

SPSO decision report

Case: 201705735, Glasgow City Health and Social Care Partnership
Sector: Health and Social Care
Subject: Policy / administration
Decision: not upheld, no recommendations

Summary

C is welfare guardian (a court appointed guardian who can make decisions on behalf of an adult with incapacity) for their adult sibling (A). A was assessed in hospital by the health and social care partnership as needing full-time residential adult care. C disagreed with this assessment and considered that A would be better cared for at home. C returned A to their home following their hospital discharge. C maintained that as A had been assessed as requiring full-time care, they were entitled to have this fully funded at home and that they were entitled to be offered the relevant self-directed support payment options for this care. Glasgow City Council refused to provide such funding, maintaining that they were only under a duty to fully fund the care assessed as needed. Adult protection procedures were considered but as C was now providing full-time care to A, alongside a council funded care package, no action was taken.

C complained to the partnership about the assessment outcome and the failure to provide fully funded full-time home care for A. There were considerable delays in responding to the complaint for which the partnership later apologised, however they maintained their view that A was not entitled to full-time fully funded home care and their original assessment had been appropriate.

C brought their complaint to this office and raised further concerns about the tone of partnership's communications and the investigation of their complaint.

We found that A was entitled to assessment under the 1968 Social Work (Scotland) Act and funding to meet the needs assessed. However, the council were not obliged to provide funding to meet care costs where the care being provided did not meet that assessed need (in this case care at home rather than residential care). We concluded that the assessment of A's needs was appropriate and that the council were not obligated to offer self-directed support payments. Therefore, we did not uphold this complaint.