

## Long Term Care Costs – Who Should Pay?

Following the BBC's Panorama programme in March on the NHS National Home Swindle there was an update on Sunday 23 July

Many people, particularly the elderly who are being cared for in nursing home settings should be entitled to the full cost of their care being met by the NHS.

If your needs are primarily of health then the NHS should pay for all of your care. This is the same care that would have been provided in hospital 20 odd years ago, but which today is more likely to be provided in a nursing home setting. In 1999, this was confirmed in a Court of Appeal judgement involving a tetraplegic lady, Pamela Coughlan who challenged her local health authority in Exeter and won. Locally, the NHS publish 'eligibility criteria' setting out in their area, who is and who is not eligible for free care, although there is concern that most if not all of those currently in operation are unlawful and not Coughlan compliant. Many people should qualify but are being told that they are not eligible as their care needs are social care and as such something which they must pay for.

No one should move into a nursing home setting without checking that they qualify, as many people are not told that they might be eligible or the procedure for reviewing the decision. With care fees costing anything between £450- £1,500 each week, it is vital that residents, their families and carers get advice. The financial loss to them is huge if they just ignore it.

The Government are currently consulting on creating national eligibility criteria but it is doubtful whether the problems will be resolved as the draft tool used to assess eligibility is not Coughlan compliant. It may also be a number of months away from implementation.

## What can you do to help?

It is important to have as many details about the person in care, which relate to their total care needs, such as:

- a. Behaviour
- b. Cognitive Impairment
- c. Communication
- d. Mobility

- e. Nutrition
- f. Continence
- g. Skin (including tissue viability)
- h. Breathing
- i. Drug Therapies and Medication
- j. Psychological/Emotional Needs
- k. Seizures/Altered States of Consciousness

You will need to have or get records of the date the person went into the home and what their total health care needs were at that time with details as to how and when their health deteriorated. You will also need details of what money was paid for care for the period you wish to claim for.

Linda Pratt is a founding member of Solicitors for the Elderly and Ridings Law Solicitors specialises in advising on preserving assets from long term care including NHS funded care.

Please contact Liz Britton at Ridings Law on 01943 434 400 to discuss your concerns.