

## SPSO decision report

**Case:** 201902564, Moray Health and Social Care Partnership  
**Sector:** Health and Social Care  
**Subject:** Policy / administration  
**Decision:** not upheld, no recommendations

### Summary

C complained about the partnership's decision in relation to a charging appeal relating to their parent (A). A transferred their property to their children several years ago. Five years after this transfer, A moved to residential care. The partnership undertook a financial assessment of A and took internal legal advice as to whether the transfer of that property should be treated as a deliberate deprivation of capital in order to reduce accommodation charge. The partnership concluded that the transfer was a deliberate deprivation of assets and as such A was regarded as having the notional value of the property as capital in addition to their actual assets.

C appealed the partnership's decision and asserted that A had not intended to deprive themselves of an asset when transferring the property to their children. The partnership did not uphold the appeal and considered that the transfer of the property did constitute a deprivation of an asset and as such A was assessed as having actual and notional capital which exceeded the capital threshold.

C was dissatisfied and brought their complaint to us. While we could not review the decision taken by the partnership or over-turn it, we considered whether the decision taken was made on reasonable grounds.

We found no evidence of any failures in the partnership's decision-making and determined that it appeared that the partnership took all relevant information into account when reaching their original decision and when considering the appeal. We did not uphold C's complaint.