

## Councils ‘mislead’ families over care they are entitled to

By Mason Boycott-Owen

FAMILIES have been forced to pay for care after being misled about what costs should be covered by social services, The Sunday Telegraph has learnt.

Whistleblowers in the care sector said that councils were “sailing as close to the law as they can” by offering elderly and vulnerable people less care than they needed or asking them to pay for their own equipment.

Social care provision in England is means tested, with those who have more than £23,500 in savings or assets having to contribute.

But care workers have said many people are being denied funding, often for help with basic needs including assistance with washing and dressing, and others have been taken into care after being told their local council could not cover the cost of home help.

A head of social care at a London council warned that councils were “having to cut corners in a way that’s only just in the law”. “This doesn’t fit with front line workers’ or probably with anybody’s ethics,” the whistleblower added. “They’re sailing as close to the law as they can because that’s the only way they can balance budgets.”

Cate Searle, the head of community care law at Martin Searle Solicitors, which has challenged decisions in more than half of councils in England, said: “We have seen devoted elderly couples placed in separate care homes; unpaid family carers having to give up work to care full time for their relative; people stuck in hospital when medically fit for discharge; all because social services will not provide adequate care at home. They are effectively forcing people into care homes by stating that there are no options.”

The firm takes more than 100 cases a year to the Local Government and Social Care Ombudsman.

Ms Searle added: “There is a widespread culture of social services applying the law and guidance in the most narrow way that they can in order to conserve resources.”

Between 2015 and 2018, more than a million care claims by over-65s were rejected, NHS Digital figures show.

An occupational therapist said: “We will often advise people or their families to look into buying equipment privately, even though they would be eligible for it under the Care Act. It is also common for staff just not to try to get the equipment, because we know it wouldn’t get agreed, and we have so many urgent cases to prioritise.”

Sir Norman Lamb, a former health minister, said the findings were “deeply shocking” and said “unethical and, in some cases, unlawful, behaviour has become commonplace”. He said he was “disgusted” that councils had been left in an impossible financial position.

Cllr Ian Hudspeth, the chairman of the Local Government Association community well-being board, said: “Councils have to abide by nationally-set criteria when assessing people’s needs and people should rightly expect a consistent approach to this process. People working in care do an incredible job, but are increasingly having to make extremely difficult decisions as a consequence of the unprecedented financial pressures on councils.”

A Department of Health and Social Care spokesman said: “It is completely unacceptable for vulnerable people not to receive the care and support they are entitled to. Local authorities have statutory duties to look after elderly and disabled people ... and where there is strong evidence of councils failing in their duties we will not hesitate to investigate.”

Additional reporting by Laura Donnelly