

MANAGEMENT RESPONSE TO INTERNAL AUDIT RECOMMENDATIONS

AUDIT	Deputyships			DATE	16 th October 2009
REPORT DATED	April 2009	REVIEWED BY	Nikki Soave	PAGE	1 OF 10

NO	RECOMMENDATIONS	PRIORITY	RESPONSIBLE OFFICER TIME-SCALE	COMMENTS / ACTIONS BY DEPARTMENT
1	There are documented procedures supporting actions taken by Council Staff as appointed Deputies.			
1.1	<p>Formal documented procedures should be created in order to guide the processes integral to the operating of deputyships. These procedures should cover:</p> <ul style="list-style-type: none"> ▪ The process for identifying and recording client assets. ▪ The process for valuing client assets, including when and when not to do so. ▪ The actions to be taken where it is identified that a client has deferred loans greater than their assets, including who in Legal should be contacted. ▪ The process for disposing of assets. ▪ The procedure for undertaking a property sale, from deciding to sell through to the completion of the sale. ▪ The procedure for notifying all relevant internal departments and external organisations of the deputyship arrangement so that queries and post is received promptly by the deputy. <p>Where possible, standard forms and documents should be devised and used in future, in order to provide consistency across all the procedures.</p>	High	<p>Group Director for Housing and Social Care</p> <p>(in conjunction with)</p> <p>Central Finance (Deputy Team) Leader.</p> <p>December 2009.</p>	<p>Agreed</p> <p>Inventories to be completed and carried out by a minimum of 2 people - 1 to be member of Finance Admin plus 1 other which should be a care worker / supporting worker.</p> <p>To consider possibility of Voluntary sector assisting with the visit? Extension of domiciliary care contracts? - Housing support workers?</p> <p>JH to put paper together and to take to ASC SMT (including provision and commissioning). Within 3 weeks for the above 2 points.</p> <p>Agreed that after carrying out inventories, officers involved will make recommendations as to appropriate action based on what is found at the time. Decision about actions to be taken to signed off by ASC "designated officer" e.g. John / Neil?</p> <p>ASC to decide who the appropriate lead is and to confirm to Capita finance admin who these are.</p> <p>AS/FP to draw up template and circulate for approval.</p>

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1	There are documented procedures supporting actions taken by Council Staff as appointed Deputies.			
1.2	<p>There should be a clear and standardised inventory form, to record all assets that belong to each client that is completed at the appointment stage of a Deputyship. The inventory should act as a checklist of what property has been identified and the value of each item. There should also be the capacity to allow other ad hoc property to be recorded where found. The record should also show what property belonging to the client has been disposed of, who has authorised it, the date of disposal and how best value has been achieved. Each entry should be checked and signed by 2 officers to demonstrate adequate segregation of duties.</p> <p>The records should be retained on each client's file and form part of the procedures recommended in 1.1.</p>	High	<p>Group Director for Housing and Social Care</p> <p>(in conjunction with)</p> <p>Central Finance (Deputy Team) Leader.</p> <p>December 2009.</p>	Agreed – see above

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1	There are documented procedures supporting actions taken by Council Staff as appointed Deputies.			
1.3	<p>The relevant Team in Adult Social Care should appoint a social worker to the client in question in order for the deputyship application to be completed and sent to the Court of Protection as soon as possible.</p> <p>Alternatively, if the client is to remain as an appointee, the client should be removed from the list of current deputyships.</p> <p><i>(NB. For confidentiality reasons, the Deputyship's name has been omitted from the report).</i></p>	High	<p>Director: Service Delivery (Housing and Social Care).</p> <p>December 2009</p>	<p>Agreed</p> <p>AS has identified client and appropriate follow up action being taken. AS to write up a summary of current situation and pass details to JH.</p> <p>JH / NH to consider how this can be set up / managed - to discuss with Care managers etc. JH to liaise with relevant officers / agencies JH to put paper together and to take to ASC SMT (including provision and commissioning). Within 3 weeks.</p>
1.4	<p>All requests for payment should include standard information such as: the client name, the date of request, the person making the request, what the payment is for, the amount requested and any other relevant information that will effect the decision to make the payment.</p> <p>A standard form could be devised in order to ensure that all requests are complete with sufficient information to allow the request to be paid.</p> <p>Furthermore, the range of likely financial requests should be identified in the client's care plan and subject to review on an ongoing basis so that the payment process is more standardised.</p>	High	<p>Group Director for Housing and Social Care.</p> <p>December 2009.</p>	<p>Agreed</p> <p>AS/FP to draw up template and circulate for approval - by end September.</p> <p>APPS and Deps team to monitor and feedback if any issues of non-compliance once in place. AS to set up spreadsheet to monitor issues of all types across Deputyship admin. Report to be used to identify any areas that need escalation.</p> <p>JH to follow up with relevant parties and ensure this happens.</p>

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1	There are documented procedures supporting actions taken by Council Staff as appointed Deputies.			
1.5	<p>Any meetings that take place regarding the decision making process for a specific payment from a clients account should be minuted accordingly and held on file with the details of that payment.</p> <p>In addition, best interest meetings should follow standard procedure and documentation and be chaired appropriately.</p>	Medium	<p>Central Finance (Deputy Team) Leader.</p> <p>From next meeting.</p>	<p>Agreed</p> <p>JH to follow up with relevant parties and ensure this happens in particular principles of best practice</p> <p>JH to roll out principle of how best interest meetings should be formatted and recorded. To incorporate into briefing note</p>
1.6	<p>All members of the Finance (Deputy) Team and authorised signatories should complete a pecuniary interest form in order to demonstrate that conflicts of interests have been declared. Where a member of the team has an interest, the payment should be authorised by another officer.</p> <p>In addition, where there is a potential conflict of interest arising from a property sale, advice and authorisation should be sought from a Council Officer independent of Adult Social Care and the Deputy Team, i.e. someone in Law and Democratic Services.</p>	Low	<p>Central Finance (Deputy Team) Leader.</p> <p>December 2009.</p>	<p>Agreed</p> <p>Capita to liaise with Andrew Ferguson and establish what format the declaration should take and who should be included.</p> <p>JH confirmed that Caroline and John -should sign - AS to investigate whether extract of COP would suffice as format of declaration (part of application includes a declaration that there is not interest etc) ongoing.</p>

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2	Responsibilities of Council Officers are clearly set out and differentiate between the roles of staff on the Adult Social Care (ASC) side and those staff providing support as appointed Deputies.			
2.1	<p>The should be a service level agreement (SLA) between Adult Social Care and the Central Finance Team (Deputy Team) that clearly state the roles and responsibilities of each party in the administration of client accounts.</p> <p>The boundaries between Adult Social Care and the Deputy Team roles and responsibilities should be decided and clearly stated, with no overlap, including who should be authorised to deal with the clearance of client's homes and the disposal of their property.</p> <p>Furthermore, the SLA should determine that the overriding authority over client monies lies with the Director of Adult Social Care (or equivalent role) as stated in the Court Order.</p>	High	<p>Group Director for Housing and Social Care.</p> <p>January 2009.</p>	<p>FP to provide JH and NH with work done up to now, output spec, critical success factors etc so that SLA's can start to be drawn up formally - by 11th October.</p> <p>JH to raise this with ASC SMT as a principle to be applied across all areas of care (to include Mental Health, PCT etc)</p> <p>JH to raise this with ASC SMT as a requirement going forward - to incorporate all sectors of Adult care provision. JH to put paper together and to take to ASC SMT (including provision and commissioning). Within 3 weeks.</p>

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2.2	As the responsible Deputy, the Group Director for Housing and Social Care should ensure that a responsible officer in Adult Social Care provides an active monitoring role in the administration of client accounts, to satisfy themselves that the operation of deputyships is done so under the terms of the Court Order and the Service Level Agreement recommended in 2.1, above.	High	Group Director for Housing and Social Care. December 2009.	Agreed John Hughes Head of Service Social Care policy & strategy oversee with nominated Care Managers. JH / NH to consider how this role can be set up / managed - to discuss with Care managers etc. JH to incorporate into briefing paper. Agreed that when report is sent to Court of Protection copies are forwarded to the nominated care worker for scrutiny. Needs to be a person centred to view in principles of accuracy and best interests

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3	All disbursements are made in accordance with the Councils Financial Regulations and ensuring there is adequate segregation of duties.			
3.1	<p>Purchases made should be receipted and signed by the client, where possible, to confirm receipt of the money/goods/services, especially if a personal allowance payment made in cash.</p> <p>There should be a clear protocol to establish the client's capacity to sign for payments, which should be assessed and reviewed on a regular basis. Evidence of these checks should be retained on file. In the event that the client is assessed as unable to sign for the payment, a care worker should sign the receipt on their behalf. This care worker should not be the person who has assessed their capability to sign.</p> <p>All signed receipts should be retained on file.</p>	High	<p>Group Director for Housing and Social Care.</p> <p>December 2009.</p>	<p>Agreed in part – there are some principle issues around Mental Capacity / client best interests – e.g. proposed that for low level spend such as hair dressing / “pocket” money items there should be a certain amount of freedom to spend without receipts from the individual. The maximum weekly payment on this basis to be informed by the limits for personal spend as set down in CRAG regulations annually.</p>
3.2	<p>Payments should only be made out of a client's account if the Court of Protection so has granted authorisation to do.</p> <p>Where possible, application fees should be deferred until the Court order has been granted.</p>	Medium	<p>Central Finance (Deputy Team) Leader.</p> <p>December 2009</p>	<p>Agreed</p>

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3	All disbursements are made in accordance with the Councils Financial Regulations and ensuring there is adequate segregation of duties.			
3.3	<p>Payments should not be made unless supporting receipts can be provided, to evidence that the payment is genuine and it can be reasonably believed that the client has received the items in question.</p> <p>It should be communicated to Care Workers and Care Homes that individual receipts for items should be provided to support invoices that require payment for individual items/services.</p> <p>Where practical, individual items should be authorised by the Deputy prior to purchase, to confirm that the spend corresponds to the assessment of the likely nature of requests for payment, which should be outlined in the care plan as per recommendation 1.4.</p>	Low	<p>Director: Service Delivery (Housing and Social Care).</p> <p>December 2009.</p>	<p>Agreed NB already in place</p> <p>JH to follow up with relevant parties and ensure this happens in particular principles of best practice.</p> <p>With low level "pocket money" spending, where people may not have the capacity to decide on major items, it is reasonable to allow low level spend without draconian interrogation- to allow for independence principles - FP to add into response - completed</p>
3.4	Regular scheduled payments, such as direct debits, should be inputted onto the client excel spreadsheets when due, so that reconciliations can be performed independently and discrepancies recorded as necessary.	Medium	<p>Central Finance (Deputy Team) Leader.</p> <p>December 2009</p>	<p>Agreed</p> <p>In place and operational.</p>

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4	Best value principles are applied in spending client monies and in the management and disposal of their assets.			
4.1	<p>Best value should be demonstrated for all purchases made from a clients account and how this has been achieved should be clearly evidenced.</p> <p>Where possible, quotes should be obtained and the best-valued offer chosen to ensure best value has been achieved.</p> <p>In addition, there should be established procedures for where the need for best value is outweighed by the urgency of the assessed and recorded need of the client</p>	High	<p>Central Finance (Deputy) Team) Leader.</p> <p>December 2009</p>	<p>Agreed NB already in place</p> <p>Covered by point 1.4 above.</p>
4.2	<p>A third party should not make a payment on behalf on the client and then seek to claim this back from the Deputy Team. All payments made on behalf of a client should be done so from the client's bank account, and only after the appointed Deputy has given authorisation.</p> <p>Where products are bought on behalf of the client, sufficient records should be kept to ensure it could be substantiated that the products have been received by the client, i.e. from a delivery note signed by the Deputyship.</p>	High	<p>Group Director for Housing and Social Care</p> <p>(in conjunction with)</p> <p>Central Finance (Deputy) Team) Leader.</p> <p>December 2009</p>	<p>Agreed NB already in place</p> <p>JH to follow up with relevant parties and ensure this happens in particular principles of best practice.</p>

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4	Best value principles are applied in spending client monies and in the management and disposal of their assets.			
4.3	Personal allowance payment requests should indicate what the likely expenditure will be, to ensure the amount requested is reasonable. This should be reflected in the client's care plan.	Medium	Director: Service Delivery (Housing and Social Care). December 2009	Agreed NB already in place Already in place but Apps and Deps team do not have care plans for all clients - JH to follow this up as in point 1.4 above. JH to follow up with relevant parties and ensure this happens in particular principles of best practice.
4.4	Client's property that is to be disposed of should be done so with best value principals in mind. Where possible, property should be valued and sold in order to reclaim some monies back before being cleared and disposed. The disposal should be recorded on the client's inventory as outlined in 1.2.	Medium	Group Director for Housing and Social Care December 2009.	Agreed See points 1.1 & 1.2 above.

I certify that the above information is correct

Service Manager: John Hughes

Date: October 2009

Internal Audit: Nikki Soave

Date: October 2009