision. We were also critical of a lack of communication with Miss C about the progress of the investigation. We therefore upheld the complaint.

Recommendations

We recommended that SSSC:

- issue Miss A with a written apology for the failings identified;
- demonstrate to us that clear mechanisms are in place to ensure any protracted period of inactivity on a particular case is identified and addressed; and
- demonstrate to us that effective mechanisms are in place to ensure case workers routinely inform registrants about the progress of their case.