

## SPSO decision report

**Case:** 201810255, The Highland Council  
**Sector:** Local Government  
**Subject:** policy / administration  
**Decision:** not upheld, no recommendations

### Summary

C complained about the council's involvement in respect of the Welfare Guardianship Order (order which allows someone to make ongoing decisions on behalf of an adult with incapacity) application process. C had applied for a guardianship order in respect of their adult child (A). As part of this process, C's solicitor wrote to the council to request the production of a suitability report. The council allocated a mental health officer (MHO) to carry out this task.

Due to a variety of reasons, the production of a suitability report took a significant length of time. C complained as they felt the council and the MHO unreasonably sought to delay and hinder the progress of their guardianship application. They highlighted that the MHO's communication with doctors required to submit incapacity reports and their involvement in an Adult Support and Protection referral as evidence of this. In C's view, the MHO had acted outwith their remit.

We took independent advice from a social worker. We found that the council and the MHO involved in the guardianship process acted reasonably and within their remit. We acknowledged that the process took an unusually long length of time and that this must have been very frustrating for C. In addition to this, we recognised that the MHO and C held very different opinions on A's capacity. However, we were satisfied that it was appropriate for the MHO to provide their professional views and input as part of the guardianship process and that they had carried out their responsibilities appropriately. Therefore, we did not uphold this complaint.