

SPSO decision report



Case: 201806426, North Ayrshire Health and Social Care Partnership
Sector: Health and Social Care
Subject: Policy / administration
Decision: some upheld, recommendations

Summary

Mr C, a support and advocacy worker, complained on behalf of his client (Ms A). Ms A had been receiving a direct payment to fund a personal assistant to help her care for her child. When Ms A met with the partnership, she said that she had purchased mountain bikes and placed a down payment on a caravan. The partnership said that this breached Ms A's agreement and stopped her direct payment. Mr C complained that the partnership's decision was unreasonable and that they failed to take account of their non-compliance with their statutory obligation to provide Ms A with support and guidance. Mr C also said that the statutory guidance gave the partnership flexibility to consider the use of funds by Ms A to see if they met the family's broader needs.

We took advice from an appropriately qualified adviser. The partnership acknowledged that Ms A had not received regular support and guidance as required. However, there was no evidence that Ms A had submitted monitoring forms as required by her agreement with the partnership detailing her use of the direct payment. We considered that it was reasonable for the partnership to reach a decision based on the information they had available at the time and that staff appropriately followed the relevant procure. We did not uphold this aspect of Mr C's complaint.

Mr C also complained that the partnership failed to respond to his complaint reasonably. We found that the partnership had failed to respond fully to the issues raised by Mr C and upheld this aspect of his complaint.

Finally, Mr C complained that the partnership failed to take reasonable or appropriate follow-up action after their complaint decision. Mr C noted that the complaint decision said that they would reinstate the direct payment. It also committed to entering into further discussions with Ms A about how her child's support needs could be best met. However, four months after this letter had been sent, Ms A had not received any contact from the partnership.

We found that the partnership failed to meet commitments it had made to Ms A by not contacting her, or reinstating her direct payments. We upheld this aspect of Mr C's complaint. However, we noted that the partnership had taken reasonable steps to address these failings and made no further recommendations.

Recommendations

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

- Remind staff at the partnership who handle complaints that complaints should be handled in line with the Model Complaints Handling Procedure (MCHP). Stage 2 complaint responses should respond to all relevant points made in the complaint. The MCHP and guidance can be found here: [HYPERLINK "https://www.spsso.org.uk/the-model-complaints-handling-procedures"](https://www.spsso.org.uk/the-model-complaints-handling-procedures) <https://www.spsso.org.uk/the-model-complaints-handling-procedures> .

In relation to complaints handling, we recommended:

- Provide a response which addresses the specific issues raised by Mr C in his complaint letter.

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.