

Your Legal Questions

Jenny Brading
Solicitor



Q. My Mother has been in a nursing home for some time, recently she was admitted to hospital following a stroke and I have now been told that she requires significant extra care is it true that she may qualify to have her fees paid as a result?

A. I assume from your question that your Mother has been paying her own nursing home fees until she was admitted to hospital. It is correct that in certain circumstances some individuals may have their fees paid irrespective of the savings that they have.

This type of funding is known as NHS continuing healthcare. It is a package of care arranged and funded solely by the NHS for individuals outside hospital who have ongoing healthcare needs. Eligibility is not dependent upon a particular diagnosis or condition. What is relevant is that the primary need is shown to be a health need.

Before your Mother leaves hospital she will be assessed using what is known as the Checklist Tool. If this indicates that your Mother may be entitled to NHS continuing healthcare then the Primary Care Trust (PCT) (a public body responsible for commissioning the best possible health care for everyone resident within its boundaries) will be contacted and a further assessment carried out by a multidisciplinary team. This team will use a "decision Support Tool" which will look at 11 different types of need such as mobility, communication nutrition and behaviour. After this assessment the multidisciplinary team will make a recommendation to the PCT.

If your Mother is awarded NHS continuing healthcare this will be reviewed after three months and thereafter at least once a year. You can ask the PCT to reconsider their decision. If funding is refused.

This is a complex area and I suggest that you seek legal advice before your Mother's assessment takes place.

Jenny Brading is a Solicitor & Trust and Estates Practitioner and a member of Solicitors for the Elderly.

Direct dial 01934 637931
brading@powellslaw.com