

SPSO decision report

Case: 201808288, Highland NHS Board
Sector: Health
Subject: adult social work services (highland nhs only)
Decision: upheld, recommendations

Summary

Mr C complained that the board failed to follow relevant procedures for moving his mother-in-law (Mrs A) from a hospital in Scotland to a residential care home in England. We took independent advice from a social worker. We found that there are three contractual routes available and that the board entered into a Route 2 contract without giving Mr C a choice about the contractual route he wished to take. This was contrary to the guidance that was in place at the time of events and we upheld this aspect of Mr C's complaint.

Mr C also complained that the board failed to communicate reasonably with him about the process of moving Mrs A to a residential care home in England. We found that there was no clear communication with Mr C about the process for a cross-border placement, the contractual requirements, or transport arrangements. 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 clearly communicate the process for a cross border placement, the contractual requirements, and transport arrangements and for entering into a Route 2 contract without giving him a choice about the contractual route he wished to take. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.
- Consider whether it would be possible to offer Mr C other contractual options, including the Route 3 option.

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

- Individuals should be given relevant information about the different contractual arrangements, which they can fully understand and then act upon in accordance with the Guidance on Charging for Residential Accommodation (CCD2/2019).
- There should be clear communication with family members at the earliest opportunity about the process for a cross-border placement, the contractual requirements, and transport arrangements.

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.