

SPSO decision report

Case: 201200698, Mental Welfare Commission for Scotland
Sector: scottish government and devolved administration
Subject: policy/administration
Outcome: upheld, no recommendations

Summary

Ms C complained to us that the Mental Welfare Commission for Scotland had not reasonably handled her concerns about her detention under the Mental Health Act. We explained to Ms C that we could not look at the matter of her detention, but we did look at how they handled her concerns. We found that, following receipt of Ms C's original letter in which she outlined these concerns, the commission requested further information so that they could make a decision about whether and how to deal with the issues she had raised. Ms C told us that she did not receive this letter and so went on to send three follow-up letter, but received no acknowledgement or response to these.

The commission then wrote to Ms C to clarify what information was required, and she provided this in a letter. In it she made it clear that she was unhappy with the handling of her correspondence and said she could not understand whether her letters had been received and why they had not generated any acknowledgement or response. She asked for all her complaints to be looked at together by a senior manager. Ms C again received no reply, and wrote again a month later. The commission did then respond to the issues she had raised and apologised for their failure to reply. Ms C was advised of her right to complain about the handling of her correspondence. She exercised that right and the commission upheld her complaint.

Our investigation also upheld Ms C's complaint. We found that it should have been clear on receiving her three follow-up letters that she had not received the letter requesting further information; so three opportunities to set the record straight were missed. When Ms C wrote to provide the information requested she then had to prompt the commission again by sending a follow-up letter. We found this unacceptable. We also found that the commission could have recognised Ms C's dissatisfaction earlier and should have dealt with the issues about their handling of her correspondence at an earlier stage under their complaints handling procedure.

We noted that the commission have taken the positive step of developing written guidance for staff on dealing with incoming correspondence. They had also apologised to Ms C on three occasions, so in the circumstances we had no further recommendations to make.