

News Release

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NHFA Response to Health Service Ombudsman upholding of complaints about refusal of NHS funding for Long Term Care

On the same day as Health Service Ombudsman Ann Abraham announced her special report to Parliament on NHS Funding for Long Term Care The NHFA received hundreds of calls from families of older people who may be eligible for NHS funding for their nursing home fees.

The ombudsman found that in all four investigations in Dorset, Wigan and Bolton, Berkshire and Birmingham the Health authority should be fully responsible for the nursing home costs and make refunds for the nursing home fees paid because they failed the local authority means test. The Dorset case involved a man who suffered from Alzheimer's Disease, the Wigan and Bolton case was a woman who having suffered a stroke was severely disabled, the Berkshire case involved a woman with vascular dementia and the Birmingham complaint a woman who again was severely disabled following a stroke.

The NHFA is pleased that the Ombudsman has found evidence that the Department of Health guidance following the Coughlan judgment in 1999 on eligibility criteria for continuing NHS care has been misinterpreted and misapplied by some health authorities. Since Coughlan the NHFA has identified cases which should be NHS funded and successfully obtained full funding saving families thousands of pounds in care home fees.

The range, type and level of services to be arranged and funded by the NHS to meet continuing health needs are decided by policies and eligibility criteria set locally.

The NHFA advises families who feel their older relative's are in a nursing home because their primary need is healthcare should ask their social services department and health authority for a careful reassessment of their care needs to determine whether the NHS should be responsible.

There is a very fine line between what is considered to be free health care and means tested social care. The *guidance* following Coughlan *HSC 2001/15* sets out to define the responsibility of the health authority. The NHS is responsible for arranging and funding a range of services to meet the needs of people who require continuing physical or mental health care. The range of services which the NHS is expected to arrange and fund to meet the needs of their population either at home, in a nursing home or a residential home includes:

- primary health care;
- assessment involving doctors and registered nurses;

- rehabilitation and recovery (where this forms part of an overall package of NHS care as distinct from intermediate care);
- respite health care;
- community health services to people at home or in residential homes;
- specialist health care support to people in nursing homes or residential care homes or the community;
- healthcare equipment;
- palliative health care;
- specialist transport services.

Clearly the National Health service and Community Care Act 1990 Act does not define where the divide between health and social care lies and it is feared that budgetary constraints may influence local policies.

The NHFA Care Fee Advisory services can be accessed through a *freephone* Care Advice Line 0800 99 88 33, web site www.nhfa.co.uk

Notes for Editors:

The NHS Ombudsman Report can be obtained from
<http://www.ombudsman.org.uk/hsc/document/care03/index.htm>

The Nursing Home Fees Agency (NHFA) independent of all care providers, financial institutions and authorities provides free advice and information on obtaining and paying for long term care. NHFA advice is available to all regardless of means and encompasses the many financial and legal issues older people and their families should consider when the need for care arises.

Combines specialist financial advice with the complexities of our care system including local authority assessment and charging procedures, health authority responsibilities, DWP benefits and legal matters i.e. enduring power of attorney.

Free Publications include Long Term Care Guides and an extensive range of 'Infosheets' on common problems including 'Treatment of Couples', 'Treatment of Property', 'Deprivation of Assets', 'The Legal Framework', 'Local Authority Charging Procedures', 'NHS Nursing Care Contribution', 'Immediate Need Care Fee Payment Plans' and 'Issues Surrounding Choice'.

The aim of the NHFA is to enable older people meet the cost of chosen care for life whilst also preserving their original capital and with that their independence, dignity and right of choice.