

## NHS Continuing Health Care (CHC) Funding - Health Complaint Cases

This Factsheet has been prepared to explain how seAp can support individuals with CHC Health Complaints.

### What is CHC?

CHC funding is used when all of a person's health and personal care needs are assessed and met by the NHS. The care is arranged and funded solely by the NHS. It may be a care package in a care home, in a person's own home or in a supported living setting and may be administered as a personal health budget (PHB) through a direct payment. The person may also receive some additional social care from their Local Authority, such as carer support or home adaptations.

### Resources and Signposting

The process for CHC is set out in the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (November 2012) and the associated guidance/tools which can be found via the link below. The Decision Support Tool for NHS CHC is known as the DST and the last update was June 2016: [www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care](http://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care)

Free and independent expert advice can be accessed via:

<http://www.beaconchc.co.uk/>

(Please be aware that the above service only provides free consultation for up to 90 minutes)

For advocates or their clients wanting to know more about CHC there is also an excellent Age UK Factsheet at:

[http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS20\\_NHS\\_continuing\\_healthcare\\_and\\_NHS-funded\\_nursing\\_care\\_fcs.pdf](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS20_NHS_continuing_healthcare_and_NHS-funded_nursing_care_fcs.pdf)

A helpful short video explaining CHC can be accessed via the NHS England website or found on YouTube at:

<https://www.youtube.com/watch?v=DdTqGTPSRb8>

The key tools which the NHS uses and the process flowcharts associated with them are set out in Appendices 1 and 2 below.

The process for CHC is set out in Appendix 3.

## When seAp can be involved with CHC cases

seAp can help people with complaints about the CHC process at any stage including pre-appeal if the client is concerned that a process has not been carried out correctly, which might include the client feeling that information has not been taken into account (which will more than likely be later factored into a review or appeal).

The expectation is that “the individual receives impartial information and feels listened to and supported” (NHS CHC Guide for Health and Social Care Practitioners, Sept 2014, para 4.9). Where people need support to guide them through the process, generic advocacy may be available; however seAp’s Health Complaints Advocacy would only be triggered if the client was unhappy with the CHC process or decision.

Once a CHC decision is made, an advocate can support with the appeal and review process in relation to the decision and any complaints about the process itself. This includes supporting a client at an independent review panel hearing or with a complaint to the Parliamentary and Health Service Ombudsman (PHSO).

A final appeal against any CHC decision is made to the PHSO who can review processes and recommend the NHS provides financial redress for a “wrong” decision. This is not however a legal process. Legal challenge is by the individual by way of judicial review.

Please note, the words "appeal" and "review" of CHC decisions are often used interchangeably, which may cause confusion:

- Appeal is the act of challenging the CHC decision
- Review is the process which the CCG must follow once a decision is appealed

## The role of the seAp advocate

### A seAp advocate can:

- provide and explain information, including signposting information;
- support the client to ensure they feel listened to;
- help the client in challenging/questioning the CHC process to ensure their views are heard;
- support or represent the client at meetings;
- suggest how obtaining information can help the client to put forward their views as best they can, with support. This might include suggesting that they
  - obtain up-to-date care home records
  - check that the assessments which the NHS are relying on are up-to-date
  - ensure that there are no gaps in evidence or information
  - check the needs portrayal of the DST and, if they disagree, ensure their views are recorded as part of the needs portrayal
  - check that the DST accurately reflects their views

### What a seAp advocate *cannot* do:

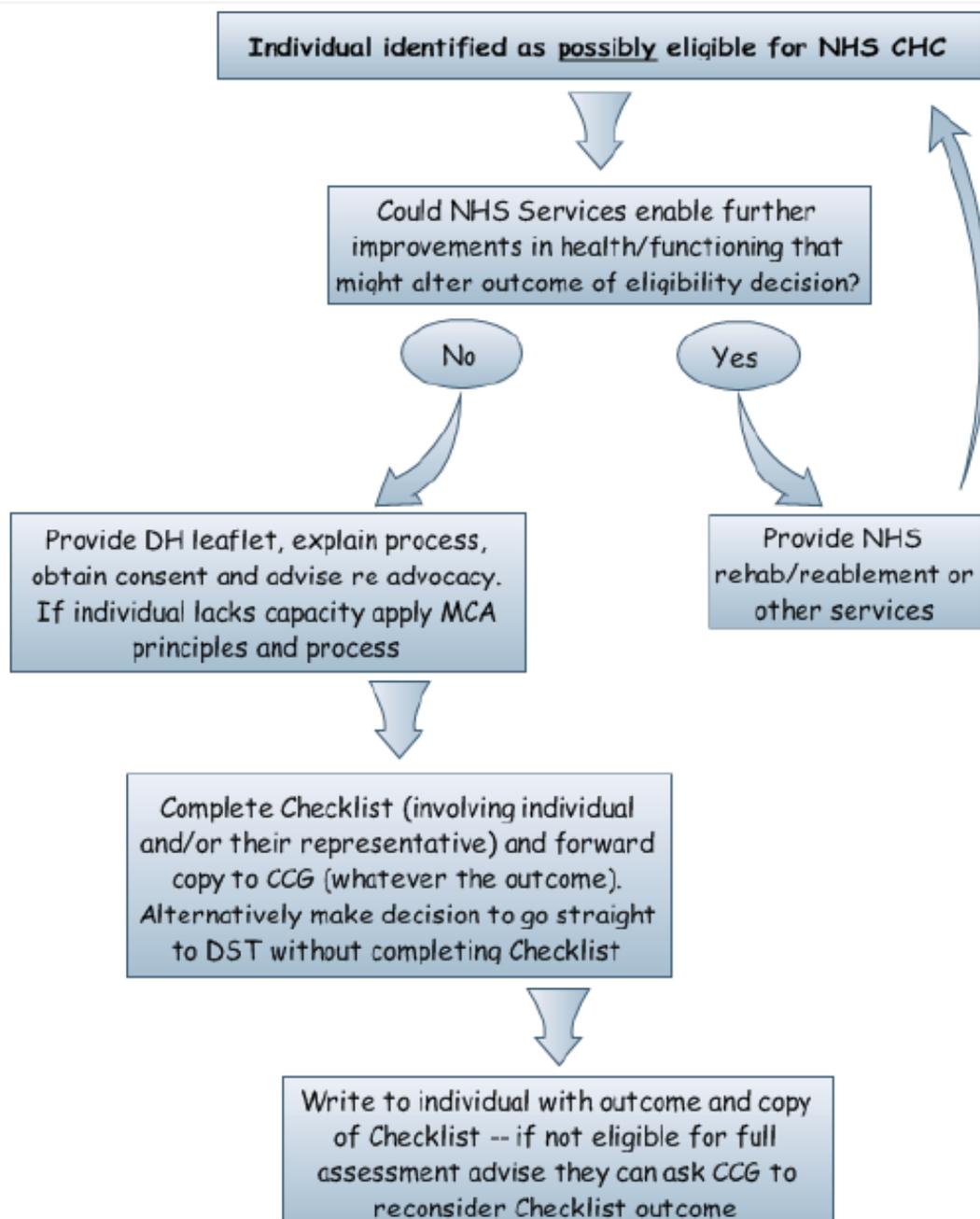
- Advocates are not legal advisers. The advocate's role is to provide information to the client and represent the client's views. seAp cannot advise the client on the merits of their case or prepare the case for the client;
- Advocates will not present information without the client's consent since this is subject to the client's explicit approval. It must be the client's decision as to what information is presented;
- Advocates are not investigators and the client should provide all the necessary supporting evidence. If the client wishes independent clinical input, they should pursue this independently of the advocacy support;
- Advocates are not clinicians, so do not get involved in investigating the patient's medical history/current medical condition;
- Advocates are not responsible for any decision which the NHS makes.

Eligibility for CHC is a decision made by the NHS and is a clinical decision. The role of the seAp advocate is to explain the purpose of the CHC process and to support the client to ensure that all information they wish to be considered has been taken into account by the NHS in reaching its decision.

*The following Process Maps are the copyright of NHS England, NHS National Framework for Continuing Health Care and NHS funded Nursing Care, 2012.*

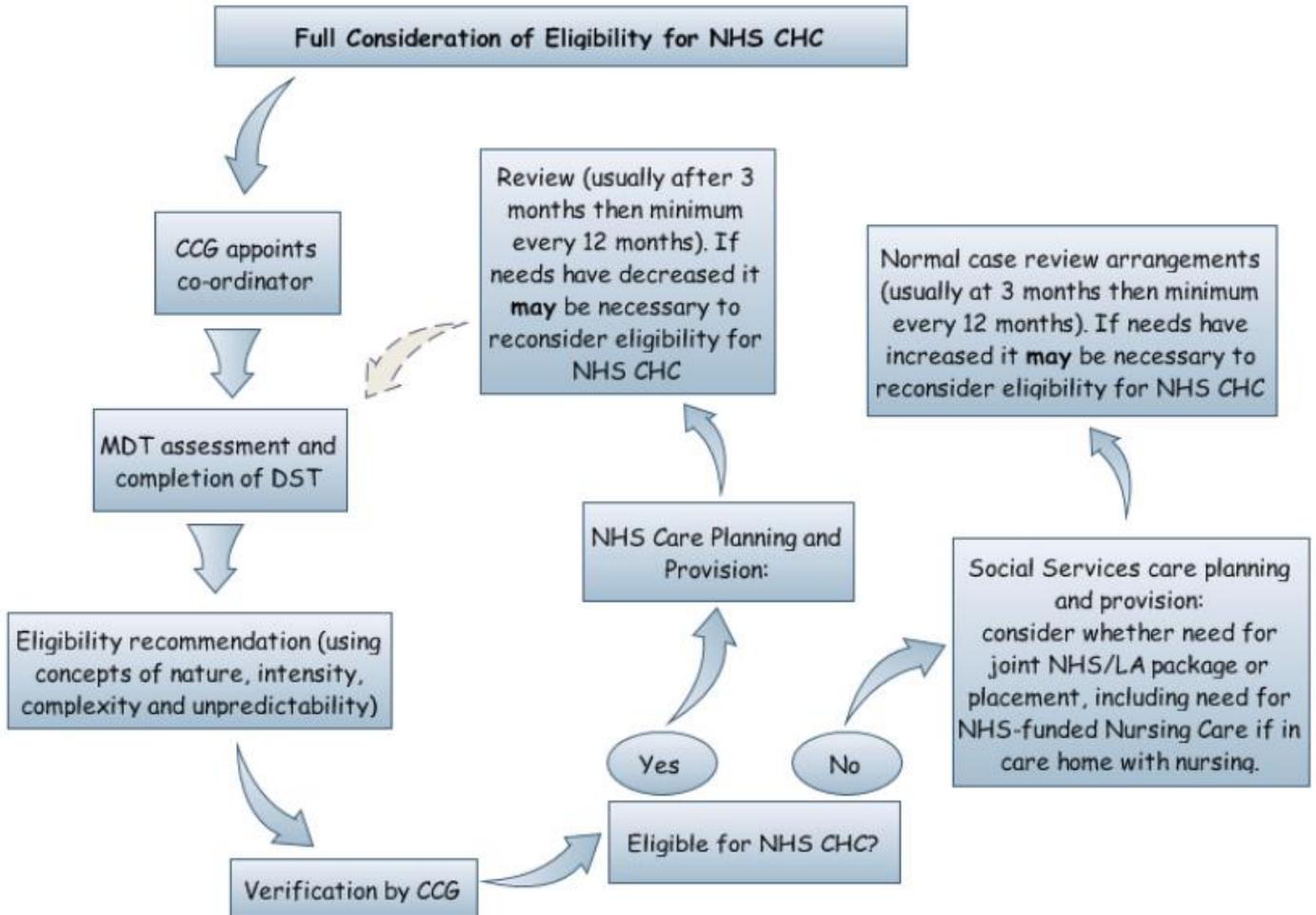
## Appendix 1

*The NHS CHC Checklist* - A screening tool used to see whether a full assessment for CHC should be undertaken. A decision not to proceed can be challenged via the NHS Complaints process.

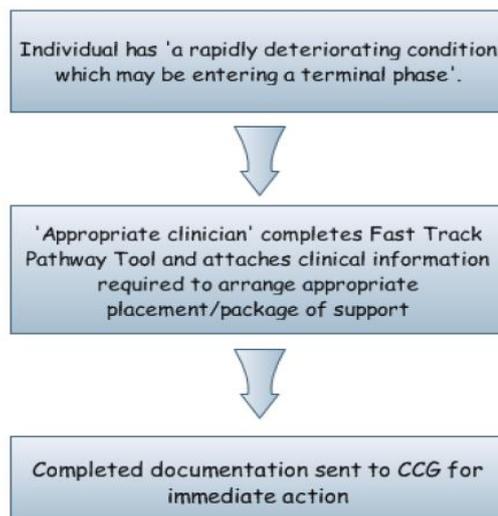


## Appendix 2

*The Decision Support Tool for NHS CHC (known as the DST)* - This was updated in 2016 and uses 12 care domains to collate information to support the decision-making process. Any challenge is by way of appeal / review.



*The Fast Track Pathway Tool ("fast track CHC")* is used when a person has a rapidly deteriorating condition:



# Appendix 3

## NHS Continuing Health Care (CHC) Process Flowchart

