

SPSO decision report



Case: 201808455, East Renfrewshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: Home helps / concessions / grants / charges for services
Decision: upheld, recommendations

Summary

Allegations were made against C that they entered into inappropriate financial arrangements with clients to whom they provided homecare services. C complained about the way that the partnership conducted the investigation into those allegations and the impact this had on them and their business.

In terms of the Adult Support and Protection (Scotland) Act 2007 Code of Practice (the Code of Practice), we found that the partnership had a clear responsibility to determine whether service users of C's company were at any risk when dealing with C. Any investigation into the actions of C or their staff would be matters for the Scottish Social Services Council (SSSC) or the Care Inspectorate.

We considered that when the partnership were made aware of the allegations against C, they quickly commenced inquiries with C's clients under Adult Support and Protection legislation, and in line with the Code of Practice. These inquiries led them to conclude that there was no immediate risk to the service users and no further action was necessary. However, given the nature of the allegations and advice from the police, the partnership considered it appropriate to notify the SSSC and the Care Inspectorate. We found this to be reasonable.

It was the SSSC, rather than the partnership, that investigated the allegations against C and accordingly we would have expected the SSSC, rather than the partnership, to notify C of these allegations and seek evidence from them. That said, we considered the partnership's communication with C could have been better and that a lot of correspondence could have been avoided, had the partnership explained their role and the decisions they make more clearly to C from the outset. On balance, we upheld C's complaint.

During our investigation, the partnership told us that they had learned from what occurred with C. They explained they had set up a joint operational Social Work, Adult Support and Protection, Care Inspectorate and Police sub-group to provide a forum for the sharing of information, assessment of risk, and agreement of actions, leads, timescale and communication. We also noted that the partnership were in the process of updating their Adult Support and Protection Large Scale Investigation Procedures, which they said should formalise these arrangements. We welcomed this action.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the failings identified in their communication with C. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.