

## SPSO decision report



**Case:** 201604366, Perth and Kinross Council  
**Sector:** local government  
**Subject:** policy / administration  
**Decision:** some upheld, recommendations

### Summary

Mrs C was granted planning permission to create an extension to her home for her father (Mr A) after he was diagnosed with Alzheimers disease. Mr A sold his own house and the money raised was transferred to Mrs C to fund the extension works. Mr A's illness later worsened and he experienced an emergency detention in hospital and was later discharged to a care home.

The council said that the value of the capital from the sale of Mr A's house should be treated as notional capital in his financial assessment which meant that he was to be regarded as self funding for his care home accommodation. Mrs C disputed the decision but the council's original decision was upheld. Mrs C complained that not all relevant facts had been taken into account by the council and as a result Mr A was considered to have deliberately deprived himself of capital. She also complained that the council had not provided her with a clear reasoned explanation of their decision in terms of the Scottish Government Charging for Residential Accommodation Guidance (CRAG).

It is not within our power to review the decision or overturn it. We can only look to see whether the decision taken was on reasonable grounds, taking all the relevant facts into account, in line with relevant guidance. We found that the council had considered all the information Mrs C provided, made reference to CRAG and obtained legal advice. We found no evidence of failures in the council's decision making and, therefore, did not uphold this aspect of Mrs C's complaint. However, we did find that the council had not provided a reasonable explanation to Mrs C for how they reached their decision. We upheld this aspect of her complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the failure to provide a reasoned decision in relation to Mr A's CRAG assessment. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- In accordance with CRAG, reasoned decisions should be provided after an assessment has been made.