

Care Home Fee Challenge Saving Thousands

Overview: Mrs C, a middle-aged lady who suffered a serious brain injury was fortunate to survive thanks to the skilled intervention of the medical experts and no doubt a significant degree of determination on her part. Mrs C underwent extensive rehabilitation at a residential unit paid for by the NHS. However, after three years and a plateau in her condition whereby she was unlikely to improve any further, she had to be moved. Mrs C was moved to a specialist nursing home for young people and after being assessed for Continuing Care was advised that she did not qualify and would therefore have to pay for her care.

A brief summary of Mrs C's needs:

Severely impaired cognition, unable to recognise faces even of family members, unresponsive to visitors

Unable to communicate verbally or physically

No mobility in arms or legs, confined to bed or specially adapted wheelchair

Refusal of food

Food generally taken via tube

Incontinence

Skin problems from immobility and infections from feeding tube



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Mrs C was then moved to a privately owned specialist residential nursing home for young people suffering from severe brain injuries and neurological conditions. Shortly after being admitted to the nursing home, the local NHS Primary Care Trust began its process of assessing Mrs C's **eligibility to Continuing Healthcare funding**. At the end of the process, the NHS Primary Care Trust concluded that **Mrs C did not have a primary healthcare need and that her needs for nursing care were merely incidental to her need for accommodation**. This meant that Mrs C's family would have to choose **whether to continue funding her stay at the home themselves, or for Mrs C to be moved to a local authority care home**.

The costs of care at the specialist home were in excess of £1,200 per week. The family decided that Mrs C could not leave the care home where her needs were so well catered for, where she had the individual highly skilled care and attention that simply could not be given at a local authority care home. The family were rightly fearful of what the consequences of moving to such a home could be for Mrs C.

The family funded the care themselves whilst they challenged the NHS Primary Care Trust's decision through Nockolds. We lodged an appeal with the NHS Primary Care Trust and instructed an expert independent nursing assessor to give an unbiased report on Mrs C's care needs. We then prepared for and attended the initial appeal hearing at which the NHS Primary Care Trust upheld their decision. Nockolds then immediately lodged a further appeal to the independent tribunal and after submitting further compelling evidence the NHS Primary Care Trust reversed their decision just weeks before the tribunal was due.

As a result the family recovered thousands of pounds of fees paid to the care home, and ensured that Mrs C could remain at the specialist home. The potential savings to the family over the course of Mrs C's remaining years is estimated at over £2m.

If you would like to discuss any issues raised in this information sheet or please do not hesitate to contact us.

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