

SPSO decision report

Case: 201703176, North Ayrshire Health and Social Care Partnership
Sector: health and social care
Subject: communication / staff attitude / dignity / confidentiality
Decision: not upheld, no recommendations

Summary

Mr C complained that the council unreasonably prevented him from having contact with his mother who was living in a care home. The council informed Mr C that his mother did not want to see him and continued to prevent contact after his mother was assessed as not having capacity. Mr C believed his mother did have capacity and that she had expressed wishes that she wanted to see him.

We took independent advice from a social worker. We found that, when Mr C's mother first said she did not want to see her son, she had the capacity to make that decision. When Mr C's mother showed signs of confusion and disorientation, the council took the appropriate action and arranged for a consultant psychiatrist to assess her capacity. Mr C's mother was found to not have capacity to make decisions about her welfare. The adviser noted that the council acted appropriately following this result and arranged an Adult Support and Protection case conference to discuss whether Mr C should continue to be prevented from having contact with his mother. We found that the council thoroughly considered this matter and that their decision was reasonable. We did not uphold Mr C's complaint.