

Families face long trips to see relatives in care crisis

Councils are supposed to cough up if there are no cheap care homes nearby, but Sam Meadows finds they are ignoring the law

Families are at risk of being needlessly torn apart and making long journeys to visit loved ones due to the underfunding of the care system. Councils will fund care for those with little cash, or whose assets have already been swallowed up by care home fees, but few will pay the full cost of charges in the areas they operate.

The law requires local authorities to draw up a personalised budget for each claimant of support for care fees, and this should take into account the charges in the local area. But experts said they frequently fail to do so, meaning elderly residents can be moved far from home or families can be asked for costly top-up fees.

The Local Government and Social Care Ombudsman, the watchdog for care funding decisions, found in favour of the complainant in two thirds of cases last year, a record number, rising to 73pc of cases specifically about care funding.

The problem has emerged as the Government continues to stall on publishing its green paper on fixing the creaking social care system. This was first promised in 2017 and is now two and a half years delayed.

‘People should be able to live the lives they want to lead’

Peter King, of Nockolds, a firm of solicitors, said: “The Care Act is in many ways a ticking time bomb. Local authorities have to devise a personal budget for each recipient of care and match that to available accommodation.

“This is resource intensive, so it’s very difficult to see how a ‘one-size-fits-all’ approach won’t prevail. We may increasingly see people placed in care homes further away from family members, and families feeling obliged to pay top-up fees for homes they consider more suitable.”

Michael Culver, of Solicitors for the Elderly, a training organisation, said: “Local authorities usually take a blanket approach and say ‘we will pay this much’. Even if they are no homes in the area with fees that low.”

He said you could challenge the council to pay more. Recently, an elderly woman living in a care home was told she would need to move as the council could not afford her fees.

She had been funding her own care, but became eligible for support when her savings depleted. Her care home was on the same street as her husband's house, and he would spend most of his time there with her.

However, the replacement suggested by the council would have taken him more than an hour to reach by bus. Mr Culver challenged the council, which eventually agreed to pay after "a lot of back and forth".

The issue is particularly pronounced for those whose assets have been swallowed up by care fees. Those with more than £23,250 are expected to pay their own way. This sum usually includes any property, although there is an exemption for those with a surviving spouse living in the home.

Once a person's savings have depleted to below this level, the council will take over paying. But this is when disputes can arise.

Mr King said: "Local authorities are under increasing financial strain and are having to spread their resources across an ageing population in which demand for social care is rising.

"Many councils are facing a funding black hole and increasingly will struggle to finance adult social care unless a solution is found."

'We may increasingly see people placed in care homes further away from family members' Mr Culver said councils will also argue over the specific moment a person's assets fell below the threshold for support. One of his clients had fallen below the threshold two days into a one-month period and the council had billed him for the remaining £4,000 because he had not sent an invoice.

'We may increasingly see people placed in care homes further away from family members'

Ian Hudspeth, the chairman of the Local Government Association's Community Wellbeing Board, said: "People should be able to live the lives they want to lead and councils do all they can to make sure their eligible care needs fit with their priorities, while working closely with individuals and their families. However, given the serious funding and demand pressures facing adult social care, councils face incredibly difficult decisions." He called on the Government to use tomorrow's Queen's Speech to bring some certainty.

A spokesman for the Department of Health and Social Care said councils are getting an extra £1.5bn funding, and that the Government would set out plans to fix the system in due course.

"We are committed to ensuring everyone has access to good quality, compassionate care when they need it. Local authorities have a duty to ensure their overall pool of provider organisations are sustainable," she said.