



MOORE BLATCH
solicitors

Continuing Healthcare for Children and Young People

This factsheet explains how to apply for NHS Continuing Healthcare, if you think you or a family member under the age of 18 may be eligible, the assessment process involved in applying and what to do if you disagree with the decision reached after assessment.

What is NHS Continuing Healthcare?

NHS Continuing Healthcare is a package of care funded by the NHS for a child or young person who has complex, ongoing healthcare needs as a result of an accident, disability or illness.

If the child or young person receives care at home, the NHS will fund an appropriate package of care to meet their health and personal care needs.

It is accepted that a wide range of agencies are likely to be involved in the case of a child with continuing care needs, predominantly health, social care and education. It is not unusual for an NHS Continuing Healthcare package to include a range of services commissioned by the Clinical Commissioning Group (CCG), Local Authority (LA) or even other agencies. Where this is necessary, the CCG should take responsibility for leading the process.

This document sets out the position in relation to NHS Continuing Care for children and young people only. There are different guidelines in place for adults.

The National Framework

The National Framework for Children and Young People's Continuing Care sets out the principles and processes for establishing eligibility for NHS Continuing Healthcare for applicants under the age of 18.

The National Framework provides guidance to be followed by those involved in the assessment process. It sets out a national assessment process and provides an assessment toolkit to support decision making; including a **Decision Support Tool**.

One of the core values of the National Framework is that the process should focus on the child or young person, initially in the context of their family and later to support them in the transition to adulthood.

The National Framework places the individual at the heart of the assessment process by ensuring that the perspective of the child or young person and their support needs are taken into account and their preferences in having those needs met are properly considered.

The assessment process

The CCG which holds the contract with the child or young person's GP practice at the time of any assessment for NHS Continuing Health Care is responsible for determining their eligibility.

Children and young people can be referred to the CCG for assessment by any health or social care professional involved in the person's care, or by the family directly.

There are three phases in the Continuing Healthcare process:

1. The assessment phase
2. The decision making phase
3. Arrangement of provision

The assessment phase

Every child or young person referred to the CCG with possible Continuing Healthcare needs should be offered a comprehensive multi-disciplinary assessment of their health, social care and education needs, following which, a Decision Support Tool (DST) is employed.

There are ten distinct care domains or areas of need. These are sub-divided into different bands for scoring purposes (priority, severe, high, moderate, low and no needs).

The levels reflect the nature, intensity, complexity and unpredictability of the need.

Southampton



Lymington



Richmond



London

The ten care domains are as follows:

- Challenging behaviour
- Communication
- Mobility
- Nutrition
- Continence or elimination
- Skin and tissue viability
- Breathing
- Drug therapies and medicines
- Psychological and emotional needs
- Seizures

All assessments have to be evidence-based. It is important to remember that needs should not be marginalised because they are successfully managed. Well-managed needs are still needs.

During the assessment phase, the child or young person and their family should be invited to participate. Their views and preferences should be at the forefront of the process while taking into account the risks and benefits to the child or young person.

The assessment phase concludes with a recommendation to a multi-disciplinary decision making panel.

The decision making phase

A multi-disciplinary team (MDT) meeting should be held to make a decision on whether or not the child or young person qualifies for NHS Continuing Healthcare. If eligible, they will also decide on how the care will be provided and what particular package of care is appropriate to meet the identified needs.

The final decision about whether or not a child or young person is eligible for NHS Continuing Healthcare rests with the CCG. Once a decision is made, it should be communicated to the applicant within five working days.

Eligibility

To be eligible for NHS Continuing Healthcare, it has to be shown, as a result of the assessment, that the care required by the child or young person goes beyond that which can be provided by existing services available to all, or by specialist services alone.

A clear recommendation of eligibility for NHS Continuing Healthcare would be expected where the child or young person scores:

- Three 'high' levels of need;
- One 'severe' level of need; or
- One 'priority' level of need

In any of the ten care domains in the Decision Support Tool.

Arrangement of provision phase

The National Framework states that after the decision making phase, where a child or young person qualifies for NHS Continuing Healthcare, the CCG is responsible for putting the plan into action and making sure that an agreed package of care is put in place as soon as possible.

Fast Track Tool

Where urgent consideration of eligibility is required, for example where the applicant has a rapidly deteriorating condition or where there is a need for end of life care, CCGs should take immediate action to meet the needs of the child or young person. Then, where appropriate, the Continuing Healthcare assessment should take place. The Assessment should not delay the provision of care.

Challenging a decision

Decisions on eligibility can be challenged in writing to the CCG requesting a review, in accordance with the local dispute procedure. This usually has to be made within six months of the decision being communicated.

Many children and young people have been wrongly denied NHS Continuing Healthcare. It is extremely important to ensure that any assessment undertaken is evidence-based and that the views of the applicant or their family or carers are accurately recorded and considered. The assessment process is complex and knowledge of the National Framework is essential.

Legal representation will ensure that the CCG takes full account of the applicant's needs in the assessment process and that all appropriate representations are made with reference to the National Framework.

Once eligibility for NHS Continuing Healthcare has been established, a Personal Health Budget can be requested to secure an amount money to pay for identified healthcare and well being needs.

Legal Representation

We are a leading law firm offering a full range of commercial and private client services with expertise in:

- Education
- Health and social care
- Court of Protection matters
- Personal injury and clinical negligence claims
- Disability discrimination
- Healthcare law
- Tax and trusts
- Employment
- Housing issues

We are able to provide full support and assistance to the families of children and young people entitled to request and obtain NHS Continuing Healthcare such that individuals will not be exposed to undue risk or poor quality care.

If you think you or a family member might be eligible for NHS Continuing Healthcare then visit our community care pages at www.mooreblatch.com and download our questionnaire. We will provide an initial assessment as to the likelihood of a successful claim entirely free of charge.

Alternatively, for more information about accessing NHS Continuing Healthcare or challenging a decision on eligibility, please contact us on **023 8071 8000** or email paula.barnes@mooreblatch.com

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s o l i c i t o r s

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