

## SPSO decision report

**Case:** 201601033, South Lanarkshire Council  
**Sector:** local government  
**Subject:** complaints handling (incl social work complaints procedures)  
**Outcome:** some upheld, recommendations

### Summary

Mr C, who works for an advocacy and support agency, complained on behalf of Mr A. Mr A had approached the council for assistance in caring for his mother. Mr A was dissatisfied with the way in which his requests were handled by the council. He complained to the council and this was handled through the social work complaints procedure. As Mr A's complaint had been heard by a Complaints Review Committee (CRC), we were limited to considering complaints about the way in which his complaint had been handled. Mr C said that Mr A's complaint had been unreasonably put on hold because Mr A had said he was seeking compensation, that the council had failed to consider and respond to Mr A's comments on the draft report and that it was unreasonable that the council's legal representative stayed with the CRC panel when they broke up for recess.

Following investigations, we concluded that the statutory social work complaints procedure and associated guidance indicated that the council had to receive a clear indication that the subject of the complaint was actively being pursued by legal action before a complaint could be suspended, rather than there being a verbal expression of intention. Therefore we upheld this aspect of Mr C's complaint. We also had concerns that the council's own complaints procedure did not reflect the wording of the statutory social work complaints process and recommended that the council review this.

In relation to Mr C's concerns that the council had not adequately considered and responded to Mr A's comments on the draft report, we could see no indication that a full response to the comments was required or that Mr A had been given an indication that this would be given. Therefore, we did not uphold the complaint. We were concerned that by being invited for comments, this had potentially raised Mr A's expectations that a detailed response would be given and that the matter would be investigated further.

In relation to Mr C's concerns that the council's legal representative stayed with the CRC panel when they broke up for recess, we established that the person in attendance was acting as legal adviser to the CRC and, as a matter of standard practice, they normally remain in the room. Therefore, we did not uphold this complaint.

### Recommendations

We recommended that the council:

- remind staff involved in handling social work complaints of the circumstances in which complaints can be suspended and that if there is any uncertainty regarding whether the complainant is taking legal action against the council, this should be confirmed with them, preferably in writing;
- review the Social Work Resources Complaints Procedure with a view to ensuring that the wording reflects the contents of the directions and guidance on this point; and
- provided the council still wish allow to complainants the opportunity to comment on CRC recommendations, add to the relevant template letter that comments will only be passed to the CRC for consideration and will not be individually responded to.