

## Chapter 15 – Social Care

### New resources

Dedicated area of DH website specifically for social care policy:

<http://www.dh.gov.uk/en/Policyandguidance/SocialCare/index.htm>

Office for Disability Issues

<http://www.officefordisability.gov.uk/>

### Major developments since 2005 Green Paper

*The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care  
October 2007*

*N.B. the full document is available on the DH website*

#### 1. The national framework

This sets out the principles and processes of the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care, with an anticipated implementation date of 1 October 2007.

#### 2. Legal framework

The main responsibilities for the NHS and LAs that are in primary legislation are set out and the influence of key court cases explained.

#### 3. Primary health need

Describes how the phrase a 'primary health need' has developed and how this idea helps to make the decision about when someone should receive NHS continuing healthcare.

#### 4. Core values and principles

Sets out the main things to remember when assessing somebody and deciding whether they should receive NHS continuing healthcare. The individual, the effect their needs have on them, and how they would prefer to be supported, should be kept at the heart of the process. Access to assessment and provision should be fair, consistent and free from discrimination.

#### 5. Eligibility considerations

At the heart of this document is the process for deciding whether someone is eligible for NHS continuing healthcare or NHS-funded nursing care. Assessments should be carried out by a multi-disciplinary team in line with the core values and principles section and taking into account other existing guidance.

#### 6. Links to other policies

Points to other areas of law and policy that may be relevant to this framework, especially around mental health.

## **7. Care planning and provision**

The PCT should identify and arrange all services required to meet the needs of all individuals who qualify for NHS continuing healthcare, and for the health care part of a joint-care package. The key principles will be set out in both cases.

## **8. Review**

Regular reviews should be carried out, no later than three months following the initial decision, and then at least once a year after that. Some people will need more frequent reviews. This is described in more detail in the framework document.

## **9. Dispute resolution**

If there is a disagreement about a decision, or about who pays for necessary care, the PCT's "local resolution" process will usually be the first step. Other possible steps are also described, if this does not provide a satisfactory solution, or if the person wants to complain separately using the relevant complaints procedure.

## **10. Governance**

Both PCTs and SHAs have roles in overseeing the process, as they do in other areas; this is indicated in this final part.

### ***Individual budgets***

The Individual Budgets pilot programme is a cross-government initiative led by the Department of Health working closely with the Department for Work and Pensions, and Communities and Local Government. Should this pilot prove successful, the intention is to roll out the programme nationally.

Individual Budgets are designed to bring about independence and choice for people receiving care or support. It gives them a full understanding of the finance that is available, in order to empower them to take control and make decisions about the care that they receive.

### ***Improving the life chances of disabled people***

A joint report with Department of Work and Pensions, Department of Health, Department for Education and Skills, Office of the Deputy Prime Minister January 2005.

The report proposed that the Government should set an ambitious vision for improving the life chances of disabled people. This would be done through a clear strategy for disabled people and through practical measures in four areas:

- by helping disabled people to achieve independent living,
- by improving support for families with young disabled children
- by facilitating a smooth transition into adulthood
- by improving support and incentives for getting and staying in employment.

The strategy will be driven forward by the newly established Office for Disability Issues.

Gillian Parker,  
November 2007

This is an update of the list of key legislation and policy documents at the end of chapter 15.

### Key Legislation and Policy Documents

Poor Law 1601
Poor Law 1834
County Asylums Act 1845
Mental Treatment Act 1930
National Assistance Act 1948
Mental Health Act 1959
Hospital Plan, 1962, Cmnd. 1604
Seebohm Report on Local Authority and Allied Social Services, 1968
Chronically Sick and Disabled Person's Act, 1970
Better Services for the Mentally Handicapped 1971, Cmnd. 4683
Better Services for the Mentally Ill 1975, Cmnd. 6233
National Health Service Act 1977
Report of the Committee of Enquiry into Mental Handicap Nursing and Care (The Jay Report) Cmnd. 7468 , 1979.
Growing Older, White Paper, 1981 Cmnd. 8173
Mental Health (Amendment) Act 1983
Disabled People (Services, Consultation and Representation) Act 1986
Community Care: an Agenda for Action (The Griffiths Report) 1988
Caring for People: Community Care in the Next Decade and Beyond, 1989, Cm 849.
National Health Service and Community Care Act, 1990
Disability Discrimination Act 1995

Mental Health (Patients in the Community) Act 1995
Carers (Recognition and Services) Act 1995
Community Care (Direct Payments) Act 1996
Modernising Mental Health Services: Safe, Sound and Supportive, 1998
Modernising Social Care, 1998, Cm 4169
Health Act 1999
National Carers Strategy, Caring about Carers, 1999.
National Service Framework for Mental Health, 1999
Care Standards Act 2000
Carers and Disabled Children Act, 2000
The NHS Plan: A Plan for Investment A Plan for Reform, 2000, CM 4818-I
The NHS Plan. The Government's Response to the Royal Commission on Long-Term Care, 2000, Cm 4818-II
Health and Social Care Act 2001
<i>Valuing People. A new strategy for learning disability in the 21<sup>st</sup> century, 2001, Cm 5086</i>
National Service Framework for Older People, 2001
Community Care (Delayed Discharges) Act 2003
NHS Improvement Plan, 2004, Cm 6268
Carers (Equal Opportunities) Act, 2004
Choosing Health: Making Healthy Choices Easier, 2004, Cm 6374
Draft Mental Health Bill 2004. Cm 6305-1.
Alcohol Harm Reduction Strategy 2004
Mental Capacity Act 2005
National Service Framework for Long-Term (Neurological) Conditions
Independence, Well-being and Choice: Our Vision for the Future of Social Care for Adults in England. Social Care Green Paper, 2005, Cm 6499

Our Health Our Care Our Say, White Paper, 2006, Cm 6737
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<a href="#">Mental Health Act 2007</a>
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Justine Schneider,  
November 2007