

## Your Legal Questions

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**Q Social Services want to put my dad, who has dementia, in the only care home available, which is 30 miles away, where it will be very difficult for my mum to visit him. There are homes nearer but there are no vacancies. What are our rights?**

**A** It depends on your father's situation. If he is in hospital and has had his needs assessed, the Local Authority could be fined for every day that he occupies a hospital bed. If this were the case, the Local Authority would be keen to have your father discharged as soon as possible (to avoid what is called 'delayed discharge'), and they might not want to wait until one of the nearer homes becomes available.

If your father is living at home, the family could suggest that a package of care at home (paid carers coming in) be put in place until a place at the home of choice becomes available.

It may also depend upon how much money your father has. If he has more than the upper threshold for assets and savings, he will be paying for his own care (self funding). However, if his assets and savings are below the Upper threshold the Local Authority will be contributing to his care, and there will be a limit to how much it will contribute. It may be that the only home within the budget of the Local Authority is the one 30 miles away.

Whatever the case, the Local Authority has a legal duty to meet your father's needs and to act in his best interests. The family could argue that your father has a need to be near to his family. If this is written into the care plan, the Local Authority must try to meet this need. Social Services are not allowed to put someone in a home further away simply because it is the cheapest