

SPSO decision report

Case: 201905325, Renfrewshire Council
Sector: Local Government
Subject: Care charges for homecare and residential care
Decision: not upheld, no recommendations

Summary

C held Power of Attorney (POA, a legal document appointing someone to act or make decisions for another person) for their parent (A) who moved to a care home. Due to their level of capital, it was determined that A would be self-funding their accommodation. C requested a reassessment for funding towards care home fees as A's savings had reduced to the required threshold.

C provided the evidence required to show A's income and expenditure to social work and was informed that A had been overspending on items other than care costs. The council determined that there had been deprivation of capital (where someone has spent or otherwise reduced their capital at least in part to avoid paying that money towards care home fees). This meant they would not contribute towards A's care costs. By the time C was informed of this, A's finances reduced significantly and had accrued debt.

C complained to us that the council's view that A had deprived themselves of capital was unreasonable and also that the council had failed to provide adequate information about reasonable spending and deprivation of capital.

We took independent advice from an appropriately qualified social worker. On reviewing the council's records, we considered a reasonable approach had been taken to the financial assessment and that the conclusion reached was reasonable, as there was clear evidence that A's spending had not been consistent with their spending in previous years. We also considered that reasonable information had been provided about deprivation of capital and made clear that it was the responsibility of a POA to understand A's financial obligations and that the council did not have responsibility to provide financial advice.

As such, we did not uphold C's complaints.