

SPSO decision report

Case: 201807054, Highland NHS Board
Sector: health
Subject: adult social work services (highland nhs only)
Decision: not upheld, no recommendations

Summary

Mrs C manages a direct payment (a cash payment paid under self-directed support in order to purchase care at home) on behalf of her disabled son (Mr A). The board contacted Mrs C to progress a review of the direct payment and to review the decision that Mrs C should be permitted to be employed as a Personal Assistant (PA) for Mr A. The direct payment included funding for two carers to provide two-to-one support to Mr A. Following the review, the board decided the funding should be reduced to only pay for one PA until a second PA was recruited to provide the two-to-one support. The board also decided that Mrs C should no longer be employed as a PA, and they advised that a second PA needed to be recruited.

Mrs C complained that the board acted unreasonably in respect of the review of the direct payment. Mrs C felt that the board unfairly blamed her for the failure to complete the review and that their decision to reduce the funding was unreasonable. Mrs C also complained that the board's decision regarding her employment as a PA was not in accordance with self-directed support legislation.

We took independent advice from a social worker. We found that the board acted reasonably in respect of both complaints. We identified that the local authority's decision to reduce the funding until a second PA was recruited was reasonable as the funding should only be used to meet the agreed outcomes detailed in the support plan. We also identified that the board acted reasonably by providing Mrs C adequate notice to recruit an alternative PA. Therefore, we did not uphold the complaints.