

Your Legal Questions

Jenny Brading
Solicitor



Q My husband has suffered from dementia for a few years now and I have done my best to cope looking after him at home. Recently he was admitted to hospital following a fall. The hospital have now told me that they are ready to discharge him but, although it would be my wish to have him back at home, I have been struggling on my own and do not feel that I can cope any longer, what can I do?

A It is only natural that you feel morally responsible for the care of your husband and are concerned that you no longer feel able to cope. However, it is the local authority and the social services department that are legally responsible for the care they have assessed a person as needing.

If you feel that you can no longer care for your husband but know that he would be at risk without your support, you should contact social services and tell them how the situation has changed. You must make it clear to the hospital staff that you feel unable to care for your husband at home. Hospital staff would be acting negligently if they discharged your husband in this situation without a full investigation.

If you discuss your concerns with the social services department they will allocate a social worker who will be able to highlight what extra help might be available to you which may enable you to cope, to offer you respite care or possibly conclude that residential care may be the best option both for your husband and for you. Social services must be satisfied that any vulnerable adult is living in an environment in which they can be adequately cared for. No pressure should be put on you to change your mind.

You can look at homes in the area and choose an appropriate environment for your husband, but the social worker will have to be satisfied that the home meets his needs. Social services will also carry out a financial assessment.