

Telephone: 01744 457237
Fax: 01744 624188

Email: sthelensccg.foi@nhs.net

Our Ref: FOI 7872

Date: 18th April 2019

Dear Sir/ Madam

Re: Freedom of Information Request

Further to your recent Freedom of Information request regarding CHC Funded Holidays, please see below our response to your request.

Request:

I work for a charity that provides housing and support for adults with disabilities. We also act as appointee for quite a lot of them. Some of the appointees on my caseload are CHC funded. I understand that you can apply for CHC funding for holidays. Please can you tell me what the criteria are for CHC payments for holidays and how you apply for them.

Response:

The National Framework for Continuing Health Care and Funded Nursing Care (Oct 2018 revised) sets out the principles and processes of NHS CHC and NHS funded nursing care. It states an individual is eligible for CHC if they have a 'Primary Health Need'. This is a concept developed by the Secretary of State to assist in determining when the NHS is responsible for providing for all of the individual's assessed health and associated social care needs.

Section 49 of the Framework – Some needs are clearly health needs and some needs are clearly social care needs; and some needs may be either or both. The difference between health needs and social care needs emerging from the legal principles outlined above are set out below.

Section 50 – Whilst there is not a legal definition of a health need (in the context of NHS CHC), in general terms it can be said that such a need is one related to the treatment, control, management or prevention of a disease, illness, injury or disability, and the care or aftercare of a person with these needs (whether or not the tasks involved have to be carried out by a health professional).

Section 51 – Similarly, there is not a legal definition of the term 'social care need' in the context of NHS CHC. However, the Care Act 2014 introduced National Eligibility Criteria for care and support to determine when an individual or their carer has eligible needs which the Local Authority must address, subject to means testing where appropriate..

These criteria set out that an individual has eligible needs under the Care Act 2014 where these needs arise or relate to a physical or mental impairment or illness which results in them being unable to achieve two or more of the following outcomes which is, or likely to have, a significant impact on their wellbeing:

- Managing and maintaining nutrition
- Maintaining personal hygiene
- Managing toilet needs
- Being appropriately clothed
- Being able to make use of the home safely
- Maintaining a habitable home environment
- Developing and maintaining family or other personal relationships
- Accessing and engaging in work, training, education or volunteering
- Making use of necessary facilities or services in the local community, including public transport and recreational facilities or services and carrying out caring responsibilities the adult has for a child.

Section 52 – In the context of NHS CHC , therefore a ‘social care need’ can be taken to relate to the Care Act 2014 eligibility criteria outlined above.

Section 180 – NHS care is free at the point of delivery. The funding provided by CCGs in NHS CHC packages should be sufficient to meet the needs identified in the care plan. Therefore it is not permissible for individuals to be asked to make any payments towards meeting there assessed needs.

In Summary applying the criteria given in the National Framework for CHC it is not possible to apply for funding for holidays.

Should you require any further information or clarification regarding this response or do not feel that your request has been answered as you would expect, please contact us to discuss.

We also wish to take this opportunity to inform you that a formal complaints and internal review process is available, which will be managed by a FOI Appeals Officer.

This can be formally requested and must be done within a reasonable period of time (3 calendar months) from the date this response was issued.

Where you are not satisfied with the response to a request for information that falls within the Environmental Information Regulations, you should make a representation for a review to FOI Appeals Officer, sthelensccg.foi@nhs.net within 40 days of receipt of the response.

If you are not satisfied with our review under the Freedom of Information Act or the Environmental Information Regulations, you may apply directly to the Information Commissioners Office (ICO) for a review of your appeal decision. Generally, the ICO cannot make a decision unless you have exhausted our complaints procedure.

The ICO can be contacted at;

ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Should you need any further clarification or assistance, please do not hesitate to contact me quoting the above reference.

Yours sincerely,

A handwritten signature in cursive script that reads "Angela Delea".

Angela Delea
Associate Director – Corporate Governance
NHS St Helens Clinical Commissioning Group