

SPSO decision report

Case: 201707958, South Ayrshire Council
Sector: local government
Subject: policy / administration
Decision: not upheld, no recommendations

Summary

Ms C complained about the decision to withdraw funding from her father's (Mr A) care home placement. The council believed Mr A had deliberately deprived himself of an asset in order to avoid paying fees. We had asked the council to review this decision; however, having done so, they upheld their original decision.

We found that the council acted reasonably in their application of the relevant guidance on charging for residential care. The council was able to evidence that they were not required to prove that deprivation of assets was the primary motive in the disposal of an asset. The council was only required to show that it was reasonable to conclude from the available evidence that the deprivation of assets could have been a motivation. We found that the council could have reasonably reached that conclusion from the evidence and their decision was, therefore, reasonable. We did not uphold Ms C's complaint.