

WIRRAL COUNCIL

AUDIT AND RISK MANAGEMENT COMMITTEE:  
17 JANUARY 2011

REPORT OF THE INTERIM DIRECTOR OF ADULT SOCIAL SERVICES

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

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***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.*

*An update on the project to reimburse the 16 individuals provides the following progress: relatives of the 4 deceased people have received reimbursements; one person with capacity has received theirs; the department has been appointed deputy by the Court of Protection for one person without capacity and payment has been made, all other repayments are awaiting the appointment of a deputy in order for the payments to be made.*

*This item 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 14 January 2010. Twelve of these people who currently use services are still alive and four people are now deceased.
- 1.2 Each of the twelve individuals had been provided with an advocate, ten with Wirral Mind, one with Mencap and one with Advocacy in Wirral.

**2 Reimbursement Task Force**

- 2.1 A task force meeting has been held regularly since February 2010 in order to the review progress with advocates on individual cases and discuss any issues. The meetings have been attended by advocates, Weightmans Solicitors and Council staff, including individuals from finance, welfare benefits and operational services.
- 2.2 Reimbursement has been paid to one of the twelve individuals in July 2010 who had capacity.

- 2.3 Reimbursement has been paid in respect of one individual who did not have capacity. In this case the Director of the Department of Adult Social Services has become deputy in the absence of anyone else able or willing to do so, and the payment has been made to the deputy in December 2010.

### **3 Office of the Public Guardian**

- 3.1 Where issues of capacity have arisen in relation to making payments for reimbursements, the department has liaised with the Compliance and Regulation Unit of the Office of the Public Guardian to agree the actions to be taken on those cases. They advised to complete capacity assessments on all individuals and where they do not have capacity an application should be made to the Court of Protection. If they do have capacity then the reimbursement can go ahead to the individual.
- 3.2 The department will make the applications to the Court where there is not an appropriate person able or willing to do so, such as a family member.
- 3.3 Initial capacity assessments have been completed for all twelve individuals and they are currently at varying stages:
- One person did have capacity and has been reimbursed in July 2010
  - One person did not have capacity, confirmed by their GP. The department applied to the Court and deputyship was granted in November 2010. Reimbursement was paid to the deputy in December 2010.
  - One person who did not have capacity confirmed by their GP and the department applied to the court of protection. The order has now been granted for the DASS to act as deputy. The reimbursement payment will now be made without further delay.
  - Six people did not have capacity, confirmed by their GP. The department has applied to the Court for deputyship and is awaiting the outcome for five people. An order for one individual has been received and this should mean that the department is able to make this reimbursement payment in the New Year.
  - One person did not have capacity and we are awaiting confirmation from the GP. If the GP agrees then the department will apply to become deputy.
  - Two people do not have capacity, confirmed by GP and their relatives are applying to the Court to become deputy.
- 3.4 Where applications have been made to the Court of Protection, the department expects these five applications to be completed by the end of January after which reimbursements can be made without further delay. This will leave three applications to be progressed following the decision from the GP and the applications to become deputy being made by the relatives.

#### **4 Contact with the individuals and their relatives**

- 4.1 Letters were written to the families of those affected by re-imbursements in August 2010. An update was given in relation to applications to the Court of Protection. Families were invited to contact relevant people in the department with respect to the role of the deputy. The department agreed to become deputy for ten of the twelve individuals.
- 4.2 For the two relatives who wished to become deputy, the relevant personnel within the department were made available to explain the process and to assist with the completion of the forms.

#### **5 Advocacy Involvement**

- 5.1 The advocates have continued to work extensively with the individuals concerned, completing best interest assessments and working with other relevant people including families and key workers. One advocate terminated his involvement in December 2010 with one individual, so alternative advocacy services have been offered.
- 5.2 The advocates will continue to be involved after the repayments are made to ensure that the reimbursement monies paid will be used in the best interests of the individuals. The advocates have reported positively on the support provided to the individuals and the care they receive.

#### **6 Future Progress**

- 6.1 Progress in making payment for the remaining individuals is dependent on the progress of the applications to the Court of Protection but with all the preparatory work now completed by the advocates, once orders have been made by the Court, reimbursement can proceed without delay.

#### **7 Project Closure**

- 7.1 Once all the individuals are reimbursed, this project will be closed. An estimate of final time scales would be to make all reimbursement payments by 31 March 2011, contingent on the orders being made by the court of protection
- 7.2 The work completed as part of this project would ensure that if there were any further monies to be paid to the individuals involved this could be progressed without further delay.

#### **8 Financial Implications**

- 8.1 The total cost of reimbursement is £243,460. To date £86,885 has been paid. At Cabinet on 14 January 2010 it was agreed to provide the sum of £243,000 to meet the cost of the reimbursements.

**9 Staffing Implications**

9.1 There are none.

**10 Equal Opportunities Implications/Health Impact Assessment**

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

**11 Community Safety Implications**

11.1 There are none.

**12 Local Agenda 21 Implications**

12.1 There are none.

**13 Planning Implications**

13.1 There are none.

**14 Anti Poverty Implications**

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

**15 Social Inclusion Implications**

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

**16 Local Member Support Implications**

16.1 The houses concerned are in Moreton Ward.

**17 Health Implications**

17.1 None as a result of this report.

**18 Background Papers**

18.1 Previous reports to Committee and Cabinet

18.2 Letter received from the Office of the Public Guardian

## **19 Recommendations**

That;

- (1) The report be noted.
- (2) The Committee is informed when the final reimbursement payment has been made.

**HOWARD COOPER**  
**Interim Director of Adult Social Services**