

Charging and insurance to cover the cost of replacing or repairing of all hearing and listening equipment provided by NHS and Local Authorities

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1. Introduction

- 1.1 NDCS believes that all equipment provided to deaf children and young people is vital in supporting their development and enabling them to reach their full potential.
- 1.2 NDCS expects that children, young people and their families will take every reasonable care of the equipment provided to them.
- 1.3 It is inevitable that equipment that is used on a daily basis by children will occasionally be lost or damaged. NDCS expects that children, young people and their families should be able to use the equipment without fear of being charged to replace or repair equipment lost or damaged accidentally during the course of normal family life.
- 1.4 NDCS expects that any lost or damaged equipment will be replaced with the same or similar model immediately and that children and young people are never left without equipment that they use regularly, during periods of dispute between the service provider and family.

2. Hearing and listening equipment provided by health service

- 2.1 There are no known legal powers in Scotland which would allow NHS Boards to reclaim the costs for lost or damaged hearing aids. However, Government policy allows NHS Trusts in England, Wales and Northern Ireland to recover all or part of the cost of repair or replacement of a hearing aid where there is evidence of misuse or carelessness. NDCS expects:
 - that NHS organisations will only resort to such measures in exceptional circumstances where it can be proven beyond reasonable doubt that there has been (i) an unwarranted degree of negligence on the part of parents or young people taking account of their age and possible other disabilities (ii) wilful misuse of the hearing aid
 - that NHS Trusts will follow appropriate procedures before charging. This includes establishing an investigatory committee of 3 people and holding an oral hearing allowing the parent and/or young person to attend and make representations. The investigating committee must not be biased in favour of the health authority or audiology department, and previous incidences of loss or damage should not be considered as this may prejudice the case
 - children, young people and families will be provided with information on the risks of being charged for lost equipment, the potential costs and the processes involved so that they are able to make an informed choice on appropriate actions beforehand, such as insuring against the risk of being charged for lost equipment
 - a refusal or the inability of parents to pay should not result in any delay in the child receiving a new hearing aid
 - that the level of charge should not exceed the actual cost of replacement or repair.

3. Equipment Provided by Local Authorities

- 3.1 Local authority education services provide, fit and manage FM systems to help deaf pupils at school within the legislative framework of the four national governments of the UK. This includes the Equality Act 2010 which requires local authorities and schools to provide 'auxiliary aids' to disabled children as a "reasonable adjustment". FM systems are widely cited as an example of an auxiliary aid under this Act.
- 3.2 However, learning and participating fully extends beyond school. Therefore NDCS believes that local authorities should allow children to use their personal FM system outside school hours. Local authority education services have a role in ensuring that the child's parents or carers are educated in the care and use of the equipment, that it is treated appropriately and returned to school as required.
- 3.3 NDCS is aware that some parents have been asked by their local education authority to insure personal FM systems against loss or damage as a condition of the FM system being made available outside school hours.
- 3.4 It may be possible to add the FM system to home contents insurance at no additional cost to parents. However, NDCS believes that parents must not be forced to insure their child's personal FM system, and pressure must not be put on families to insure it. Equipment purchased by the local authority remains the local authority's property. It is therefore the school or local authority's responsibility to make provision for repair or replacement of broken or lost equipment as required.
- 3.5 Some manufacturers are selling their FM systems with insurance for loss and damage outside school included in the purchase price. If this becomes common practice then out of school use and insurance of FM systems will become much less of an issue

4. Additional information

- 4.1 Following a request by the NDCS for clarification of issues pertaining to insurance and replacement, the NHS Executive issued a document to audiology departments (DH, 1995). This document pre-dates devolution of NHS powers to Scotland and is no longer relevant there. A summary of this guidance is outlined below to help inform parents of deaf children and young people of their rights and responsibilities in relation to this issue:
 - a) NHS hearing aids services are available free to anyone resident in the UK. No charge may be made for a hearing aid, batteries or any accessories supplied as part of NHS services except where misuse or carelessness can clearly be established (see below).
 - b) The NHS may legally recover the cost of repair or replacement of a hearing aid if there has clearly been misuse or carelessness. When the child is under 16 years old the responsibility for paying the costs rests with the parent or person with parental responsibility.
 - c) The health authority or trust cannot charge young people/parents for loss or damage unless they convene a panel (committee) of at least three people who will need to meet to discuss the issues relating to the incident. They must notify the young person/parents that this committee is to meet, and the parents/young person has a right to attend such a meeting to express their views.
 - d) NHS hearing aids are provided on a free loan basis and remain the property of

the government. It is therefore not possible to insure against their loss and no pressure should be put on parents of children to take out insurance. However parents may wish to cover the risk of being charged by taking out (indemnity) insurance. It is normally possible to add items such as hearing aids to household insurance policies. It is important that parents check with their insurance company regarding need to have the hearing aids added as a 'named item' to the policy, the cover of their policy and any excess.

- 4.2 In 2003, the National Committee for Professionals in Audiology (NCPA) issued further guidance to professionals, which includes:
- a) The NCPA recommends that no charge is made for lost or damaged hearing aids belonging to children.
 - b) The NCPA recommends that lost aid(s) should be replaced by the same model with the same type of mould(s) unless this model is obsolete. In these cases a review appointment should be booked as soon as possible and an equivalent type of hearing aid to the one lost loaned to the wearer while waiting for review.
- 4.3 The decision to charge should not be taken by one audiologist alone, who may be influenced by his or her rapport with a particular patient, his or her personal beliefs etc. When the investigating committee is convened it is advisable that at least one member of the committee is not an audiologist for reasons of impartiality.

5. References

- 5.1 ASAG Secretariat (2011) *Briefing Paper on National Policy on Charging for Lost NHS Equipment*, 9th February 2011, Audiology Services Advisory Group
- 5.2 DH (1995) *Hearing Aid Services Provided By Audiology Departments*, Department of Health NHSCC, Department of Health, 22nd December 1995
- 5.3 NCPA (2003) *Protocol for Replacing Lost or Damaged NHS Hearing Aids*, National Committee for Professionals in Audiology
- 5.4 NDCS (2000) *Quality Standards in Paediatric Audiology (Volume IV)* National Deaf Children's Society
- 5.5 NDCS (2010) *Quality Standards in Cochlear Implants for Children and Young People* National Deaf Children's Society