Northern Health and Social Care Trust

Trust Board Briefing Paper	
Reference Number:	TB147/12/L
Date of Meeting:	24th November 2022
Presenting Director:	Owen Harkin, Director of Finance
Subject:	Write Off of Losses
Purpose: **Approval/Noting**	Request Board Approval Write off
Background:	Debt arose between 30611 – 2018/19 and relates to unpaid Client Contributions in respect of care home fees 36500 – 2015 - 2018 and relates to unpaid Client Contributions in respect of care home fees

Proposed Write off for 30611 WP - £9,037.72

- The debt arose due to none payment of the weekly assessed client contribution.
- The client's ex-wife MP was appointed by the Office of Care & Protection (OCP) on the 18 August 2018 to manage the client's financial affairs. On the 28 January 2019 she signed and returned a Declaration to decline a financial assessment (FA9) and the client was assessed as paying the full cost of his care. Full cost invoice for £11,848.57 was raised to ex-wife MP. In March 2019 Mrs P's daughter SM requested to complete a financial assessment, as the FA9 was returned in error, this was finalised on the 14 October 2019 to provide Mr P with Trust funding back dated to 07 November 2018. SM signed a new 'Undertaking to Pay' on the 14 August 2019 and the billing address was amended.
- Mr P deceased on the 30 November 2019 with the final invoice raised for £9,037.72 to the daughter on the 01 December 2019.
- No contact or payments were received therefore Debt was referred to Department of Legal Services (DLS).
- DLS made contact with SM who advised that all the clients' income was being paid into the client's ex-wife's account which she used for home commitments. Ex-wife was admitted into a care home on the 28 June 2019. SM was appointed by the OCP as Controller for MP on the 15 July 2020 and confirmed there was nothing in the account when the client deceased.
- Daughter has health issues and doesn't work, is carer for her husband and on benefits therefore not a mark for recovery.
- DLS advised that if the Trust obtained a judgement and progressed to Enforcement of Judgement Office (EJO) this would result in a Certificate of Unenforceability.

DLS have advised that the Trust has exhausted all avenues for recovery and it is recommended that this debt is written off.

Proposed Write off for 26500 TS - £9,534.55

- The debt has arose due to the client's Direct Debit was refused by the bank in January 2016. The Trust applied and was appointed to be the client's corporate appointee on the 25 June 2016 for his State Retirement Pension. However the client was in receipt of two Occupational Pensions. The Trust wrote to the client requesting him to sign a consent form authorising the transfer of these two Occupational Pension to be paid directly to the Trust. The Trust received no response.
- In September 2016 the home contacted the Trust to advise they would have concern over the client's capacity. Finance staff contacted the client's named worker to request a capacity assessment to be completed. The client was deemed not to have financial capacity on the 20 December 2017 and a referral was made to the Office of Care & Protection (OCP) to request a short procedure order to transfer payment of the two occupational pensions and balance of his account directly to the Trust to manage.
- However the client deceased on the 21 March 2018 before the OCP could action this request.
- In April 2018 Rosemary Connolly Solicitors confirmed that they had wrote to the person named as Executor on the late client's Will for instructions. In November 2018 the Solicitor confirmed they have received no response and are unable to take any further action in this matter.
- A referral was made to Department of Legal Services (DLS) in February 2020. In November 2020 and April 2022 Rosemary Connolly Solicitors confirmed they have received no response from the number correspondence issued to the person named as Executor and cannot provide the Trust with any details.

DLS has recommended that this debt be written off as the Trust has exhausted all attempts at recovery with no further avenues to pursue.

Trust Board is asked to approve these two write offs.