

From: [Dave Thomas](#)
To: [Carol Shillabeer \(Powys Teaching Health Board - Chief Executive\);](#) [REDACTED]
Subject: RE: Funded Nursing Care Query
Date: 27 July 2018 14:00:00
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Carol

Thanks for your note following our telephone conversation. I have shared your query with relevant colleagues here and the view is that we do think it is appropriate for health boards to ask for evidence that cost has been incurred before any payment is released. In this context, Chief Executives of health boards need to be aware of their responsibilities as Accountable Officers as set out in [Managing Welsh Public Money](#), and specifically defined in their Accountable Officer memorandum. Essentially Accountable Officers must be able to assure the National Assembly for Wales, UK Parliament and the public of high standards of probity in the management of public funds. It is difficult to see how that standard could be achieved if public money was handed over to care homes without sufficient proof that the cost has been incurred in the first place. Another way to view this would be to consider how this would play out at a body such as the National Assembly's Public Accounts Committee if it ever came to light that a requested payment to a care home was false or fraudulent, and the health board had failed to show due diligence in processing the payment.

There are few other relevant observations that we would offer:

- Health boards should be appropriately pragmatic and proportionate when deciding what evidence they need to see, and any evidence that is requested should be easy for care homes to provide;
- In this particular circumstance it is not appropriate for the Wales Audit Office to suggest what the minimum necessary evidence could or should be, but it is important that all health boards and Welsh Government agree on the approach to be undertaken and that they apply it consistently;
- Given that a Supreme Court ruling is the genesis for this, it is unlikely that any payments would fall into the novel and contentious category requiring Welsh Government approval, but it would be advisable for health boards to get confirmation from Welsh Government that this is indeed the case; and
- Finally, health boards could consider asking whether, as part of the evidence gathering process, Care Forum Wales would be prepared to "endorse" claims from care homes, having due regard themselves to the principles set out in [Managing Welsh Public Money](#).

I trust the above is helpful, and please don't hesitate to contact me if you wanted to discuss further.

Regards
Dave

Dave Thomas

Cyfarwyddwr, Archwilio Perfformiad / Director, Performance Audit

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[Ysgrifennwch ataf yn Gymraeg neu'n Saesneg](#)
Please write to me in Welsh or English

From: Carol Shillabeer (Powys Teaching Health Board - Chief Executive)

[REDACTED]
Sent: 20 July 2018 17:23

To: Dave Thomas [REDACTED]

Cc: [REDACTED]

Subject: FNC

Hi Dave,

Thanks for the call earlier. The key issue I would value a view on is one related to Funded Nursing care. The Supreme Court judgement made last August (2017) indicated that paid breaks should be funded by the NHS (for care homes). We have made a decision at health boards (in March 2018) to implement that outcome and are now in the process of enacting it. We have developed an evidence requirement from care Homes in order to release reimbursement (backdated to the original issues considered by the Courts). The evidence we have asked for is a copy of a contract of employment which we believe will indicate whether the nurse has indeed been paid for breaks. We are being challenged by Care Forum Wales on the need for evidence.

As we worked closely with WAO on the evidence for reimbursement on CHC Retrospectives, it would again be really helpful to have a view on the public probity and evidence issues. What might be an example of the minimum acceptable level of evidence that would uphold public probity standards for example.

I am grateful for your consideration of this. I am away [REDACTED] but have copied in [REDACTED]. I am working closely with [REDACTED] on this issue and will be able to help with any points of clarification.

Many thanks

Carol

Os nad chi sydd i fod i dderbyn yr e-bost hwn, a wnewch roi gwybod i bwy bynnag wnaeth ei anfon

trwy e-bost a dinistrio pob copi. Ni chaniateir agor, defnyddio, datgelu, storio na chop?o?r e-bost. Barn neu sylwadau?r awdur yw?r rhai sydd yn yr e-bost ac nid ydynt o anghenraid yn cynrychioli barn Bwrdd Iechyd addysgu Powys heblaw bod hynny wedi?i nodi. Mae?n bosibl y gellir datgeli?r wybodaeth sydd yn yr e-bost hwn dan Ddeddf Rhyddid Gwybodaeth 2000, Rheoliadau Gwybodaeth Amgylcheddol 2004 a Deddf Diogelu Data 1998. Oni bai bod y wybodaeth wedi?i heithrio rhag cael ei datgelu dan y gyfraith, ni allwn sicrhau cyfrinachedd yr e-bost hwn ac unrhyw ateb iddo. Cyn agor yr e-bost hwn ac unrhyw atodiadau, a wnewch eu gwirio rhag firysau gan nad yw?r Bwrdd Iechyd yn gallu sicrhau nad ydynt heb firws ac nad ydynt wedi?u rhyng-gipio na?u diwygio.

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