

SPSO decision report

Case: 201907915, Glasgow City Health and Social Care Partnership
Sector: Health and Social Care
Subject: Home helps / concessions / grants / charges for services
Decision: not duly made or withdrawn, no recommendations

Summary

C, an advocacy worker, complained about the partnership on behalf of their client (A).

A has cerebral palsy (a condition marked by impaired muscle coordination, typically caused by damage to the brain before or at birth) and communication issues. For the last 18 years, A has lived in their home with support from the partnership. More recently, A's self-directed support payments were reviewed. As a result of this, their budget was significantly reduced.

C complained to us that, in making the decision, the partnership only took financial factors into account and that they had given little, or no, consideration to their statutory duties under Human Rights and Equality legislation. The potential impact of this decision was that A would be unable to remain in their home and would have had to consider moving to a care/nursing home.

We obtained the partnership's records. The partnership also provided comments strongly objecting our consideration of the complaint. Their position was that the complaint was time barred (the time permitted to bring forward the issue has passed). However, we obtained legal advice that, if we were satisfied that there were special circumstances, that there would be a reasonable prospect of successfully defending a judicial review. We investigated the complaint as we considered that there were special circumstances and that the substantive issues of the complaint potentially raised public interest considerations.

Complaint details were subsequently agreed with C. We also established at this time that the partnership had never implemented their decision and that A's funding had never been reduced.

A notification and enquiry letter was then sent to the partnership. They responded and confirmed that A's funding had never been reduced and that it had actually been increased following a review. They asked us to consider what outcome could be achieved in the circumstances. They also noted that the partnership's working practices had changed since 2018 in light of other decisions by this office.

In view of the partnership's comments, A confirmed that they no longer wished to pursue their complaint. A confirmed that they were content that partnership had never implemented their 2018 funding decision and that they are happy with the current level of funding.

We considered that there did not appear to have been any injustice and the complaint was treated as withdrawn and closed.