

Adult Social Care: COVID-19 Winter Plan 2020 - 2021 (published 18 September 2020)



As we prepare for the winter months ahead, the government has published its new winter plan for adult social care. The plan outlines the national expectations and requirements of local authorities, NHS organisations and care providers (both paid and unpaid) in order to manage the spread of COVID-19 ahead of the anticipated additional pressures of seasonal illnesses on the adult social care sector.

Key provisions include (but are not limited to):

- Preventing and controlling spread of infection; an additional £500 million pounds of funding has been allocated to the Infection Control Fund
- Engagement amongst adult social care agencies to understand the nature of individuals care needs and the level of support required.
- Assistance for those providing and receiving social care; free PPE for care homes and care providers until March 2021 through the PPE portal. Local authorities and clinical commissioning groups to work cooperatively to support people requiring support following discharge from hospital. Free flu vaccines for social care staff, including personal assistances funded by Direct Payments or Personal Health Budgets. Supporting organisations to re-open day and respite services safely.

Note, this guidance only applies to England.

[To see the full article, CLICK HERE.](#)

Direct payments and personal health budgets (updated 11 September 2020)

The government has published updated guidance outlining the national expectations of the local authority and clinical commissioning groups in relation to the use of direct payments and personal health budget(s).

Key points include (but are not limited to):

- Continuity of care and support; further encouragement of adult social care agencies to promote a flexible approach to the delivery of care to meet an individual's care needs. The guidance states "payments should continue to be used flexibly and innovatively with no unreasonable restrictions placed on the use of the payment, so long as it is being used to meet eligible care and support needs"
- Greater flexibility; creation of more opportunities for local authorities and clinical commissioning groups to review, adapt and/or suspend practices which inhibit the ability for family members to provide care.
- Greater support; continued assistance and enhanced communication between social care agencies and those who receive care to understand the guidance to support individual's care needs and the responsibilities of each service to ensure cooperative engagement.
- Statutory Sick Pay; payment of statutory sick pay for personal assistants.
- Contingency arrangements; development of contingency plans in the event personal assistants are unable to work and provide care and support.

[To read the full updated guidance CLICK HERE.](#)

1st September 2020 | NHS continuing healthcare assessments start again

During the coronavirus pandemic, assessments for continuing healthcare funding were paused. From 1st September 2020, Clinical Commissioning Groups must resume these assessments. Also any patients who were discharged from hospital between 19th March 2020 and 31st August 2020 whose discharge was paid for by the NHS will need to be assessed and moved to core NHS, social care or self-funding arrangements.

Full details of the Government guidance can be found [here](#). The guidance provides details on how the Department of Health and Social Care (DHSC) and NHS England and NHS Improvement expect the local authorities and Clinical Commissioning Groups to deal with cases. The key points are:

- From 1 September 2020, NHS CHC assessments should be reintroduced.
- NHS CHC and Care Act assessments will be carried out and eligibility decisions confirmed within the 6 weeks following a discharge from hospital in line with the hospital discharge service: policy and operating model (August 2020).
- NHS CHC referrals, reviews and assessments that have been received between 19 March and 31 August 2020, and any that have been deferred as a result of the COVID-19 hospital discharge service requirements (March 2020) will commence from 1st September 2020.

Continuing healthcare funding is NOT means tested and if your loved one has healthcare needs they are entitled to a fair and robust assessment. There is a lot of misinformation with regard to continuing healthcare funding and indeed many people are not aware of the funding or are simply told they will not be eligible.

If you have:

- Received NHS continuing healthcare funding during Covid-19 but are at risk of it being withdrawn
- Been waiting for a CHC assessment and are not sure what to do or how to get through it.
- Already been paying care fees but have not been assessed for NHS continuing healthcare funding
- Been told you need to pay for care because you have savings or a home



Contact us on 📞 **01926 354704**
we are here to help.

BREAKING NEWS

into bite size pieces...

With so much updated guidance and news surrounding continuing healthcare, we have set up a dedicated NHS CHC blog.

[Please visit our website to see the weekly bulletins.](#)

NEW

**NHS CONTINUING
HEALTHCARE
& ADULT SOCIAL
CARE BLOG**



Care home visiting and restrictions

With Government guidance concerning care homes and visiting changing week to week please see our website for the latest updates. If you have any concerns regarding care home visiting, please call our team for support and advice.

October 2020 CHC statistics Eligibility for NHS continuing healthcare Q4 - Q1

In the context of a burgeoning pandemic emerging at the beginning of 2020, I have taken the opportunity to review the national statistics for NHS Continuing Healthcare eligibility. To place the numbers in context this snapshot review looks at the period January 2020 – 30th June 2020.

According to NHS England’s Quarter 4 report 2019-20 (relating to the period January 2020 – 31st March 2020), the total number of people assessed for NHS Continuing healthcare was 38,048. The number of people assessed by the standard assessment process was 12,664, with 25,384 assessed via the fast track process. The data shows that of the 12,664 people assessed by the standard CHC assessment route, 3,069 were found eligible. However, 25,384 were eligible via the fast-track assessment route.

Quarter 1 data which relates to the period April – 30 June 2020, found that the total number of people assessed for NHS continuing healthcare was significantly reduced at 12,605. The outcome being that the number of people found eligible, via the standard CHC route was 295, and 12,310 eligible via the fast-track assessment route, respectively. It is not clear from quarter 1 data if the numbers equate to community setting assessments such as care homes or people’s own homes.

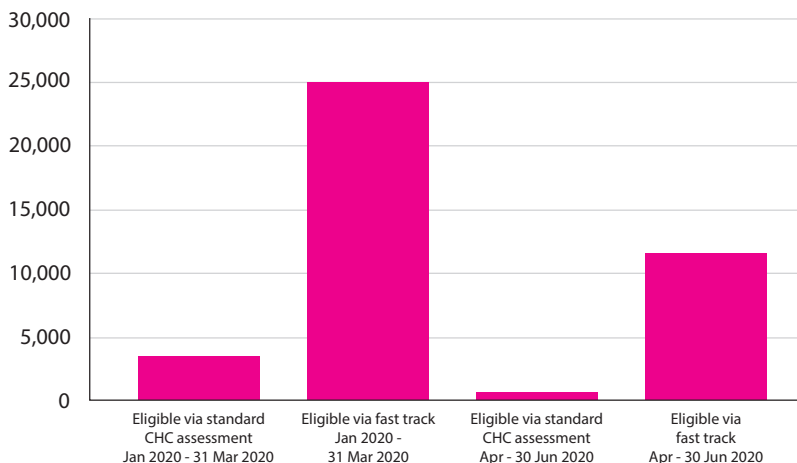
However, what is evident is that the number of people being assessed via the standard assessment and fast-track, markedly dropped during Quarter 1, having previously been on a relatively steady trajectory. To place this change in context, we must consider what was happening nationally during this period.

The data does correlate with the upsurge in the coronavirus pandemic across the UK. In response to the crisis, on the 25 March 2020 the Coronavirus Act 2020 was fast tracked through Parliament. One of the many aims of the Act, was to ease the pressure on the NHS and Local Authority resources to free up hospital beds. NHS providers working in combination with local authorities were thrust into focussing on moving people out of acute services and providing care in the right place. Funding was made available from the NHS under the act to meet the care needs of those being discharged from hospital as well as those requiring care in the community, of which there are thought to be approximately 55,000 people currently funded by the NHS.

As part of the effort to support the NHS, continuing healthcare assessors were deployed to frontline discharge processes. Therefore, continuing healthcare assessments were suspended to a large degree to focus on the throughput of people out of hospital.

From the 1 September 2020 Clinical Commissioning Groups (CCGs) have been directed by the Government to commence continuing healthcare assessments. It is unclear as to how individual CCGs will prioritise these assessments, therefore we expect there to be a backlog, not only in assessing those funded under the Covid Fund but those requiring reviews, as well as those being newly referred into the process.

January - June 2020 - a Snapshot



There will be many people who may never meet the continuing healthcare criteria who are being funded by the NHS which will have implications for the future; and there is no framework for this. There could be challenges around those funded this way, and this will be dependent on good record keeping, such as how the discharge from hospital was recorded.

If you have any concerns regarding the funding of a loved one’s care during the pandemic, please contact:



Judy Timson
Clinical Advisor
Call us today for a free consultation on
01926 354704 or email
JudyT@moore-tibbits.co.uk

Has your care home placement been funded during covid19 and now risk it being withdrawn?

It's never too soon to seek advice...

Contact **Judy Timson** on
JudyT@moore-tibbits.co.uk
or call **01926 354704**

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Successful battle to get our client a package of care at home

Barry (name changed for confidentiality reasons) had been living in a care home after being discharged from hospital. He had initially been moved to a residential care home on a temporary basis and only expected to be resident in the home for approximately 2 weeks. It had been acknowledged by the professionals involved in Barry's care and his family that his health had dramatically improved since his admission to hospital and subsequent placement at the care home.



Barry was of the understanding that his placement in the care home was only ever a temporary arrangement and therefore he agreed to temporarily extend the stay. He was consistently expressing a wish to return home however, this was not supported by his family. Barry's family had concerns about his care needs should he return home and the possibility of him displaying the same challenging behaviour that he had experienced prior to his hospital admission. Barry's placement at the care home was being funded by his family.

An assessment of Barry's needs demonstrated that he did not require 24 hour care and his needs could be met at home with a suitable package of care. Despite this, Barry's planned move home was not supported by his family and indeed he was encouraged to return to the care home in the event that he attempted to leave.

We were instructed to support Barry with a move home. Barry was very frustrated that his placement had lasted 8 months longer than he had anticipated. Within 4 weeks of our instruction, Barry was supported home with a suitable package of care which was able to support him and his family with his return home.

If you or a loved one is currently in a care home placement and would like to have a package of care at home, please contact our team for a free initial telephone consultation on **01926 354704** or email: **CharlotteB@moore-tibbits.co.uk**.

Don't forget...

We have a Legal Aid contract for community care legal issues, which means subject to eligibility, you can access advice and representation about:

- Local authority cuts to your care package
- Inadequate or no assessment of your needs by your local authority
- Disputes about arranging and paying for care
- Carers rights under the Care Act 2014
- Disputes about whether you or your loved one should live in a care home, including disputes about the care home choices you have been offered
- Representation in the Court of Protection regarding decisions about what is in the best interests of a mentally incapacitated person (for example, where they should live, their care and contact issues)
- Challenging a Deprivation of Liberty (DOLS) authorisation

For more information and to find out if you qualify for this funding contact **Sonal Lala** from Community Care Team on **01926 354704**.

We love videos...

Many of you may have joined the **CHC Webinar** hosted by Debbie in September and despite the technical difficulties, feedback was overwhelmingly positive. We are therefore planning to record a video series on various topics such as CHC funding, Lasting Powers of Attorney and Court of Protection to name a few. Don't forget to visit our website and follow us on social media for news updates as to when these videos are released.

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