

SPSO decision report

Case: 201600783, Perth and Kinross Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Decision: some upheld, recommendations

Summary

Mr C complained about the council's handling of a complaints review committee (CRC), in relation to care arrangements for his elderly mother after she was discharged from hospital. Mr C complained that the CRC was unreasonably delayed, and that the council did not take steps to remedy failings identified by the CRC. In addition, Mr C was unhappy with the council's consideration, at a different CRC, of his concerns about an Equality Impact Assessment (EQIA).

We found that the council failed to make arrangements for a CRC as soon as Mr C told them he wanted to progress his complaint to that stage. Therefore, we upheld this part of Mr C's complaint. However, we noted that delays after this point were largely due to Mr C engaging in protracted correspondence with the council, and due to Mr C's choice not to proceed to a CRC for a period of time, but to approach us instead without having been to a CRC.

We found that the council did take steps to remedy failings identified by the CRC, so we did not uphold this part of Mr C's complaint. However, one matter identified by the CRC was not addressed, and we have made a recommendation to remedy this specific issue.

We noted that Mr C disagreed with the council's view about when an EQIA should take place. He wanted an EQIA of contracts and policies within the council, in particular relating to new contracts for dementia care. The council's view was that, as no new policies had been introduced, an EQIA was not necessary. We found that the council considered Mr C's concerns and gave a view based on their reading of their obligations in relation to an EQIA. The council then explained why they did not consider an EQIA to be necessary. In the circumstances, we could not conclude that the council's consideration of Mr C's concerns was unreasonable, and we did not uphold this part of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to progress his complaint to a CRC in a timely manner. This apology should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.
- Apologise to Mr C for failing to address one of the findings of the CRC. This apology should comply with SPSO guidelines on making an apology, available at www.spsso.org.uk/leaflets-and-guidance.

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.