

SPSO decision report



Case: 201805026, Renfrewshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: policy / administration
Decision: upheld, recommendations

Summary

C complained about the partnership's actions in respect of their parent (A), who they have power of attorney for. Requests for an assessment for A's needs were made to the partnership and it was deemed they did not have capacity. An assessment was completed and a Self-Directed Support (SDS) budget (a package that allows individuals to choose how they receive their social care and support) was calculated. However, before SDS funding was put in place, two further assessments took place. These related to an increase in A's care needs. Based on the final assessment, the partnership concluded that A was not able to care for themselves safely and would require 24-hour care. The partnership sent C documentation relating to SDS payments. C did not return this documentation, as they did not consider it to reflect the recent assessment of A's care needs. As a result, the SDS process was not completed and no payments were made.

C complained as they did not consider the partnership to have assessed A's needs or handled the SDS process appropriately. Furthermore, C did not consider the partnership to have communicated with them in a reasonable and appropriate manner.

We took independent advice from a social worker. We found that the content and substance of the assessments carried out by the partnership appeared reasonable, appropriate and in line with relevant guidance and legislation. We also concluded that the partnership acted appropriately in other respects such as highlighting the potential of detention under the Mental Health (Care and Treatment) (Scotland) Act 2003 and in offering to provide SDS funding equivalent to the cost of a care home if A stayed in their own home. However, we considered it unreasonable that the process to put in place SDS funding for A's personal care needs, which were identified in the first assessment, was not finalised. There was an unreasonable delay of five months between the completion of the initial assessment and SDS payment documentation being issued to C. In light of this failing, we upheld this complaint.

In respect of communication, we concluded there were instances of unreasonable failings in the partnership's communication and missed opportunities to clarify matters in respect of the SDS process. We also concluded that the partnership unreasonably failed to share assessment reports with C. Therefore, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to carry out the SDS process within a reasonable timescale following the initial completion and assessment of A's needs and for the communication failings identified in this investigation. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Recalculate and provide backdated SDS funding in respect of A. The partnership's calculation should give consideration to A's entitlement to free personal care and take into account the initial assessment completed and subsequent assessments. The partnership should provide an explanation and rationale for

their decision to both this office and C.

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

- Communication with the family members of service users or those with power of attorney should be clear, consistent and of a reasonable standard. Completed assessment reports should be shared with relevant family members, carers or people with power of attorney.
- Following an adult care assessment, the SDS process should be carried out within a reasonable timescale to ensure SDS or free personal care provision is in place.

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.