

SPSO decision report



Case: 202407263, Aberdeenshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: Carer's assessments
Decision: some upheld, recommendations

Summary

C complained that the partnership failed to handle their application for their child (A)'s placement at a residential facility reasonably. A has a genetic condition, mental health issues and significant learning disabilities. A had identified a residential placement for individuals with their condition. C applied for a place supported by A's social worker and medical professionals. The decision on the placement was taken by the Strategic Resource Allocation Group (SCRAG). The SCRAG met to discuss and declined the placement on the basis that A could explore support closer to home, in keeping with the national 'Coming Home' agenda.

C believed that there had been a second SCRAG meeting that also rejected the application but that no minute was available for it. C said that the SCRAG had not given due consideration to the medical and other supporting evidence.

We took independent advice from a social worker. We found that the SCRAG had followed procedure and considered all the evidence submitted. The Ombudsman does not act as an appeal body for SCRAG decisions and so our investigation looked at whether procedures had been properly followed. We noted that the second meeting was not a SCRAG meeting but a meeting in response to the placement decision, which had asked social workers to explore support options for A further.

We found that the SCRAG was conducted in line with its terms of reference and the decision was one it was entitled to make. Therefore, we did not uphold this part of C's complaint. However, it should have been made clearer to the family what the SCRAG process involved and that the decision from the first meeting was final.

C also complained that the partnership failed to follow the Child Friendly Complaints Process reasonably. We found that A was capable of understanding and being involved in the complaint process. The partnership failed to comply with its legal duty to involve A in the complaints process and give them the opportunity to express their views. The partnership did not seek A's informed consent for the complaint to proceed or establish what was in A's best interests. We upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A for failing to engage with them about the complaint or obtain their consent to take the complaint forward. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

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

- The Child Friendly Complaints Handling Process must be considered as part of the partnership's investigation into complaints. All organisations under our jurisdiction have a legal duty to comply with this

in all cases, and our Child Friendly Complaints Handling Process Guidance, which provides additional practical tools for meeting the Principles.

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.