

SPSO decision report

Case: 202001087, Edinburgh Health and Social Care Partnership
Sector: Health and Social Care
Subject: Policy / administration
Decision: upheld, no recommendations

Summary

C was an executor of their late parent's estate and were seeking to sell a property in line with their parent's will. However, there was a charge on the property which related to legal costs incurred many years ago by their other parent (B). B did not have capacity to agree that the sum should be paid, and as such, an intervention order (a court appointment which authorises a person to act and take a one-off action or make decisions on behalf of an adult with incapacity) was granted by the Sheriff Court for social work (with the support of the council's legal services) to act on behalf of B regarding the charges. C complained about the length of time being taken to execute the intervention order.

We found that there were delays in correspondence regarding the execution of the intervention order. We noted that both the partnership and the council had acknowledged and apologised to C for this. Some of the delays were outwith their control due to awaiting responses from C's solicitors and the impact of the COVID-19 pandemic. However, some of the delays could have been avoided (by having clear lines of responsibility between social work and legal services and by escalating the matter internally). We considered that, on balance, there had been an unreasonable delay in executing the intervention order. As such, we upheld C's complaint. However, we did not make any recommendations due to the action already taken by the partnership.