

SPSO decision report

Case: 201508257, Dundee City Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: some upheld, recommendations

Summary

Ms C complained to us about the council's handling of her complaint about the direct payments awarded to her for the care of her mother (Mrs A). Mrs A has Alzheimer's disease and is cared for in Ms C's home. We found that the council should have dealt with Ms C's initial correspondence as a complaint, but had failed to do so. When Ms C then made a further complaint, there was a delay in acknowledging this and in letting her know how it would be handled. In view of these failings, we upheld this aspect of Ms C's complaint.

Ms C had then taken her complaint to a social work complaints review committee (CRC), as she was unhappy with the council's response. She complained to us that the CRC had failed to adequately consider some of the points she had raised. In social work cases, there is a separate social work complaints procedure that has been set up by law and ends in an appeal to the CRC. We can look at the CRC process to ensure it has been properly followed, however, this does not include looking at the subject of the complaint to the CRC or reviewing their decision. Whilst we can look at whether or not the CRC took evidence into account, we cannot review how they used this evidence in reaching their own conclusions.

In Ms C's case, we were satisfied that the CRC had considered the points she had raised. It was for the CRC to decide on the issues presented to them and on how much weight to give to the information they received from Ms C and the council. We did not uphold this aspect of Ms C's complaint.

Finally, Ms C complained that the council had not complied with the CRC's recommendations. Whilst we recognised that Ms C was unhappy with the action taken by the council in response to the CRC's recommendations, we were satisfied that they had complied with the recommendations. We did not uphold this aspect of Ms C's complaint.

Recommendations

We recommended that the council:

- issue a written apology to Ms C for the failures identified in relation to their handling of her complaint.