

SPSO decision report

Case: 201903474, Dumfries and Galloway Council
Sector: Local Government
Subject: home helps / concessions / grants / charges for services
Decision: some upheld, recommendations

Summary

Mr C, an advocacy worker, complained on behalf of his clients (Mr and Mrs A). Due to long-standing conditions, Mrs A was deemed to require personal care and had received self-directed support payments in order to employ a personal assistant (PA). Mr A also had personal care needs and the couple identified a PA who would be able to provide the required care for them both.

Mr and Mrs A, along with Mr C, met with a social worker to discuss how to get the necessary care in place. Mr C stated that the social worker told Mr A that he would be financially assessed and it was likely that he would have to make little or no contribution towards his care. In addition to this, Mr C stated that Mrs A was told that Mr A's assessment and support would not affect her.

After this meeting, Mr and Mrs A started using the services of the PA whilst the council's financial assessment process was ongoing. Later, the council sent Mr and Mrs A separate letters advising that they had to make a financial contribution of £49.98 per week each towards their respective care. In addition to this, the council advised Mr and Mrs A that they had incurred a debt of around £2000 for the care already provided.

Mr C complained about the council's financial assessment process and the information that was provided to Mr and Mrs A. In his view, the council did not provide Mr and Mrs A with appropriate information, and this contributed to them incurring a significant and unexpected debt.

We took independent advice from social worker. We concluded that the financial assessments had been carried out appropriately and in line with the relevant guidance at the time. Therefore, we did not uphold this aspect of the complaint.

In respect of the information provided to Mr and Mrs A, we concluded that the council did not provide appropriate information about how they would be jointly financially assessed. When reviewing the evidence, we placed particular weight on the social worker's statement which was contained in the council's investigation report. In their statement, the social worker confirmed that they were not aware Mr and Mrs A would be financially assessed as a couple. This meant that they did not have accurate information in order to make an informed decision about the care they received. In addition to this, we took the view that the council's standard documentation could have detailed how people would be financially assessed in a clearer fashion. In light of this, we upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr and Mrs A for failing to provide accurate and appropriate information about how Mr and Mrs A would be financially assessed in respect of their personal care. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

- In light of the failings identified, the council should revisit their decision not to waive (either in full or in part) Mr and Mrs A's debt. The council should provide an explanation and rationale for their decision to both the SPSO and to Mr and Mrs A.

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

- Relevant social work staff should be fully aware of the council's Non-Residential Community Care Charging Policy and Procedure.
- Standard paperwork included in the Non-Residential Community Care financial assessment should clearly detail the process and potential charges involved.

In relation to complaints handling, we recommended:

- If a failing is identified as part of a complaint investigation, this should be acknowledged and addressed in the stage two response.

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.