

NHS Continuing Healthcare

Understanding The Limits Of Social
Care Provision Under The Care Act

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Introduction and Background

- National trends and local variations
- Public Scrutiny of CHC
 - CHC Alliance – Continuing to Care?
 - National Audit Office
 - Public Accounts Committee
- NHS England Strategic Improvement Programme (SIP)
- Revised National Framework 2018

Demystifying the assessment process

- What is a primary health need?
- Shared understanding of concepts and principles
- Genuine partnership working – jointly agreed processes
- Resolving disagreements
- Integration

What is a Primary Health Need?

“An individual has a primary health need if, having taken into account all of their needs, it can be said that the main aspects or majority part of the care they require is focused on addressing and/or preventing health needs.”

- Identifying and quantifying

A balancing exercise



Identifying the nature of needs

“Some needs are clearly health needs and some needs are clearly social care needs; and some needs may be either or both.”

What is a health need?

“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)”

NHS Act 2006

- Section 1: 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:*
 - (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**.

What is a social care need?

“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

- 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**

Using the DST to establish a Primary Health Need - domains

1. Breathing
2. Nutrition
3. Continence
4. Skin Integrity
5. Mobility
6. Communication
7. Psychological & Emotional needs
8. Cognition
9. Behaviour
10. Drug therapies and medication
11. Altered states of consciousness
12. Other significant care needs.

Establishing a primary health need using the DST -
nature

- **Health needs** – breathing, drugs and medication, altered states of consciousness
- **Hybrid needs** – continuum
- Pure social care needs – do not have a domain but should be recognised in identifying where the balance of care lies

How to apply the characteristics

- **Nature** – what is the nature of the individual's needs in any given domain?
- *Within* a given domain: **complexity, intensity & unpredictability** will increase the likelihood that the nature of that domain is health
- *Across* the domains:
 - **complexity** – interaction of domains
 - **intensity** – number of health needs in the context of the totality of needs – where does the majority of care lie?
 - **nature** – eg. overall deterioration

Local Authority limits under the Care Act 2014 – section 22(1)

- **Exception for the provision of health services:**
- LA may not meet needs...by providing or arranging a service or facility...that is required to be provided under the NHS Act unless
 - (a) doing so would be merely **incidental or ancillary** to doing something else to meet needs under those sections, **and**
 - (b) the service or facility in question would be **of a nature** that the local authority could be expected to provide.

Further information

- For independent advice on local processes, dispute resolution and training please contact duffmorag@gmail.com
- Or telephone: 07889305788