# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE**  | **Continuing NHS Healthcare - The National Framework for Wales - Consultation report**  |
| **DATE**  | **29 November 2019**  |
| **BY** | **Vaughan Gething AM, Minister for Health and Social Services**  |

Continuing NHS Healthcare (CHC) is a package of care and support for people who have complex care issues which are primarily health based. A primary health need is determined by consideration of the four key characteristics of need: nature, intensity, complexity and unpredictability. The NHS in Wales, through local health boards (LHBs), is responsible for the delivery of CHC, though there are roles for others, including local authorities (LAs), in this process. Existing arrangements for the provision of CHC are set out in the National Framework for Continuing NHS Healthcare in Wales which was published in 2014 (‘the 2014 Framework’).

The 2014 Framework, published in June 2014, superseded the 2010 Framework and sought to address a number of issues identified at the time by the Public Service Ombudsman for Wales, the Wales Audit Office and the Public Accounts Committee. These focussed on greater strategic ownership, enhanced support for practitioners and the public, a revised assessment and eligibility process and robust governance arrangements for the management of back-dated, or retrospective claims.

As part of a long standing commitment to review arrangements within the 2014 Framework, the Welsh Government consulted on a revised national framework between 26 May and 21 August 2019. The consultation sought stakeholders’ views on amendments to the 2014 Framework (revised Framework) and also to the Decision Support Tool (DST), which is used as part of any assessment for eligibility to receive CHC.

The revised Framework sought to provide greater clarity and improved presentational style, incorporating a redesigned layout and order which mirrors the CHC process itself from start to finish. This includes enhanced clarification of circumstances around the assessment of the individual to meet requirements set out in the Social Services and Well-being (Wales) Act 2014 and the Mental Capacity Act 2005. The revised Framework sets out LHBs responsibilities to meet any assessed care and support needs where CHC is provided to individuals in their own home. It also aligns to arrangements for ongoing monitoring and management of care for adults under part 4 (Meeting Needs) of the Social Services and Well-being (Wales) Act 2014.

Whilst links to existing provisions have been retained and refreshed, we have clarified and strengthened wording around aftercare services for mental health services and deprivation of liberty.

We have also reinforced provisions around transitional arrangements for a child entering Adult CHC at the age of 18. This aligns with the proposals in the new Children and Young Person’s Continuing Care Framework. This requires a consistent package of support, jointly designed and agreed by the young person and their carer. It should start, not just at 14, but as soon as possible where the need is already identified or if problems emerge that will require ongoing care, after this age.

The revised Framework proposes a new retrospective reviews protocol. This will provide a new two-stage process, through an initial checklist then a full review, for considering a retrospective claim. This is to manage the large volume of claims and make the system more manageable.

In general, we received positive [responses to the consultation](https://gov.wales/draft-national-framework-continuing-nhs-healthcare?_ga=2.38973923.1771247502.1575026080-570421772.1553248697) and many agreed the document provided additional clarification in key areas. A few stakeholders were concerned that some areas needed additional clarity to enable the effective and equitable implementation of CHC. Further work will take place on the revised Framework in the coming weeks to address these concerns. A number of respondents suggested reviewing the policy framework for Funded Nursing Care policy in 2020/21. We intend to do this in 2020, after the new CHC framework is in place.

There continues to be concerns regarding an individual’s ability to exercise voice and control to decide how, when and who supports them to meet their eligible care and support needs when transitioning from direct payments to CHC. We shall set up a working group in the next few weeks to explore the options available to us and consider how we can best effect change in this area. We will review and address any remaining legislative barriers preventing local health boards and local authorities to use pooled funds to deliver integrated person-centred health and social care. We will look at the feasibility of introducing independent user trusts in Wales as one mechanism to support individuals to manage their health and social care needs. The clear, unambiguous expectation in Wales must be personalised, seamless integrated health and social care that enables an individual to maintain continuity of their voice and control, including the personnel delivering their care, where the individual wishes this to be the case.

There will be an implementation period following the publication of this consultation report to allow for finalising the documents and developing a comprehensive training package for all practitioners involved in the CHC process.

In addition to this we shall work with patient representative groups and members of the public to co-produce a one-stop CHC public information booklet. This comprehensive publication will set out the step by step journey an individual will take in the CHC assessment process. We expect this would include a flowchart, information on the individual’s rights at each stage and how to access advocacy and support and advice services.

This booklet will empower the individual and their carers to play a full role in the assessment process, and in the decisions about the support they receive. We are also revising the performance framework for CHC to make sure it is fit for purpose. We intend to publish the revised CHC National Framework, DST, CHC Performance Framework and public information booklet in April 2020.