

SPSO decision report

Case: 201700894, South Lanarkshire Council
Sector: local government
Subject: care in the community
Decision: some upheld, recommendations

Summary

Mr C complained to the council, on behalf of his sister (Ms A), about the company that the council contracted to provide her care. Mr C said that they inappropriately charged her for Personal Protective Equipment (PPE) for staff, that they had failed to evidence that Ms A received a warm home discount each year and had unreasonably failed to calculate and refund costs associated with the use of Ms A's phone by staff. Mr C also complained that the council failed to provide a reasonable response to his enquiries. The council confirmed that a refund was being looked into regarding the PPE and that a refund had been issued for one year of phone bills, with five years in total to be assessed. This remained unresolved and Mr C brought his complaint to us.

The council advised a different care provider was contracted for the first two years of care. They did not have evidence of the phone bills or PPE for that period as the company in question has since ceased to exist. The council have since provided Ms A with a refund for three years for the PPE. They provided three years of phone bills but did not offer to issue a further refund in this regard. We considered that the council unreasonably failed to calculate and refund costs for the PPE and use of Ms A's phone by staff. We upheld these aspects of Mr C's complaint and asked the council to examine the full five years in question.

In relation to the warm home discount, the council were able to evidence that Ms A had correctly received this. We did not uphold this aspect of Mr C's complaint.

Finally, we considered that the council had failed to provide a reasonable response to Mr C's enquiries. We noted that the company providing care to Ms A delayed in their response to the council but considered that the delay in responding to his enquiries was unacceptable. We upheld this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to process the appropriate refunds for PPE and phone bills to Ms A; for failing to provide him with information in relation to this; and for the unacceptable delay in responding to his enquiries and complaints. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.
- The organisation should calculate the PPE and phone bill refunds for five years, evidence this, and refund Ms A accordingly. If information is not available, the council should explain how any estimate has been determined.

What we said should change to put things right in future:

- Evidence that there is a clear process in place when the council is seeking evidence from a contracted company to prevent future delays of this nature.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.