LONG TERM CARE FUNDING: NURSING CARE

The prospect of you or a member of your family requiring long term care can involve having to make highly emotive and stressful decisions. Lodders have a specialist community care team who are able to give expert advice upon the choices available and the means of funding the various types of care on offer.

Residential or Nursing Care?

The first question is to identify the level of care required. It may be that your needs can be met at home with assistance, or in a residential care environment. Alternatively the specialist care of a nursing home may be more appropriate. This note concentrates upon nursing care.

No decisions should be taken until a formal care assessment has been made. Such an assessment is usually carried out by Social Services working in conjunction with medical staff. Having an assessment at the outset can be important for future funding purposes and this right to have an assessment applies irrespective of your current financial position.

Finding a suitable Home

The responsibility for finding an appropriate care home tends to fall on you or your family and friends. Social Services will provide some assistance and, in limited circumstances, may take steps to find a place themselves.

Once a suitable home is found, you will be asked to enter into a contract for the provision of care services, either with a local authority or directly with the care home concerned. Contractual terms do vary according to the circumstances of each particular case but no one should sign a contract without first seeking expert advice.

Funding Nursing Care

If you are assessed as needing nursing care the question arises as to how that care should be funded. The rules and regulations concerning nursing care funding are complex and it is therefore difficult to give generalised advice. However, the following is intended to provide a broad overview of the current law.

Eligibility for Continuing NHS Healthcare (“CHC”)

The first step is for your eligibility for NHS funding to be considered. You will be eligible if you have a primary health need. In assessing this, the checklist and decision making tool introduced by the new National Framework will be used. Your needs in eleven areas will be considered together with their impact as follows:
• nature: the type of needs, and the overall affect of those needs on you (or your relative) including the type (“quality”) of interventions required to manage them;
• intensity: both the extent (“quantity”) and severity (“degree”) of the needs, including the need for sustained care (“continuity”);
• complexity: how the needs arise and interact to increase the skill needed to manage the care; and
• unpredictability: the degree to which needs fluctuate, creating difficulty in managing needs; and the level of risk to your (or your relative’s) health if adequate and timely care is not provided.

Each of these characteristics may, in combination or alone, demonstrate a primary health need.

**NHS – Funded Nursing Care (“FNC”)**

If you are receiving care in a nursing home, then whether you are self funding or local authority assisted, the NHS will pay for the cost of nursing care provided by a registered nurse employed by the home.

The new National Framework changed the system of payment from a three band system (low, medium and high) to a single rate for all residents who entered a care home on or after 1st October 2007. The current rate in England is £106.30 per week.

A higher rate of payment – currently £146.30 per week – exists for residents who were in receipt of the high band payment before the new National Framework came into force and whose needs still remain. Your eligibility for FNC payments should only ever be determined after your eligibility for CHC has been considered.

**Self Funding**

If you are self funding (that is, if you have more than £23,000 of capital) FNC payments will not be made directly to you or your family, but rather will go to the home you are staying in. You should be able to see details of any FNC payments received directly by the home on your monthly or weekly invoice. If you are local authority assisted then FNC payments will be made to the local authority directly.

For further information please contact:

**Sofia Tayton** (Stratford Office) on 01789 293259 or **Emma Vaqueiro** (Henley Office) on 01564 792261.

Other leaflets available:

- Attendance Allowance
- Deprivation of Assets
- Care in Your Own Home
- Third Party Top Ups
- Lasting Powers of Attorney