

SPSO decision report

Case: 202106168, Glasgow City Health and Social Care Partnership
Sector: Health and Social Care
Subject: Assessments / self-directed support
Decision: not upheld, no recommendations

Summary

C is an adult who requires support with various daily living tasks. C is in receipt of Self-Directed-Support (SDS) payments to enable them to employ personal assistants to help with these tasks. C complained that they were not permitted to employ their family member as a personal assistant. C told us that the partnership did not fully consider C's circumstances or explain the reasons for their decisions.

The partnership said that family members of the supported person may be employed as a personal assistant where this is deemed appropriate, under exceptional circumstances. Ultimately the decision to permit such an agreement is at the discretion of the local authority. The partnership acknowledged the difficult circumstances faced by C, however, they considered that ultimately they did not agree with the request to employ a family member, particularly in light of the dynamics involved with someone being both an employee and a family member.

In response to our enquiries, the partnership further explained that a social worker spoke with C and a family member to explain the reasons for their decision. They said that they considered C's circumstances, but also, that they considered the aims identified in C's support plan and it was their view that the employment of a family member would not be in keeping with C's assessed needs.

We took independent professional advice from a social work adviser with particular experience in Adult Services. We found that decisions like these are discretionary decisions that the partnership is entitled to make. Each of the factors identified by C were considered by the partnership when making their decision.

We found that the partnership made their decision in line with the regulations and reasonably explained their reasoning to C. As such, we did not uphold the complaint.

However, our investigation highlighted a small error whereby the partnership referenced legislation rather than the related regulations. This did not impact the reasonableness of the partnership's position or response, therefore, we provided feedback to the partnership on this point.