

SPSO decision report



Case: 202506409, East Ayrshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: Assessments / self-directed support
Decision: upheld, recommendations

Summary

C complained that the partnership failed to carry out a reasonable assessment review of their needs and support arrangements prior to the partnership's decision to reduce C's care and support package. C has progressive multiple sclerosis (MS, a neurological condition affecting their physical and cognitive health). Their spouse (B) was employed as their personal assistant (PA), using C's Self-directed Support budget (a way of arranging social care that gives the individual more choice and control over how their support is arranged and delivered).

C said that there was no discussion about the change, or support offered to help manage this. C said that the reduction to their budget was so severe that their two PA's, including B, were made redundant, and C was no longer eligible for the Independent Living Fund.

In response to C's complaint and our enquiries, the partnership said that they adopted a new Accessing Social Care and Support Policy, which prioritises risk using the nationally agreed criteria set by the Scottish Government. They said that this revised policy had been shared with C and B in advance of the care package discussion with opportunities provided to discuss the changes. The partnership said that a person-centred, evidence-based assessment was conducted, involving C, B, and relevant professionals, ensuring their views were respected, documented and fairly considered in line with standard eligibility criteria. Regular reviews and the option for earlier reassessment were outlined, alongside appropriate referrals for additional support.

We took independent advice from a qualified social worker. We found that the partnership largely followed their policy in relation to the assessment process and decision on C's entitlement. However, we found that they did not arrange or offer a scheduled review, as per their policy. The partnership did not check C's understanding of the new policy or explain how the policy applied to their situation. While the partnership said that the process was person-centred, the actual decision making and application of the eligibility criteria was done in C's absence and the result shared with them afterwards.

While the partnership highlighted ongoing practical support, we found that there was limited consideration of the financial consequences of the decision and a lack of support in, for example, advocacy and access to financial help. The partnership also did not seem to have explored the impact on B, who was essentially made redundant in their employment as C's PA, while their actual caring duties continued and increased. Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and B for the shortcomings in the assessment process. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.
- Arrange an in-person review for C as soon as possible to assess how the reduced package is working out. This should include a proactive approach to identifying and facilitating relevant support for C, and B as

their carer.

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

- Assessments should be person-centred and ensure the person understands and is, and feels, included in the process. Support and / or independent advocacy should be offered to those dissatisfied with the assessment, or where there is a notable reduction in income. The role of carer should be fully discussed along with the financial impact that a reduction would have, with consideration given to involving specialist support services. A review of needs and support should be arranged in a timely way, as per the partnership's policy.

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.