

SPSO decision report

Case: 201202561, Care Inspectorate
Sector: Scottish Government and devolved administration
Subject: regulation of care
Outcome: some upheld, recommendations

Summary

Miss C's mother had received care services through her local council for a number of years, but these were suddenly withdrawn. Miss C complained to the council and also asked the Care Inspectorate to investigate. The Care Inspectorate investigated four complaints about the council's termination of Miss C's mother's care arrangements and upheld two of those complaints. Miss C was, however, concerned about the way this was investigated, and how the available evidence was used. She asked that they review their decision on two of her complaints. She then complained to us about delays in the Care Inspectorate's handling of her review request and about the lack of any action being required of the council when her complaints were eventually upheld.

We found that, although there were certainly delays in reinvestigating Miss C's complaints, the investigation generally progressed reasonably and communication with her about the cause of the delays was good. The delays were caused by matters that were largely beyond the Care Inspectorate's control. That said, we were critical of the length of time that they took to decide that the two complaints should be reinvestigated. We upheld the complaint about the delay in investigating, but were otherwise satisfied with the Care Inspectorate's actions in terms of notifying the council of their revised decision and following up on the action they asked the local authority to take on the issues highlighted by their investigation.

Recommendations

We recommended that the Care Inspectorate:

- apologise to Miss C for the delay in coming to a decision to reinvestigate her complaint and to conduct the investigation; and
- consider incorporating into the 2012 complaints procedure a specific timescale for the initial assessment of whether a decision should be reviewed.