

SPSO decision report

Case: 201603463, Dumfries and Galloway Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Decision: some upheld, no recommendations

Summary

Mr C, a solicitor, complained on behalf of his clients (Mr and Mrs B) about the council's complaints handling process in relation to social work. Mr and Mrs B had made a funding application for a house extension to accommodate the needs of their disabled son (Mr A). This had been refused after occupational therapy reviews and the matter went to a complaints review committee (CRC). Mr C complained that the council unreasonably delayed in considering the recommendations of the CRC; failed to give reasonable justification for not accepting the recommendations of the CRC; and failed to consider a subsequent complaint in line with their obligations.

In relation to the delay, the council said that this was due to staff absence, and therefore the report was not available to meet the deadline. We considered this explanation to be reasonable; however, the legislation states that if there are delays in considering CRC recommendations, this has to be agreed with the complainant. We found that the council had not agreed an extension to the deadline and therefore upheld this aspect of Mr C's complaint.

In relation to not accepting the recommendations, the council said that the committee had made the decision to disregard them based on a report by the social work department. However, they acknowledged that this was not published in the minutes in line with the relevant guidance. Therefore, we upheld this aspect of Mr C's complaint.

During our investigation, we found that the council had since introduced a new legislative procedure for social work complaints. Therefore, we made no recommendations in relation to Mr C's complaints.

Finally, in considering how the council had handled a subsequent complaint of Mr C's, we found that the council had initially responded in a timely manner, apologising where appropriate and explaining their position. Therefore, we did not uphold this aspect of Mr C's complaint.