

SPSO decision report

Case: 201908766, Inverclyde Health and Social Care Partnership
Sector: Health and Social Care
Subject: assessments / self-directed support
Decision: upheld, recommendations

Summary

C, an advocacy and support worker, complained on behalf of their client (A) about Self Directed Support (SDS) decisions made by the partnership. A's family had arranged for carers from an agency, which provides carers on a self-employed basis, to provide care to their family member (B). A asked for an SDS assessment to be carried out in order for contributions to the cost of carers to be made by the partnership. Several months later, the partnership told A that the request for SDS payments had been declined on the basis that the local policy advises employing personal assistants, rather than self-employed workers.

During their complaints investigation, the partnership acknowledged and apologised that there had been a delay in communicating their position. They also confirmed to us that they had updated their guidance to make their position on engaging self-employed carers more clear; and that staff training had been carried out on this matter.

We considered that the failure to notify the family of the issues regarding self-employed carers at an earlier stage was unreasonable. We also considered that the explanation provided to the family could have been clearer. On this basis, we upheld this aspect of the complaint.

In terms of actions taken by the partnership, we found that the updates made to the guidance were appropriate, but made a recommendation to ensure that all associated guidance such as practitioner's guides fully reflect the position. We also recommended that the partnership provide a further apology to the family and that they provide evidence of the staff training carried out.

Recommendations

What we asked the organisation to do in this case:

- Apologise to A for failing to communicate reasonably with them regarding SDS options and payments. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Families should be informed at the earliest opportunity of any issues or concerns which may impact on their ability to receive SDS payments.
- The guidance should be clear about the partnership's position on using SDS payments for self-employed carers.

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.