SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201406685, Aberdeenshire Council**
Sector:	local government
Subject:	complaints handling (incl social work complaints procedures)
Outcome:	upheld, recommendations

Summary

Mr C was receiving an individual budget from the council under a self-directed support pilot scheme. Mr C was responsible for arranging his own social care support in line with a plan and outcomes he agreed with the council. At the end of the pilot scheme Mr C was asked by the council to repay £1050 which he had withdrawn from the individual budget in cash. The council said Mr C had failed to prove the money had been used to meet agreed outcomes. Mr C said he had given the council clear evidence of legitimate expenditure.

Mr C complained about the way the council had treated his complaint. In particular he said he was not given an opportunity to contribute his evidence to the process before a decision was made.

We found that when Mr C wrote to the council they failed to tell him the matter was being treated as a financial appeal rather than as a complaint. They incorrectly said their resource allocation panel amounted to a statutory appeal process. The council assessed the complaint under their corporate complaints handling procedure when the complaints should rightly have been considered and assessed for eligibility under the statutory social work complaint process. We asked the council to review their handling of Mr C's complaint.

We found that Mr C was not given a proper opportunity to contribute his evidence to the financial appeal process before it was considered by the resource allocation panel.

Recommendations

We recommended that the council:

- review the handling of this complaint taking into account the council's statutory obligations in respect of social work complaints and advise Mr C and us of the outcome; and
- offer Mr C the opportunity to provide further details and / or evidence of the disputed expenditure and provide a further response which fully and clearly deals with all points not already addressed.