

WIRRAL COUNCIL

AUDIT & RISK MANAGEMENT COMMITTEE: 24 MARCH 2010

REPORT OF THE DIRECTOR OF ADULT SOCIAL SERVICES

**PROGRESS REPORT ON REIMBURSEMENT IN RELATION TO PUBLIC
INTEREST DISCLOSURE ACT 1998 (PIDA)**

Executive Summary

The purpose of this report is to update members of the Audit and Risk Management committee on progress in implementing reimbursement to certain residents and former residents of Bermuda Road, Curlew Way and Edgehill Road following the agreement of Cabinet to the recommendations of this Committee.

A further report will be presented once work has been completed.

This items falls within the Social Care and Inclusion portfolio.

1 Background

- 1.1 This paper provides a progress report on the work undertaken to proceed with reimbursing sixteen individuals who were identified as eligible for a payment following a decision by Cabinet on 14th January 2010. Twelve of these people who currently use services are still alive and four people are now deceased.
- 1.2 Good progress is being made in what is a complex and detailed process. A project manager/social work team manager has been appointed to oversee this work, reporting directly to a member of the DASS Strategic Leadership Team. Additional legal advice and support has also been secured.

2 Contact with the individuals

- 2.1 Letters were sent out to the individuals, following the call-In period after the Cabinet decision.
- 2.2 Regular liaison with the individuals' key workers and their supervising managers has been undertaken.
- 2.3 With regard to deceased individuals, letters have been sent to two next of kin where they have been identified.

3 Contact with relatives/next of kin and significant others

- 3.1 Detail of relatives, next of kin and/or significant others has been obtained and confirmed.
- 3.2 Each significant person/next of kin/family member was contacted in the week following the letter to Individuals. Home visits were offered to all families of the individuals.
- 3.3 Each individual and their next of kin will be given appropriate legal advice regarding the circumstances of their case. These arrangements are in place and are being currently actioned.

4 Offer of advocacy

- 4.1 Legal advice has been taken.
This recommends that the Council should ensure that each user of services is provided with an advocate – even where there may be an objection from the family. The Council cannot be seen to be pre-judging individual cases and whether there are any concerns or issues with the family. Having spoken with individual users of services and taken account of their wishes and feelings, in the light of their capacity to understand their position, and discussed the position with family members and care providers, the advocate will then report back to the Council.
- 4.2 Wirral Mind is the main provider for advocacy services for people with a learning disability; they have been specific and clear about their credentials for offering impartial advice. However, where family members object to MIND, the Department of Adult Social Services will take steps to accommodate an advocate of their choice.
- 4.3 The Department of Adult Social Services will continue to receive advice, where necessary, from sources including legal services and the DWP, to complete the reimbursement claims.

5 Advice from the Department of Work & Pensions

- 5.1 Correspondence with the Department of Work & Pensions confirms that there is little scope in law for the Council to mitigate this impact.

6 Financial Implications

The total cost of reimbursement is £243,460.

7 Staffing Implications

There are none.

8 Equal Opportunities Implications/Health Impact Assessment

This issue has concerned the fairness of the Council's charges to a group of people with learning disabilities.

9 Community Safety Implications

There are none.

10 Local Agenda 21 Implications

There are none.

11 Planning Implications

There are none.

12 Anti Poverty Implications

Part of the concern with previous practice was the impact on individuals with capital resources.

13 Social Inclusion Implications

The objective of supported living schemes is to enable disadvantaged individuals to have more independence and integration in the community.

14 Local Member Support Implications

The houses concerned are in Moreton Ward.

15 Health Implications

None as a result of this report.

16 Background Papers

Previous reports to Committee and Cabinet.
Correspondence with the Department of Work and Pensions.

17 Recommendations

That;

- (1) The report be noted.
- (2) That final details of reimbursements to individuals be reported to a further meeting of this committee

JOHN WEBB
Director of Adult Social Services