

NHS CONTINUING HEALTHCARE UPDATE

IDENTIFYING HEALTH NEEDS: HOW TO DO IT AND WHY IT IS
IMPORTANT

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Why does it matter?

!!! Section 22 Care Act !!!

- Local authorities are not generally permitted to meet health needs as part of a support package under the Care Act
- NHS continuing healthcare eligibility – primary health need test

Section 22 Care Act 2014

- Lawful provision requires the ability to recognise the following:
 - when you are looking at a health need; *and*
 - when it is lawful for the local authority to meet it under the Care Act
- Dual statutory provision
 - NHS Act – illness, free at the point of delivery
 - Care Act – wellbeing, means-tested

Health and social care – continuum or divide?

- Real life v. the law?

Social Care Need – what does the National Framework say?

- *Paragraph 52*
- *“In the context of NHS Continuing Healthcare...a ‘social care need’ can be taken to relate to the Care Act 2014 eligibility criteria”*

Eligibility Criteria – Specified Outcomes – Regulation 2

- a) Managing and maintaining **nutrition**
- b) Maintaining **personal hygiene**
- c) Managing **toilet needs**
- d) Being **appropriately clothed**
- e) Being able to make **safe use of the adult's home**
- f) Maintaining a **habitable home environment**
- g) Developing and maintaining family or other **personal relationships**
- h) Accessing and engaging in **work, training education or volunteering**
- i) **Making use of necessary community facilities** or services (public transport, recreational facilities)
- j) Carrying out **caring responsibilities for a child**

Some examples of social care risks

- Wellbeing (Section 1 of Care Act)
- Neglect (outcomes a, b, c, d)
- Harm – general concept
 - General safety (outcome e, f)
 - Protection from abuse
- Isolation (outcomes g, h, i)
- Independence
- Dignity
- Access to rights and entitlements

Health need –

Paragraph 51

A health 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).”*

The NHS Act 2006

- A comprehensive, universal health service free at the point of delivery
- Section 1 NHS Act : duty to improve **physical and mental health** of the people of England and Wales and the **prevention, diagnosis and treatment of illness...**
- Section 3 *requires CCGs to arrange for the provision of the following* to the extent that they consider necessary to meet the reasonable requirements of the persons for whom it has responsibility:
 - (a) **hospital accommodation**,
 - (b) **other accommodation** for the purpose of any service provided under this Act,
 - (c) medical, dental, ophthalmic, **nursing** and ambulance services,
 - (d) such other services or facilities for the care of pregnant women, women who are breastfeeding and young children as the group considers are appropriate as part of the health service,
 - (e) such **other services or facilities** for the **prevention of illness**, the **care** of persons suffering from illness and **the after-care** of persons who have suffered from illness as the group considers are appropriate as part of the health service,
 - (f) such **other services or facilities** as are required for the **diagnosis and treatment of illness**.

SECTION 275 NHS ACT 2006

- “Illness” includes any disorder or disability of the mind and any injury or disability requiring medical or dental treatment or nursing.

Some examples of health risks

- Death from illness – overarching risk
- Illness – disease, disability, injury
- Injury (self or others) – include falls, breach of skin integrity, challenging behaviour
- Obstruction to airways
- Loss of consciousness
- Infection
- Malnutrition/dehydration
- Health deterioration/Hospital admission and re-admission
- Treatment and symptom prevention and control – including pain management, medication
- Invasive processes – elevated risks (eg. manual evacuation, subcutaneous interventions)
- Management of risks associated with clinical interventions

Important factors to consider

- Where a health risk is present, immediate or imminent, any tasks involved in preventative intervention or management will reflect health needs
- Social Care support can have a preventative function in relation to illness (a health need) provided that the health risk is not imminent and the specified outcomes permit.

Health needs include:

- Treatment (control, management) of an illness/disability/injury
 - Including medication
- Prevention of an imminent health risk such as...
 - Obstruction of airways, malnutrition, skin breakdown
- Care of a person with illness/disability/injury
 - Example - Hospital admission
- Aftercare of a person who has experienced illness/disability/injury
 - Example - Post-discharge NHS responsibilities

Social Care Needs revisited - a second look at the eligibility criteria

- a) Managing and maintaining nutrition
NOT CANH, managing airways
- b) Maintaining personal hygiene
NOT interventions to prevent skin breakdown
- c) Managing toilet needs
NOT clinical removal of human waste
- e) Being able to make safe use of the adult's home
NOT prevention of immediate risk of injury through falls
- i) Making use of necessary community facilities or services
NOT managing an immediate risk of injury from challenging behaviour

FOR TRAINING AND OTHER ENQUIRIES:

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