

## SPSO decision report

**Case:** 201205330, Care Inspectorate  
**Sector:** Scottish Government and devolved administration  
**Subject:** complaints handling  
**Outcome:** upheld, recommendations

### Summary

Ms C complained that the Care Inspectorate unreasonably delayed in dealing with her complaint, which was related to her late brother sustaining a serious injury whilst receiving 24-hour care. Ms C was unhappy that they did not explain why there had been a delay, and that they failed to explain what matters were outwith their jurisdiction and why.

We considered that taking a year to investigate Ms C's complaint was unreasonable even although the Care Inspectorate had experienced difficulties in agreeing all of the issues to be investigated. We upheld the complaint, although we did find that after this they conducted a thorough review of how they had handled Ms C's complaint, to ensure that they adopted a more cohesive and coordinated approach towards future complaints. They also identified a number of factors that impacted on the time taken to respond. Whilst the Care Inspectorate had acknowledged that there was a delay in progressing their investigation, we also found that Ms C was not told about this or the reasons for it until she contacted them. We were critical that it then took a further four months for them to clearly explain that they were unable to look into an aspect of her complaint.

### Recommendations

We recommended that the Care Inspectorate:

- provide the Ombudsman with evidence that action has been taken to address the failings identified in the review they conducted;
- ensure timely investigations are conducted into complaints that have been agreed, whilst giving prompt consideration to those complaints that require further agreement prior to investigation;
- ensure that complainants are notified about delays and given clear reasons for the delays in a timely manner; and
- provide a written apology to Ms C for the failings identified.