

SPSO decision report

Case: 201908612, North Lanarkshire Council
Sector: Local Government
Subject: Care in the community
Decision: not upheld, no recommendations

Summary

C's sibling (A) was being treated in hospital after being diagnosed with a brain tumour. C complained about social work involvement in planning for A's discharge from hospital. C believed the home environment was unsafe for A, and thought the council should have made alternative arrangements for A's accommodation on discharge. C also complained about the communication with C and C's sibling (B) regarding discharge arrangements for A. C was dissatisfied with the council's complaint response, and brought their complaint to us.

The council said that they had acted in accordance with the relevant legislation. They noted A consistently expressed a wish to be discharged home to their family, and the council undertook a number of tasks to improve the home condition prior to A's discharge.

We took independent advice from a social work adviser. We found that the council had provided an appropriate care and support plan for A. We noted C's concerns about A's home environment, but considered that the council had worked to minimise the risks to A of returning home. We considered that the council had met their obligations in respect of A and we, therefore, did not uphold this aspect of C's complaint.

With regard to the complaint about communication, the council acknowledged some of their communication with the family could have been better, and apologised for this. We noted that although C said they had Power of Attorney (a legal document appointing someone to act or make decisions for another person), this had not been registered with the Office of the Public Guardian and therefore gave them no authority to act on behalf of A. Although C and B had no legal authority to be involved in decision-making regarding A, we noted that the council had worked to involve them. We recognised this was a complex and difficult situation but we did not uphold this complaint.