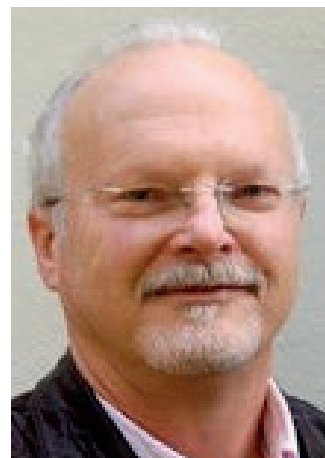


VIEWPOINT THRESHOLDS

Lack of resource must not cloud judgements

Evidence of complaints to the ombudsman suggests financial pressures are compromising social workers' decision-making on personal budgets, says **Pete Feldon**



At the end of last year the Local Government and Social Care Ombudsman published a report called *Under Pressure*.

It commented on the changes faced by local authorities, including the impact of cuts to budgets. At the same time the ombudsman made clear it would not “make concessions for failures attributed to budget pressures”, adding it would “continue to judge authorities in line with relevant legislation, standards, guidance and their own policies”.

The report is particularly critical of adult social care services, finding them at fault “for raising eligibility thresholds to qualify for services... as a means to save money”.

Even more damning, it found examples where councils had missed out the needs assessment stage altogether and of assessments being used “to justify funding-driven changes in care”.

The report warns “frontline staff are sometimes at risk of having professional judgement overshadowed by the pressure to meet financially driven targets”.

It's a bittersweet comfort to see the ombudsman echo the concern many social workers have raised in decision-making on personal budgets.

To get a better view of what people with care and support needs and their carers are complaining about, I analysed decisions by the ombudsman on complaints under Assessment and Care Planning which include reference to resources. I found in the last three financial years there was a slight fall in the overall number of complaints. However, those that include a reference to personal budgets remained more-or-less the same at just over 90 annually.

The proportion upheld has remained the same annually at just over two-thirds.

Most recent data for the 2018-19 financial year shows there were 18 local authorities that received ten or more complaints in the Assessment and Care Planning category, accounting for a third of the total.

Frequently occurring instances include imposing maximum periods of respite care that do not follow the statutory guidance; making unwarranted restrictions on the types of circumstances where direct payments could be

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used and reducing packages of care without reassessment.

Looking at upheld complaints for the financial year 2018-19, it appears this pattern persists. A commonly upheld complaint was around personal budgets being reduced. This was typically expressed as: “The council has accepted there was fault in the way it reviewed Miss R’s care and support needs. This led to it wrongly reducing her care and support and respite provision.”

There were also cases where the personal budget was insufficient because needs had not been fully identified. For example: “The ombudsman found that they did not carry out adequate carer’s assessments and identify possible support services.”

There were also cases where eligible needs were not being met. One council was found to have “fettered its discretion in refusing to provide domestic support, even though Mr Y had an assessed eligible need for such support”.

Occasionally the ombudsman identified systemic failure in a local authority. One example of this related to the transparency of the personal budget. The authority in question was required to complete a review of practice in undertaking financial assessments and ensure it “shares with clients information on indicative and personal budgets”.

There are ways in which personal budgets can be reduced in accordance with the law and statutory guidance and examples of social workers’ showing good practice in using professional judgements. But sadly this is not always the case and too often social workers find their professional judgements at odds with the demands of their employer.

By concentrating on the evidence from the ombudsman I have inevitably focused on poor practice. I know from experience there are many local authorities where there is good practice in relation to the role of social workers’ professional judgements and how this tension is managed.

But there has been little collation and dissemination of this by organisations with the resources and authority to do so.

Pete Feldon is author of *The Social Worker’s Guide to the Care Act 2014* and a social work trainer (see BASW Independents Directory)