

# Independent Care Matters

the newsletter for independent care providers in York  
and North Yorkshire

## ICG 2006 Conference—on target to be the be best yet!

Issue 8

Autumn 2006



Bookings for the ICG Conference are coming in thick and fast and have already far exceeded those for the same period for last year's event.

If you want to know the latest issues affecting our sector, to meet with other providers, to have a useful, interesting and enjoyable day out then be sure to book your places now on our website—see page 2



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Wednesday 22 November at York Racecourse.

## ICG working to improve fee rates

ICG has written to NYCC and CYC asking for an early meeting to discuss fees rates for 2007-2008.

Every year we are put off by the Councils from holding early talks but this year we feel it is imperative. The fee uplift last year did not cover rising costs and this year the sector will have additional costs to bear due to the rise in the holiday entitlement of staff. We must press the case for a fair fee to be paid to cover the cost of care.

This year CYC agreed to increase its offer to 2.95%. The results of this are shown here →

### CYC 2006 (new figures)

Residential care

£342.07. EMI—£352.07

Nursing Care

£459.66 . EMI—£469.66

### NYCC 2006

Residential care

£317. EMI—£346

Nursing care

Low £339; Med £442; High £492

## Message from the Chair—The Fourth Sector or the *Forgotten Sector*?

I am writing my message for this issue of *Independent Care Matters* sitting on the train on my way back from Bristol and contemplating the future for providers having attended the second in a series of four conferences that I have organised on behalf of the Department of Health.

These conferences, entitled *Investing in Change* have been set up specifically for small and medium sized providers to help update them on the issues set out in the Government's White Paper, to look at what new opportunities are available, and to be inspired to Change by keynote speaker Chris Moon MBE who recently appeared on the Parkinson Show.

After this second conference it occurred to me that we, as a sector, still have along a long way to go to get our voices heard. Many of the messages coming from providers—such as worries over Direct Payments, Individualised Budgets, CSCI fee rises and KLORA to name but a few—are not new, are similar across the country, and are raised everywhere I go. It is clear that despite these concerns being mentioned constantly no one in power is listening to the industry and working with us to develop the care market. To make sure that the Government and local authorities hear us loud and clear we must as an industry become more united if we want to be taken into account. We remain fragmented and need to become stronger. There are still too many providers who, for one reason or another, do not belong to any association and therefore do not have a voice. I urge you to help the industry locally either by joining **ICG** or, if you are a member already, by encouraging others to join. The cost is very reasonable at only £75 or £130 per year depending on the size of your business. If we are to tackle the issues of the future we must join together.

*Mike Padgham*

## Skills for Care update

### End of the Social Care Brokerage Service

The York and North Yorkshire Social Care Skills Brokerage Service which has been operated by **Skills for Care** since 2003 is coming to an end and will be replaced by a new regional service for employers.

From August 2006 a new service which is called **Train to Gain** will be operated by **Business Link** and will offer employers across the region the opportunity of having a skills review and will provide advice on local training opportunities as well as enabling employers to access some funding for vocational qualifications.

Skills for Care has already met with the new regional **Train to Gain** manager **Julie Fisher** to discuss how both organisations can work together to provide a seamless service to employers with regard to workforce training and development and protocols are currently being set up to minimise any potential areas for confusion or duplication of work.

Further details of the new service can be obtained by calling **Sarah Buglass** at the **Skills for Care** office on **01904 461 050** [sarah.buglass@skillsforcare.org.uk](mailto:sarah.buglass@skillsforcare.org.uk) or by calling the **Business Link Gateway** on **0845 833 7000**.



ICG wishes to thank the Social Care Brokerage Service, on behalf of providers, for all its work over the past 3 years.



## MULTICARE

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- **Multicare North East is run by a Care Home operator who understands your needs and problems**

For a discussion of your needs—call  
David Caley on 01642 457 777  
or mobile 07801 028 800



#### Harold Ross—veteran care campaigner and columnist for Healthcare Bi-Weekly plans legal battle over full cost of care

**Harold Ross** is beginning a new national campaign to force local authorities to pay care providers across the UK the full cost recovery for care.

Veteran of several successful legal battles, Harold plans to use a variety of legal arguments to force local authorities to take account of the true cost of care when setting fee levels.

Among his arguments will be the fact that most local authorities fail to negotiate and take proper account of the care providers' case for a fair rate.

Harold is gathering an impressive team around him in London. In parallel he will be pressing the Government to set up a pension scheme for care workers to address the very real possibility of them having to live in poverty in old age.

The **ICG** Board invited Harold to explain his campaign. He told them the care



Harold Ross explains his campaign to members of the ICG Board

sector is in a deepening crisis with local authorities across the country paying less for publicly funded clients than the care costs to provide and the situation is worsening year on year.

The **ICG** supports Harold's campaign. To keep up to date make sure to read his column in **Healthcare Bi-Weekly** and see the website: [www.norback.info](http://www.norback.info). **ICG** will forward updates to its members.

## Legal advice from RadcliffesLeBrasseur solicitors

### The Mental Capacity Act

The Mental Capacity Act 2005 is due to come into force in April 2007 and is likely to have considerable importance for care providers. The Act gives statutory recognition to much of the common law relating to the treatment of patients who lack capacity and brings in changes intended to protect those who lack capacity.

**Testing capacity:** A new feature of the Act is that a person is not to be treated as unable to make a decision unless 'all practicable steps to help him/her to do so have been taken without success'. Those involved in the care of people whose capacity may be uncertain, will need to consider whether such a person is able to communicate and understand the issues necessary to make a decision. For the first time the Act introduces a statutory definition of capacity which focuses on a number of questions which will determine whether a person can be adjudged competent to make decisions.

**Best interests:** A key principle of the Act is that any decision taken for an incapacitated person must be undertaken in accordance with that person's best interests. A statutory checklist requires certain points to be considered when ascertaining best interests. One of the main points relates to a person's past and present wishes and feelings and their beliefs, values and any other factors that would be likely to have been taken into account if the person had capacity. The Act sets out a list of those people who should be consulted.

**Lasting Power of Attorney:** Additionally the Act will allow, for the first time, a person to appoint another to make decisions about their welfare and health in the event that s/he subsequently loses capacity.

**Independent Mental Capacity Advocates:** The introduction of these Advocates is intended to safeguard the incapacitated who are in a particularly vulnerable position with no-one to protect their interests.

Alexandra Johnstone, RadcliffesLeBrasseur

**RadcliffesLeBrasseur solicitors, specialise in advising care providers and operate a free advice line for ICG Members for legal queries related to healthcare on 0207 227 7308.**

### Legal seminar for ICG members

ICG is extremely grateful to **Andrew Parsons of RadcliffesLeBrasseur** for coming up to York and holding a legal seminar for its members.

Andrew explained the current Top 10 Legal Issues for care providers ranging across legal traps for the unwary from POVA to Employment Law, and from avoiding perverting the course of justice when investigating untoward incidents, to the likely effects of the Mental Capacity Act. He then answered a variety of related legal questions from members.



## Your letters ...

Dear ICG

### New service for home care providers

Many of your members will hopefully be familiar with **Caring UK magazine**, which predominantly serves the independent residential care sector across the country.

But I am aware that a growing number of providers - in common with other care association members in different regions – are involved in the provision of domiciliary care services.

In recent years, there has been increasing focus on home care and indeed, the Government has made its position clear on this.

Whilst we are all aware that there will always be a need for residential care, it is generally accepted that this comes at a later stage than hitherto (with the attendant problems with which many of you will be familiar).

Now, in the interests of serving the whole of the care sector, **Caring UK** is to launch a new supplement concentrating on **home care**. I am, therefore, on a mission to find out as much as I can about the market and believe there is no better way than talking to home care providers, about the many issues you face every day.

As you know, **Caring UK** has worked closely with **ICG** from its inception and once again, we are happy to be associated with your annual conference and exhibition later this year, so I am very hopeful that some members will wish to take part in this exercise - always appreciating how much pressure they are under!

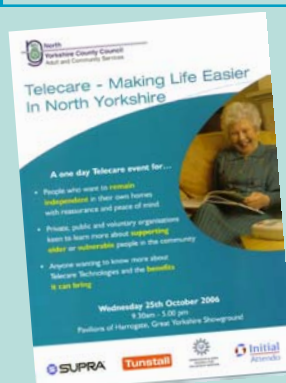
If anyone feels they have a view to put forward, or wishes to be involved in any way, I'd be very grateful for their co-operation. If members do not wish to be identified in the magazine I will respect this. I am grateful to **ICG** for the opportunity to address you in this newsletter.

**Pat Gwynnette, Caring UK Magazine**

I can be contacted by email at: [patg@wharncliffpublishing.co.uk](mailto:patg@wharncliffpublishing.co.uk)  
or by telephone on: 01226 734 694.



## TELECARE—come and find out all about it—25 October



### Would you like to know more about telecare and telemedicine?

**Telecare** is a range of smart sensors which can help older and vulnerable people to stay in their own homes for longer. NYCC has been given £900k over 2 years by the Government to spend on telecare in our area. To find out more come to a one day **NYCC Telecare Event** to be held on Wednesday **25 October 2006** from 9am to 5pm at **Pavilions of Harrogate**, The Great Yorkshire Showground. **Places are free but must be booked.**

Call **01423 561 951** or **01423 504 074** for a booking form and further information.

Dear ICG

We have two Polish girls working for us. Their English is very good and they are settling in well. I have tried to book them onto a distance learning course for Dementia Awareness which will not only provide them with a good start in understanding how to care for our clients with dementia but will also acquaint them with the specific language on this subject which they will need to know. I have been told that there is a Government rule which says they are not eligible for any distance learning courses until they have lived in the UK for three years. Is this true?

Gill Gallagher  
Norwood House

Dear Gill

Many thanks for drawing this to our attention.

What you were told was incorrect ... but it is easy to see why the confusion has arisen. All citizens from the EU (as well as the European Economic Area—EEA—which includes Norway and Iceland) are eligible for LSC funded courses through FE colleges, in the same way as UK citizens, provided they have lived in the EU for three years. Polish workers do qualify despite the fact that Poland has not been a member of the EU for three years.

Keren Wilson  
ICG

Dear ICG

### VAT Refund using OPTIS

It's not every day in one's life that you bank a cheque for £166,000 by way of a VAT refund, when literally six months ago I was not even aware that it was feasible.

Like everyone else we have been approached either by letter, phone or by a number of other intermediaries all making the same claim but none to our knowledge had actually managed to obtain a cheque from the appropriate authority. We noted from Optis' literature that Eileen Ramsey from Lancashire had managed to recover £185,000 using their services.

We made a judgement at a very early stage that we trusted Stuart Rivers at Optis, and we are so glad that we instructed Optis to make the recovery on behalf of Maria Mallaband Nursing Homes Ltd. Trust was our main criterion in choosing their company.

Many of those touting for our business suggested an aggressive and hard selling approach which made us feel uncomfortable from the very beginning.

We would recommend unconditionally the services of Optis to any care home operator presently considering who should act for them in recovering VAT.

I would like to express my thanks to the team at Optis who worked so closely and effectively with Baker Tilly.

Phil Burgan  
CEO Maria Mallaband Nursing Homes Ltd

ICG has always argued that it is an unfair rule that prevents care providers from reclaiming the VAT they pay out. Now there is a way for care homes to reclaim VAT from the day you started to 2002 (when the rules changed).

**SPECIAL OFFER FOR ICG MEMBERS: ICG is pleased to announce that it has negotiated a special offer from Optis for its members.**

You can arrange to attend a—without obligation—Workshop with Optis at the ICG Conference to find out how you could benefit. (Full conference details at [www.independentcaregroup.co.uk](http://www.independentcaregroup.co.uk)) See more about Optis—including contact details on the back page →→



*The voice of independent care providers in York and N Yorkshire*

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ICG represents independent care providers in York & North Yorkshire including care home providers for all client groups, domiciliary care agencies, supported living and extra care housing providers, and day centres in the private and voluntary parts of the independent sector.

*Independent Care Matters* is sent currently to all care providers in York and North Yorkshire, all City Councillors, all County Councillors, CE of the new PCT, Borough and District Councils, NHS Trusts, to all local MPs and MEPs and senior managers at NYCC & CYC.

**QUALITY MANAGEMENT**  
See enclosed with this issue information on a Quality Management System—for care homes and home care agencies—that can help you meet the Care Standards with all policies and procedures. **Special offer for ICG members.** Speak to Peter Hawkins about Required Systems on 01236 782 477.

# Get back all the **VAT** you've paid since starting in business

As an owner or operator of a residential care home, or specialist needs home, it is now possible to claim back all of the VAT\* you have paid. This includes operating costs and past work carried out, such as extensions, improvements and refurbishment, **from the date you purchased your home.**

Sounds unbelievable? That's what hundreds of other care home owners thought until they spoke to us.

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