



The Scottish
Parliament

Alex Neil MSP

SERVING
CENTRAL
SCOTLAND

AN/IN

6th November 2007

Lord Sutherland
C/o Rhona Dubery
Independent Funding Review of
Free Personal & Nursing Care
Area 2.ER
St Andrews House
EDINBURGH EH1 1DG

Dear Sir

**INDEPENDENT FUNDING REVIEW OF FREE PERSONAL CARE AND NURSING
CARE**

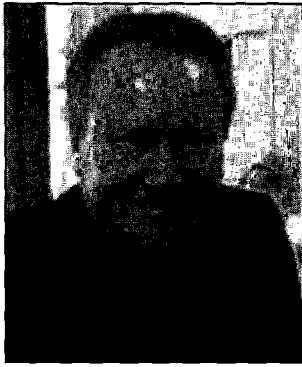
As part of your review of Free Personal Care I am writing to draw 2 issues to your attention for further examination. These are based on cases where constituents of mine have been treated I believe unfairly but nevertheless legally under the present arrangements. I would appreciate it if you could look into these matters. If necessary I am happy to seek the agreements of my constituents to allow me to provide you with your contact details so that you can obtain additional information if required. The first issue relates to where the personal care allowance is retained in full by the Council in Council residential nursing care homes. The definition of the Personal Care element within the breakdown of income and outgoings needs to be clarified much more specifically and the discretion available to Councils and probably other providers needs to be reduced substantially to avoid either abuse of the system or the perception of abuse of the system.

Another issue relates to the amount of monies which individuals in care homes are allowed to keep for their own personal expenditure. Again there appears to be different practices between publicly run homes and private homes. There also appears to be a lack of clarification and specificity on this matter, again allowing for possibly abuse or perception of abuse of the rules to take place.

A related matter is where the Council can recover part or all of the proceeds from the sale of a house to help meet nursing care costs for an individual. Clearly this is a matter of general debate but I want to draw your attention to a very specific circumstance which relates to one of my constituents.

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In this particular case an elderly lady has her husband now in care but there was a long run in period where she looked after him at home with the help of her son. Her son is middle aged and unmarried and lives with his mother. The stress related to the care of his father led to him losing his job and therefore he is dependent on benefits and on what help his mother can provide for him. He is not yet fit to return to work and may never be in a position to do so. The house in which he and his mother are living, owned by his parents, is now too big for him and his mother to maintain. They wish to sell the house so that they can purchase a smaller house but the Council has threatened to take the profit from the house sale in part or in whole as they are entitled to do under the rules. As a result of this the mother is very reluctant to sell the house because she wants to keep this asset so that the capital is available to her son to meet his needs in the future. Is it therefore possible to look at some form of independent assessment of if and when any or all of the proceeds for the sale of a house can be taken by a Local Authority so that the overall circumstances of the family are taken into account and not just the legal rights of the Local Authority.

I am happy to come and give you verbal evidence on these matters and to provide you with any additional information on the issues that I have raised if you so require it.

Meantime in appreciation.

Yours sincerely

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