

The LCA spring seminar



The panel answer questions (Keith Lewin, Brunswicks LLP; Jenny Robson, CSCI; Mike Wood, Chair, LCA; Denise Szpunar, CLSHA, Arthur Jones, Membership Director, LCA).

Medicines Management and Awareness

THE LCA spring seminar, 'Medicines Management and Awareness', was held at Farington Lodge on 27th April. Given the profile of the recent CSCI report on medicines management ("Handle with Care") this was a timely opportunity to give out some key practice and legal information.

The Handle with Care report was, when published, presented as damning for the sector although the reality behind the national survey data (12% with 'major short-falls', 43% with 'minor short-falls', 44% 'meeting the standard' and 1% 'commendable') gave a much more mixed picture, indicating a problematic area (with some, albeit under-

stated, achievement) but not the catastrophic failure presented.

The lack of a formal skills set (until 'Skills for Care' produced them very recently) for training on medicines management, continued concerns over the validity and reliability of inspectors' ratings, the ambiguities in the guidelines on disposal of medicines (especially the perseveration involved in maintaining a distinction between 'residential' and 'nursing' homes), and the particular challenges for domiciliary care, all make for a joint challenge for the 'stakeholders' who attended the seminar.

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LCA's 2006 AGM

LCA's AGM was held after the spring seminar. The Board for 2006-07 were elected.

Paul Simic, CEO, and Mike Wood, Chair, summarised the key points of the Annual Report and questions were taken.

A Board 'awayday' had drawn up the outline of a strategic plan, the executive summary of which was posted out with the original AGM notice papers. The Executive Summary and the full Annual Report are on the LCA website.

What is LCA for?

To represent and to be a lead for quality providers; to influ-

ence; to inform; to be a voice; to be a presence; to speak for service users; to represent fairly and openly.

What have we done well? What needs to improve?

LCA remains a viable not-for-profit company representing local associations and direct members across Lancashire. Moving LCA on to a position of some relative financial security has been an achievement. There are three divisions of the company: Membership Services (and core LCA business), 'Safe and Sure CRB', and

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LCA spring seminar

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Mike Wood advises on domiciliary care and medicines

With this in mind, and arising from discussions in the seminar, LCA will explore whether there is the opportunity for the various parties represented at the seminar to work jointly on some key issues associated with medicines management, awareness, and disposal.

The seminar on medicines was followed by a brief update on the work of the Lancashire Workforce Development Partnership (LWDP) and 'Lancashireplan' (see www.lwdp.org.uk).

THE SEMINAR PROGRAMME

- Arthur Jones, LCA Director – Intro
- Jenny Robson, NW Regional Lead Pharmacist, CSCI – CSCI Medicines Management—'Handle With Care' Report
- Mike Wood, LCA Chair – Medicines Management in Domiciliary Care
- Keith M Lewin, Brunswicks LLP – Pain-killer or Placebo - Legal Context of Medicines
- Denise Szpuner, Development & Improvement Manager, CLSHA
- Louise Winstanley, Prescribing Advisor, Chorley & South Ribble PCT – Medicines Management
- Mike Pencaval & Dymphna Knowles, Lancashire Workforce Development Partnership – 'LancashirePlan'
- Stands: Energywise, RBS, Brunswicks LLP, Quadrant International, LCA (including 'Safe and Sure CRB') & LWDP.

LCA's 2006 AGM

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'LCA@work' (working with Lancs Learning and Skills Council and a founder member of the Lancashire Workforce Development Partnership).

The way we work with local authorities has improved significantly and we have a public domain joint programme of work with Lancashire County Council and Blackpool Borough Council. We are developing our links with Blackburn with Darwen. Sefton CHA joined us as an associate member in 2005. We have helped raise the standing and profile of the independent sector.

Our 'flagship' events are well organised and well-received. We are developing ever better relationships with

core sponsors which helps us to have a low fees' policy (we've frozen the LCA fees for the current year at 2005 prices).

Communication is an area where we recognise there still needs to be improvement. There will be investment in the website and there will be a regular survey of members to gather key information on what members want. We will institute 'Rolling Boards', each quarter's Board to be held in a different part of the county with a members' 'open forum' following the Board business. Look out for notices. Improving strategic relationships with 'health' are a target for this year. LCA is a membership body with specific Membership benefits (including free initial legal advice, a Registered Suppliers' List with discounts for members, and help lines around training and for CRB) but it is also a sector representative for all quality providers, whether LCA members or not (e.g., LCA is again the elected rep with UKHCA for domiciliary care providers in Lancashire).

We need to develop our role with other client groups building on our grounding in the older people's sector.

Involving users... from tokenism to realism

By Les Bright

CSCI's first annual report made for interesting reading, demonstrating that despite difficulties, many homes have responded positively to the challenges associated with the new inspection regime. The current 'fashion' – one of which the R&RA approves – of setting out to consult and involve service users is here to stay as a permanent feature of commissioners' requirements, and is probably already well established in a variety of ways in the best homes.

The Chair and Chief Executive of CSCI state in their foreword that, "The public service culture is increasingly one of 'consultation' and 'involvement', but it remains unclear how – and whether – people's experiences of care are improving as a result."

So, the cat is out of the bag: 'listening' services can't hear a word that's being said!

People tell us that they are frequently asked their views, but are much less often able to identify anything happening as a result. Perhaps they had unrealistic expectations, or maybe the person asking the

question was simply 'ticking the box' – something that we all find irritating. So what's the alternative?

Establishing relatives' groups, to enable people to share their feelings, and to discuss how they can work in partnership with managers and care staff, is a vital building block in an alternative structure.

When such groups can combine with and build on existing good practice, such as regular residents' meetings and person-centred care this will lead to the conditions under which users can decide for themselves who should represent them on relevant forums, such as the LCA board, and what they need to do to ensure that when they speak up it is not just their own opinion but is in some way representative of more widely held views.

The R&RA will be happy to provide information and advice on setting up relatives groups. Call us on 020 7359 8148

Les Bright is an independent consultant and Professional Adviser to the Relatives and Residents Association

2006-7 BOARD

Mike Wood, Chair; Sue Lace, vice-Chair; Paul Callander; Ken Nolan, Immediate Past Chair; George Hill, Arthur Jones, Peter Jarvis, Neil Gregory, Jerrold Carr, Mike Bird, Raj Singh, Mark Cunningham.

Contact details, roles and affiliations, on website or from LCA office.

The 'Kingscrest' Case: an opportunity to recover VAT from before 21 March 2002

By Carolyn Van Hecke, Senior VAT Manager, Cowgill Holloway

WERE YOU involved in the provision of residential (non-medical) care prior to 21 March 2002? Were the majority of your clients local authorities?

If so, the High Court decision in the Kingscrest case, together with a change in policy by HM Revenue & Customs ("HMRC") offers the opportunity to recover previously irrecoverable input tax on both revenue and capital expenditure.

By way of background, HMRC were involved in a long battle with Kingscrest Associates & Montecello Limited, a business which runs homes that provide residential care to adults with learning difficulties and children. Kingscrest is a fully-for-profit organisation, charging local authorities on a per capita basis. They were involved in a long dispute with HMRC over whether their supplies were taxable or exempt from VAT. Unusually, HMRC maintained that the services provided were exempt within the UK and EC VAT legislation which exempts from VAT certain health and welfare services.

Kingscrest maintained that that it had interpreted the law correctly.

The High Court upheld the decision of the VAT & Duties Tribunal that Kingscrest was making taxable supplies and therefore in a position to recover

VAT on costs as input tax. This was commercially advantageous to these homes. They made supplies almost exclusively to local authorities who were able to recover the VAT charged and so did not represent an additional cost. The reasoning behind the decision was that exemption did not apply where there was no nursing or medical care provided in conjunction with supplies of residential care.

Following the decision, the UK VAT legislation has been amended and, from 22 March 2002 all future supplies remain exempt from VAT as previously intended.

HMRC are not appealing the decision and have issued a Business Brief to clarify how businesses affected may correct "errors".

Why claim

HMRC are not insisting that care providers register and account for VAT on income prior to 21 March 2002, although: providers are entitled to seek VAT registration in respect of previous supplies of residential care to enable them to recover input tax (VAT on expenditure) from HMRC; and where providers are left in a net recovery position, the savings are additional "bottom-line" profit.

A review of the business activities needs to be undertaken to ensure that VAT registration would be beneficial i.e there is a net recovery of VAT;

Contact with the local authority customers is essential to ensure that they are content to accept and pay VAT-only invoices and possibly agree fees to compensate them for their time costs involved;

A retrospective VAT registration is put in place, for the appropriate period to 21 March 2002; VAT-only invoices are issued to local authority customers who are in a position to reclaim the VAT from HMRC; HMRC have announced a concession in respect of private customers and will allow VAT not to be accounted for on this income provided that the input tax is restricted to the same extent; detailed analysis of income and expenditure is required to enable a single long period VAT return to be completed and submitted to HMRC with payment of the net tax due.

To date we have been instructed by over 25 businesses operating in the residential care market. Each of these businesses was provided with a free assessment of their potential VAT recovery position, including a review of the quantum of input VAT incurred prior to 2002, an assessment of the mix of local authority / private residents and in indication of stance likely to be taken by the local authorities with whom they would need to negotiate in agreeing their claim. On average, each business is estimated to benefit from a VAT repayment of approximately £35,000.

Safe and Sure CRB is on its way!

Our Disclosure Services will soon be under the banner of Safe and Sure CRB. We have decided to re-brand and develop these services as a result of the Criminal Records Bureau ("CRB") rationalisation of Registered Bodies.

Please remember, the CRB

Safe & Sure CRB
Registered Body for the Criminal Records Bureau

and LCA fees increased from 01 April, as follows: Enhanced £45.50; Standard £40.50; POVA



First £6.50. Member fees are: £43.20 for LCA members; £32.40 for non-LCA members.

LCA's own admin charge is £9.50 per application and remains one of the cheapest in the country. The rest of what you pay goes to the CRB.

Hazel Bingham



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LCA administrator: Sarah Luton

The LCA is the major representative body for independent care providers in the North-West. The LCA Board, meeting quarterly and the wider local networks it supports, the AGM, our events across the year, our newsletter and our website are all examples of our commitment to representing and communicating with quality providers, whether care homes or domiciliary care, across Lancashire.

The Editor points out that articles reflect the opinions of the individual contributors and do not necessarily reflect the views of the LCA.

CAREFULLY is published for the LCA, and distributed with *Caring Times*, by Hawker Publications Ltd, Culvert House, Culvert Road, London SW11 5DH

Advertising: Caroline Bownen,
020 7720 2108 ext 203
caroline@hawkerpublications.com

Design: Andrew Chapman
design@awrc.info

Printed by Wyndeham Hubbard Ltd,
Dronfield, Sheffield © LCA 2006

MEMBERSHIP DIRECTOR

Arthur Jones, one of LCA's most active directors, is taking on the role of 'Membership Director'.

With the support from LCA's administrator (Sarah Luton) Arthur will take the lead on reviewing our membership and seeing the best way we can persuade providers who are not yet (or have lapsed) members to support us and, perhaps, even become active, working with us.

Arthur can be contacted via LCA (details above).

Business Continuity Planning

“BUILDING-IN’ business continuity and making it part of the way that you run your business, rather than having to ‘fire-fight’ any emergency, helps prepare you to offer ‘business as usual’ in the quickest possible time. Planned business continuity management, so that your staff, customers and suppliers are reassured that you have an effective policy and practice for managing the unexpected, helps to build confidence in your business. Nearly 1 in 5 businesses suffer a major disruption every year... With no recovery plan, you have less chance of survival.” (‘Expecting the Unexpected’, 2003).

New legislation placing responsibilities on local authorities and health bodies and the businesses they contract with is raising the profile

of BCP, something as important for smaller business as for big companies. LCA wants to alert you to the importance of thinking about BCP.

As I’m writing this, there is a Cabinet re-shuffle brought on by a series of unexpected occurrences affecting senior ministers. It is a reminder about how planning for the unexpected is so important!

It is also important to plan for, indeed foolish not to plan for, the expected: “Most experts believe that it is not a question of whether there will be another severe influenza pandemic but when” (Sir Ian Donaldson, 2002).

This is the most likely substantial threat that will affect care providers in the near future. Don’t be caught out thinking there is nothing to be

done. Don’t leave your business under threat because you are not thinking about this issue and taking advice. I think this is such an important issue that I am raising the profile of BCP and then LCA will be putting together something that can help you. Some insurance companies offer lower premiums for businesses that have BCP’s drawn up so it’s not just extra work for nothing.

Jerrold Carr, one of our Directors, will be working with me on this, so if anyone wants to discuss this in more detail contact me through the LCA office. Look out for further items in ‘Carefully’ and further information is available on the website and through your local associations and networks.

Paul Simic,
Chief Executive, LCA

DH team visits Lancs

On 31st March the Social Care Partnership (LCC, LCA and UKHCA) met with the Head of Spending Review Policy & PSS Finance and his team (for the Social Care Minister). This meeting arose from an earlier meeting in London with Liam Byrne and his aids hosted by Joan Humble. The DH team heard about the work of the Social Care Partnership in Lancs and the progress made using the ‘Fair Price for Care’ model developed by Laing and Buisson.

Mike Wood, LCA’s Chair, said “We are extremely pleased to have had a visit from the Dept of Health team advising the minister. The work we have done with the three councils across Lancashire on a Fair Price for Care, and particularly our work with LCC, deserves this special attention from the DH.”

LCA@work

The second phase of our project with the LSC has begun. The Employer Training Pilot is being replaced by Train to Gain in August 2006. Katy Mercer, a new project worker with LCA, will be following the progress of ETP funded NVQ candidates in Lancs. Katy will be contacting care providers over the next two months to confirm:

- Candidates currently on ETP funding
- ETP funded candidates who have completed their NVQ qualification
- NVQ candidates who have been withdrawn from ETP
- Non achievers
- Issues accessing or barriers to ETP funding

Katy is liaising with the relevant ETP Advisors who are now the Train to Gain Brokers. She will also be actively promoting Skills for Life screening.

Contact Katy Mercer on 01772 455574 or email: katy.mercer@lancashirecare.org.uk

LWDP funding for 06/07 now available

THE LANCASHIRE Workforce Development Partnership is continuing to fund NVQ from levels 2-4 and RMA. To apply, complete the LWDP application form which is available on the LCA web site www.lca.ik.com or go to www.lwdp.org.uk for information about all the LWDP funded projects and pdf copies of all documents. As last year, funding can be paid to the care provider or the training provider (as nominated by the care provider) and is released on completion of units.

Induction/foundation funding can be applied for in blocks of 10 in advance. Once allocated, the funding of £100 can be recouped for staff members on satisfactory completion of induction/foundation training by submitting the Skills for Care Social Care Induction Training Form for each individual.

Grants for short courses remains available too. The LWDP is continuing to fund



£50 grants for 1 day training courses. One grant per person. Please look at the LWDP web site for guidance regarding which courses, or contact the LWDP Funding Administrators (contact details below)

From July, the Administration for the LWDP funding will be linked to LancashirePlan. Triggering their allocated LWDP funding will require care

providers to put their staff on the system. All the LWDP networks are ready, willing and able to assist care providers to do this. If you do not have access to the internet in your workplace, the LWDP will put the candidates on the system for you.

LCA and other networks of the LWDP can demonstrate the system to you. We can talk you through the rapid input tools to quickly get your details onto the system or arrange for an independent data gatherer to load your data for you. (Please contact Jack at LCA for more details).

LWDP CONTACTS

- LWDP Development Manager - Dymphna Knowles: 01772 761855 or dymphnaknowles@lwdp.org.uk
- LWDP Training Co-ordinator - Katy Burgess: 01772 761855 or katyburgess@catholiccaringservices.ork.uk
- LWDP Data Manager - Stuart Grice: 01524 389841 or stuart@accessplanit.com
- LWDP Networker – Jack Moorehead & the LCA Outreach Team – 01772 455574 or jack.moorehead@lancashirecare.org.uk
- LWDP Funding Administrator - Bev Chessworth: 01772 679006