

SPSO decision report

Case: 201200414, South Lanarkshire Council
Sector: local government
Subject: applications, allocations, transfers & exchanges
Outcome: not upheld, no recommendations

Summary

Mr C complained that the council had not taken into account his mother's (Mrs A) views and wishes when they decided to defer her application for sheltered housing for six months. We found that the social work department took this decision reasonably based on Mrs A's poor health, the fact that the decision would be subject to constant review given Mrs A was in hospital and thereafter in a nursing home, and that the application could be immediately reactivated should Mrs A's health improve. There was also evidence that Mrs A was assessed by a medical officer and a social worker, and had been found not to be able to make decisions about her own welfare at that time. We noted, however, that the council had sent a letter to Mrs A's home address referring to 'her' recent request to defer the application. This was inaccurate, as Mrs A had not made the request, and we asked the council to ensure that in future their correspondence was accurate.

Mr C also complained that the lock on his mother's council house had been changed against her wishes. The council explained they had changed the lock on instructions a family member holding Mrs A's power of attorney. (A power of attorney is a legal document that appoints someone to act or make certain decisions on behalf of the person who has granted permission for this.) The council had been provided with the power of attorney documentation, and had accepted that that person was acting on Mrs A's behalf. They also provided different documentation which showed that Mrs A had asked the council to correspond with only that family member in relation to her affairs. On this basis, we found the council's actions in following the instructions of the power of attorney to be reasonable, and did not uphold the complaint.