

Justifications

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Introduction

This chapter explains how justifications may be used. The purpose of a justification is to explain the reasons behind a case manager's choice of descriptor.

Writing a justification

A well-formed justification will

- show a clear reason for the descriptor choice
- explain why the decision was reached
- clarify any inconsistencies and explain how the case manager has understood and reached a decision on the inconsistencies
- allow an individual to understand the process used to get to a decision
- allow an individual to have the information they need to decide if they want to raise any issues they have with how the decision was made
- list any supporting information used in the decision making process

Show a Clear Reason for the Descriptor Choice

The case manager must explain: -

1. Which descriptor applies for each day of the required period for the client, based on the reliability criteria, and
2. For the course of the required period based on the scoring rules

Example of reason recorded: The client has satisfied descriptors A in line with the reliability criteria 40% of days [*explain reasons why, in terms of their needs and the reliability criteria*], but B in line with the reliability criteria 60% of days [*explain reasons why, in terms of their needs and the reliability criteria*]. This means overall in terms of the scoring criteria the descriptor to be applied is B.

Explain Why the Decision was Reached

If the case manager makes a deduction of the facts based on the balance of probabilities to fill in the factual gaps in a client's case then their judgements must be recorded. In particular this will include which pieces of information have been used to make a decision on the balance of probabilities. This should be included in the

justification given. These judgments will then be applied to the eligibility criteria to determine which descriptor applies to the client.

If the case manager considers the balance of probabilities to determine which descriptor the individual satisfies in line with the reliability criteria, they should also include this detail in their justification, and explain their conclusion.

Allow an Individual to Understand the Process Used to Get to a Decision

The justification should explain the process that has been applied to reach the determination for the client, including the eligibility criteria applied, the reliability criteria and the scoring criteria.

A case manager should provide a justification at the end of each descriptor and follow some basic rules when formulating the justification. These basic rules are:

- be clear on the descriptor chosen and the information that is used to support a decision
- make sure any inconsistencies are clearly defined and state how the information will be used, in order to explain how the inconsistencies have been considered
- use clear and simple language, avoiding abbreviations and medical language where possible
- where there is more than one impact to be discussed, it may be worth splitting the justification into two paragraphs to avoid confusion
- where there is an inconsistency between the individual's report of their functional ability and other sources of information, this should be stated and explained.

For example: "although the individual reports that they are unable to grip to cut their food up, supporting information from Dr Jones dated 21/03/2021 reports they are now fully recovered and have a full range of movement in their fingers and wrist."

Examples of how to formulate parts of a justification

Example when agreeing with the impact experienced by an individual that is stated in the application form and when there are no inconsistencies present:

1. In one sentence state the impact(s) the individual describes and why:

"Peter reports that they need assistance to dress due to reduced grip in both hands and limited movement in their shoulders due to their arthritis".

"Allegra reports that they need prompting to be able to engage with other people due to their depression and anxiety."

2. Decisions on each area of need should be supported with the reasons, linking with any supporting information, if available, and how it has been applied to the eligibility criteria.

Example when supporting information is consistent with an individual's diagnosis:

“Peter's requirement for assistance is consistent with his diagnosis of arthritis for which he is taking appropriate medication, and has specialist support at home as confirmed in letter from his support worker (J Holmes dated 22/03/2021).”

3. It may be useful to state a list of the individual's condition(s), and the impact that this has on them.

It should be stated how these affect the individual's ability to complete the activity and then complete a short justification.

Example showing the impact of an individual's condition(s) on their ability to complete an activity:

“Peter's stated restriction relating to his arthritis and difficulty gripping and moving his shoulders are consistent with his diagnosis of arthritis for which he is taking appropriate medication, and has specialist support at home as confirmed in letter from his support worker (J Holmes dated 22/03/2021).”

“Peter also reports that he lacks motivation to dress due to low mood. There is a letter provided by his support worker which states that he visits him at home 4 mornings a week and he is usually still wearing nightwear when he arrives.”

Addressing inconsistencies within a justification

Inconsistencies may occur when an individual's report of their functional ability contradicts further information from either:

- supporting information
- information gathered at a consultation.

There are many reasons why inconsistencies may occur. They may be the result of the complexities of an individual's conditions. They are usually not a reflection on the honesty of the individual's account. For Social Security Scotland to be able to provide a consistent and balanced determination, a case manager should:

- explain any inconsistencies
- explain what information is used to balance the inconsistencies within a justification.

Example 1 – addressing inconsistencies within a justification

Frank reports in his functional history that he is able to sit and stand from the toilet with the use of an aid due to his hip bursitis. However in supporting information from his occupational therapist (Ms Hellwood, dated 13/03/2021), it is reported that while

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he was able to do this some months ago he has now deteriorated to the point where he requires help to sit and stand from the toilet. In addition to this, Frank's pain relief has significantly increased over the last six months as has his input from specialist doctors.

On the balance of probability (individual's report vs occupational therapist letter, medication and input increase), it is reasonable that despite Frank's statement, he would require additional support when sitting and standing from the toilet.

The case manager can explain this in the justification:

"Frank reports that he is able to sit and stand from the toilet with the use of an aid due to pain in his hips from bursitis. This is consistent with his diagnosis and high levels of pain relief. However a letter from occupational therapist (Ms Hellwood, dated 13/03/2021) states that this has changed recently and he now requires the help of another person to be able to sit and stand from the toilet, in addition to this his pain relief medication has increased significantly and he is having to see specialist doctors more frequently to be able to try and manage the pain. Although Frank reports that he is able to independently sit and stand from the toilet (with the use of aids), on the basis of Ms Hellwood's evidence it is reasonable to conclude that he requires the assistance of another person."

Example 2 – addressing inconsistencies within a justification

In their application form Alex reports that they are able to cook a simple meal using aids which they need due to their reduced vision. In supporting information from a social work care assessment, (social worker N Redpath 02/01/2021) it is explained that they are able to cook but they have had to attend hospital a number of times because of burns and scalds resulting from accidents due to their sight worsening. The individual's report is accurate but what is considered is the safety aspect of the reliability criteria. It is inconsistent that this individual is able to cook a meal in a safe manner.

The case manager can explain this in the justification:

"Alex reports that they require the use of aids to be able to cook a meal due to their reduced level of sight. This is consistent with their glaucoma for which they are receiving specialist input and are awaiting surgery. However in a letter from social work care assessment, (social worker N Redpath 02/01/2021) it states that while Alex is cooking for themselves they have burned themselves multiple times and have had to attend hospital several times. It is therefore reasonable that they would require supervision in the kitchen to be able to cook a simple meal safely."

Referencing

When using supporting information to support a decision it should be referenced to allow easy identification of the information used. This should include:

- date on the supporting information (if available)
- who the supporting information is from

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- what is their role, qualification, or relationship to the individual for example including but not limited to doctor, nurse, social worker, family member.

End of chapter