

Private Client Enews – 7 June 2006

Home help

A recent BBC Panorama programme, the 'National Homes Swindle', highlighted that around 40,000 homes a year were being sold to fund long term care.

Following the landmark High Court ruling in March, the Government has called upon health authorities to review eligibility criteria.

The case concerned Maureen Grogan, a 65 year old wheelchair user, with double incontinence and deteriorating MS. She was assessed by Bexley NHS Care Trust as not requiring fully funded NHS care and, consequently, placed in a BUPA-run nursing home.

Ms Grogan was forced to sell her home to meet the near £100,000 fees.

The test is that if the patient's primary need is healthcare, the NHS must provide free care and accommodation. In other words, the NHS is legally responsible for the entire care package.

That is not to say that, for example, social services could only be responsible for care which is merely incidental and ancillary to the provision of that accommodation. The nub of the test is primary need.

Understandably, a significant issue like care funding can heighten emotions amongst the patient and family but nevertheless health authority assessments are well worth review for signs of a challenge.

If you have any queries you can phone or email Glenn Smyth or Rod Smith on glennsmyth@boltburdon.co.uk or rodsmith@boltburdon.co.uk or phone 020 7288 4700.

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