

## SPSO decision report

**Case:** 201204433, Care Inspectorate  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** not upheld, recommendations

### Summary

Mr C was accused of acting inappropriately when visiting his mother in a care home. He was dissatisfied with the care home's investigation into the incident and complained to the Care Inspectorate. They agreed to investigate two elements of Mr C's complaint, focusing on the care home's application of their policies and procedures, rather than the incident itself. They were satisfied that the care home had followed their procedures appropriately when investigating Mr C's complaint and deciding what action to take. Mr C complained that the Care Inspectorate's investigation was not thorough and demonstrated a bias towards the care home.

We found that the Care Inspectorate had ruled out all aspects of Mr C's complaint that related to the incident at the care home, but we considered that decisions about the extent of their remit for investigating complaints were a matter for their discretion. We were satisfied that they had given due consideration to their governing legislation when reaching this decision and that the conclusion they reached was reasonable. That said, we were critical of the explanation they gave Mr C about why certain aspects of his complaint were ruled out. Mr C had raised a number of concerns about the incident and how it had been handled, and he was not given a detailed explanation as to why the Care Inspectorate's investigation reports did not address these concerns. We were satisfied that the investigation did not have a bias toward the care home, but we felt that the report could have better acknowledged Mr C's side of the complaint.

### Recommendations

We recommended that the Care Inspectorate:

- review their email correspondence with Mr C with a view to identifying ways of improving how they communicate decisions regarding their remit and procedures to complainants; and
- apologise to Mr C for the lack of detail and clarity in their correspondence with him.