

## SPSO decision report

**Case:** 201904916, Angus Health and Social Care Partnership  
**Sector:** Health and Social Care  
**Subject:** adult support and protection / adults with incapacity  
**Decision:** not upheld, no recommendations

### Summary

C complained about the support provided to their parent (A) by the partnership. In particular, C complained that the decision was made to move their parent to respite accommodation (planned or emergency temporary care usually provided to give primary caregivers a break from caring). C was also concerned that no further care assessment was carried out of A's care needs to assess in what way a care home, particularly respite, was considered appropriate to A's needs. C was concerned that A was not supported to return home.

We took independent advice from a social work adviser. We found that the records indicated that A's views were not sought and that A was not enabled to make an informed choice regarding the move to respite. However, as this was a crisis/emergency situation it was reasonable for the partnership to make the decision to move A to residential respite because A was not safe to remain in their own home without 24-hour support and the partnership took reasonable steps to ensure that A's welfare was safeguarded by seeking alternative care (residential respite). It was also reasonable as the records indicate that A was experiencing increasing confusion in the months leading up to the crisis situation and it was unlikely that A would have been able to make an informed decision.

We also found that the assessment of A's care needs (that A required 24-hour care in a residential setting) was reasonable and that in the circumstances there was no obligation for the partnership to provide 24-hour care to A in their own home. We did not uphold C's complaint that the partnership had failed to provide reasonable support to A.

C also complained that the partnership failed to investigate allegations that A was being abused and/or neglected. We found that the partnership had appropriately followed up on the concerns and their decisions not to carry out adult protection investigations were reasonable in the circumstances because there were less restrictive interventions that were able to meet A's needs. We did not uphold C's complaint in this regard.