

Our Ref: ID 1634

NHS Wirral Clinical Commissioning Group
Marriss House
Hamilton Street
Birkenhead
Wirral
CH41 5AL
Tel: 0151 651 0011

Re: Freedom of Information Request – CHC Criteria

Thank you for your request for information made under the Freedom of Information Act 2000, which was received into this office on 31st January 2020.

You Asked for:

The National Health Service Commissioning Board and Clinical Commissioning Groups (CCG) (Responsibilities and Standing Rules) Regulations 2012, states,

“21. (7) In deciding whether a person has a primary health need in accordance with paragraph (5)(b), a relevant body must consider whether the nursing or other health services required by that person are—

(a) where that person is, or is to be, accommodated in relevant premises, more than incidental or ancillary to the provision of accommodation which a social services authority is, or would be but for a person's means, under a duty to provide; or
(b) of a nature beyond which a social services authority whose primary responsibility is to provide social services could be expected to provide, and, if it decides that the nursing or other health services required do, when considered in their totality, fall within sub-paragraph (a) or (b), it must decide that that person has a primary health need.”

With reference to the above:

1. Against what criteria, (benchmarks/scales/yardsticks), are the nature, intensity, complexity and unpredictability of a person's needs measured/assessed/weighed?
2. Please provide a copy of the document used to measure/assess/weigh a person's needs.

Please note, to be clear, I am not referring to the Checklist, the Decision Support Tool (DST), Fast Track, The National Framework, Needs Portrayals/Assessments, policies, (or the Primary Health Need test, since that is your reference), so please do not respond, referencing, or directing/pointing me to these, because there are no criteria, (benchmarks/scales/yardsticks) in them, against which the nature, intensity, complexity and unpredictability of a person's needs can be measured/assessed/weighed.

If there are no criteria, (benchmarks/scales/yardsticks), against which the nature, intensity, complexity and unpredictability of a person's needs are measured/assessed/weighed, please say so.

Our Response:

The criteria used to determine an individual's eligibility for NHS Continuing Healthcare (CHC) funding is that set by the Department of Health and social care of having a "Primary Health need". The 4 key indicators of Nature, Intensity, Complexity and Unpredictability are considered by the Multi-Disciplinary Team (MDT) when making a recommendation to the Clinical Commissioning Group (CCG) as to whether or not the evidence supports that an individual does or does not have a Primary Health Need. In consideration of this, the MDT also consider whether or not the nursing or other health services required by that person are:

- a. Where that person is, or is to be, accommodated in relevant premises, more than incidental or ancillary to the provision of accommodation which a social services authority is, or would be but for a person's means, under a duty to provide; or
- b. Of a nature beyond which a social services authority whose primary responsibility is to provide social services could be expected to provide.

There are no tools or criteria used to determine this. The CCG relies upon the clinical judgement of the MDT and always consult with the relevant Local Authority before making a decision regarding eligibility. The Local Authority are asked to be part of the MDT by providing a social worker to attend and are consulted again once the MDT recommendation has been written up as part of the DST.

We hope this information is useful, however if you require any further information please do not hesitate to contact a member of the Corporate Affairs Team (contact details at the top of this letter)

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