

SPSO decision report



Case: 202508155, Renfrewshire Council
Sector: Local Government
Subject: Policy / administration
Decision: upheld, recommendations

Summary

C holds Power of Attorney (POA) for A, who lacks capacity to manage their own affairs. The council carried out a financial assessment in respect of the day services that A attends and it was deemed that A was required to pay a higher contribution towards their care. C complained to the council that they were not informed of the changes to the charges until several months later, despite holding POA. Instead, the council had sent notification and a final demand direct to A, despite them not having capacity to deal with their affairs. As a result, significant arrears accrued.

We reviewed the relevant records and the council's Non-Residential Social Care Charging Policy. The council acknowledged that they failed to appropriately inform the POA of the changes to A's care charges. Appropriate action was agreed to ensure their records are up to date.

Consideration was given as to whether the care charges should be waived or reduced. We noted that the council's Non-Residential Social Care Charging Policy allows for the backdating of care charges and A received a service which the council are entitled to charge for. In the circumstances, we concluded that the offer of a payment plan to C and A was reasonable and proportionate. We upheld the complaint on the basis that the council failed to inform the POA of the increased charges.

Recommendations

What we asked the organisation to do in this case:

- The council should reoffer to C the option of a payment plan.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.