

SPSO decision report



Case: 202202759, North Ayrshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: Adult support and protection / adults with incapacity
Decision: upheld, recommendations

Summary

C's elderly, visually impaired and partially deaf parent (A) was in receipt of social care from the partnership. C raised concerns with the partnership about a number of matters related to A's care, including the arrangement of an Adult Support and Protection (ASP) conference, that the partnership did not reasonably adhere to the Code of Practice in relation to A's care and action around referring A to other appropriate services. A had been referred to ASP by their social worker. An ASP case conference was scheduled and held and invitations for A and their family to the conference were not received until after the meeting date. C considered that the Adult Support and Protection (Scotland) Act 2007 Code of Practice had not been reasonably adhered to in relation to actions around A's care.

In their responses, the partnership accepted that there were some areas where their practice had fallen short of the standard that A and their family could expect and provided some apologies for these. As they remained dissatisfied, C raised their complaints with SPSO.

We took independent advice from a social work adviser. We found that elements of the partnership's record keeping, provision of information, advice and support to A and their family regarding the ASP conference were unreasonable. We also found that the partnership had not reasonably considered aspects of the format of the conference and had not reasonably provided a written care package for A. The effect of this was that A's voice was not heard in the conference. Given the close connection between this and the contents of the Code of Practice, we upheld this aspect of the complaint.

In relation to the partnership's handling of C's complaints, the partnership had provided a response to C in relation to some of these matters and that response addressed some of those issues and identified some areas for improvement. However, we found that the partnership had not directly addressed C's concern that the social workers assurances had been accepted without evidence or verification.

We also found that the partnership did not indicate that they had taken, or intended to take, any action to address the areas for improvement that they had identified. We found that it was unreasonable that the partnership did not consider what action was necessary as a result of their findings on C's complaints, and that they did not advise C, as part of the complaint response, of these. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A and their family that they did not reasonably arrange or conduct the Adult Support and Protection case conference in relation to A. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.
- Apologise to C that they did not respond reasonably to C's complaints. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

- A written care plan is provided to A.

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

- Adult Support and Protection case conferences are arranged and conducted reasonably, and service users and, where appropriate, their families are reasonably advised of, and facilitated to be properly involved in, the process, and their wishes reasonably taken into account.

In relation to complaints handling, we recommended:

- Complaints are properly investigated and responded to in line with the partnership's complaints handling procedure.

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.