

Minutes of Child Injury Special Interest Group Meeting - 4 November 2008

1. See PowerPoint presentations provided by Maggie Sargent of Maggie Sargent & Associates and Karenmarie Smith and Alison Barker of Independent Living Solutions.
2. Notes made from Maggie Sargent's talk
 - (a) When instructing a case manager ask for their CV.
 - (b) A knowledgeable case manager is needed who is prepared to meet the client face to face - beware of organisations who deal with hundreds of clients by way of telephone case management.
 - (c) There is a shortage of very good case managers.
 - (d) The family should have the choice and should meet a couple of case managers as this is a personal service and you need to have a good working relationship as there will be a lot of tough decisions to make.
 - (e) With children the case manager has to have considerable experience of working with children.
 - (f) Case management is about risk assessment - a lot of the role is managing risk. After the first meeting a case manager will do the necessary risk assessments and then draw up a plan.
 - (g) The case manager should be providing regular reports setting out goals and objectives and if this is not happening you are not likely to be getting the service you need.
 - (h) There can be a lot of resistance from a family to a case manager so that is another reason that it is important to empower the family with the choice of the case manager.
 - (i) Maggie feels very strongly that a case manager should be able to provide a 24 hour service.
 - (j) If there are no realistically achievable goals and objectives then as a case manager you are at risk of failing.
 - (k) It is very important that you are aware that your records are disclosable.
 - (l) It is difficult to be non-judgmental but a case manager's plan should be signed up to by, where possible, the client, the family and carers.
 - (m) It takes as long as it takes and it might take 6 months to achieve the first step.
 - (n) When a case manager takes on a child lots of life events can take place while you are the case manager and circumstances can change.
 - (o) Case managers have to be registered with CSCI and have child protection training.

- (p) You have to have a good sense of humour to be a case manager!
- (q) There is no rigid format, for example Maggie often involves more than one physiotherapist because each will offer something different.
- (r) With children it is very important for case managers to be involved at the school with setting goals and working with teachers.
- (s) Children will have aspirations and they can have fantastic aspirations - nowadays it is much easier for severely disabled children for example to go to university.
- (t) A child wants to be normal and to do things like go partying so often a case manager has to organise a 24 hour care package but very subtly.
- (u) Sexuality is an important issue.
- (v) During litigation the case manager must make sure that funding is available, have regular meetings, identify who is to be the employer which can be an issue.
- (w) During litigation it is necessary to have particularly good communication just prior to settlement when the defence arguments on quantum are coming up and being explained to the family.
- (x) Housing is very important and for example if life expectancy is very short it would be better to rent somewhere if possible rather than wait to buy somewhere.
- (y) There is a need for close communication with everyone.
- (z) Maggie outsources the manual handling risk assessment because of the litigation risk attached to these particularly if they are carried out in-house.
- (aa) Amanda Stephens asked if there were times that Maggie wished she was not told about things in the litigation? Maggie said that is why you need careful lines of communication, there are bound to be things in the case manager's notes that are privileged but that is for the solicitor to check.
- (bb) Another query was about the volume of cases that a case manager can handle. Maggie felt that 4 to 5 can be enough for one case manager and by way of illustration said that a social services case manager can have 500 clients.

3. Talk by Karenmarie Smith and Alison Barker

- (a) ILS provide a specialist therapy service for children.
- (b) Karenmarie Smith is the chair of the Children and Young Person's Group in BABICOM.
- (c) With children a case manager looks in to their social life, leisure activities and you are helping to create a life experience not just covering basic case management.

- (d) When appointing a case manager a check should be made that there will be comprehensive supervision for example when the case manager is on holiday and that there is good admin support to reduce case management costs.
- (e) A case manager needs a knowledge of the employment process.
- (f) At ILS they have a lot of focus on in-house training after initial induction.
- (g) It is important that a case manager is looking at their training and that they are confident they are capable of doing what you want them to do - there should be financial support for continuing professional development.
- (h) If you employ more than 2 case managers you should be registered with CSCI but there is time and costs involved with this. CSCI can do audits unannounced.
- (i) It is important to consider if a client needs a male or female case manager, case managers are all different, some have a relaxed and informal style whilst some are more formal and very organised.
- (j) Goals cannot be set without having input from the nursery / school / therapists and everyone involved with the children.
- (k) It is helpful to have background reports before doing the first assessment.
- (l) It is important to look at what the child wants to do and what they like and dislike and a case manager needs to introduce ideas about activities like riding and sailing that the family might not even have thought of before.
- (m) There can be other types of respite other than local authority centres e.g. having carers in for a weekend in the home or the child going to another family. It can be a little way down the line before families feel able to go on holiday with a child with severe needs.
- (n) The amount of input depends on the parents' abilities and attitude so on paper two cases might seem to indicate the children have the same needs but you end up doing two quite different reports.
- (o) An example of a case they have dealt with was a 9 year old who had had an ABI and before the ABI people thought he could have been a professional football player so they were planning to get him involved in sport but he would not have anything to do with sport. Instead he became interested in military topics and one day came and said he wanted a jeep. A jeep was bought and the buddy would drive him around and for 4 or 5 years they went off to conventions in the jeep together. It is important to look at other things over and above care and physical needs.
- (p) Often the case managers' goals are a bit different from solicitors'. Solicitors can be keen for a care package to go in to prove there is a need for one but the family may not want a full care package, there is a lot to take on board especially having someone in your house for nightcare.
- (q) Families can be very selective about recruitment of carers and they have had solicitors hassling them to use agencies and quicken things up. The

child and parents and siblings have to have time to adjust to having up to say 6 different people coming into the home.

- (r) Solicitors often press for physiotherapy, occupational therapy and speech and language therapy and there may well be a need but the family need to be able to fit the therapy sessions in when at the same time there is a need for family time and for the children to go off to activities.
- (s) There can be tensions around hoisting and the family accepting equipment into the house as well as carers and a case manager can end up advising a family has to move in order to be able to get equipment and carers in and that brings all sorts of anxieties and problems.
- (t) Sometimes agencies are good to use if the family are not sure about what care regime they want but for a stable and tailor made arrangement you need to recruit directly.
- (u) It is important that the case manager looks after the care team so the carers stay and you are not back to spending £2,000 to £3,000 on recruitment again in a short space of time.
- (v) Families are very different and in one case 7 carers were recruited for an easy going family and the same staff are still with the same family but in an identical scenario there were lots of issues, high turnover of carers and even a tribunal case at one point.
- (w) A big part of the job is liaising and some agencies are wary of dealing with private sector case managers.
- (x) On one case they had two physiotherapists involved, one based at school and one doing home visits. Both physios had met at the home and had a huge fallout because they had different goals - an example of the type of problem a case manager has to try and help sort out.
- (y) They had one case where the parents divorced, there was a contact dispute and complications because of the involvement of step parents and while all this was going on there was a carer working with both families and being quizzed by both as to what was happening in the other household.
- (z) During litigation solicitors take different approaches with some asking for more communication than others, for example some solicitors request monthly reports. Karenmarie and Alison advised that when a case manager is put in post there should be a discussion about the preferred communication method and it is good for the case manager and solicitor to meet face to face initially and go over situations where the case manager is to contact you, the extent of the budget etc. and agree as much as possible at the beginning.
- (aa) Case conferences are very helpful despite the expense - they are particularly useful if everyone is struggling a bit and can help get things going in the right direction.

4. Questions to all speakers

- (a) Karenmarie and Alison agreed that after settlement there is sometimes a loss of focus and things are not helped by families often going through life changing events such as moving or a child leaving home.
- (b) Maggie said that sometimes a house has to be provided for the child, where parents have separated, and it's the parents who take turns to come and stay in the house.
- (c) Are there areas of the country where it is easier to recruit carers? Agreed that in London it was easier, outside London more difficult and Karenmarie and Alison mentioned one case where it had taken 18 months to recruit; Maggie commented that often it comes down to what you need to pay.

5. Report from APIL president, Amanda Stephens

Amanda reported back to the meeting on the following topics:-

- (a) Discussions about the way forward on fast track RTAs up to £10,000.
- (b) Compulsory insurance records for employers.
- (c) The People First initiative.
- (d) Success fees in employment liability claims.
- (e) Master of the Rolls enquiry into costs.
- (f) Coroner's reform bill.
- (g) Third party capture.
- (h) New pre-action protocol in mesothelioma cases and plural plaques campaign.
- (i) Monitoring multi-track code for PI claims over £250,000.
- (j) Zero tolerance on compensation culture stories.

Nicola Mooney
Secretary to Child Injury SIG

27 November 2008