

Gwenda Thomas AC/AMY Dirprwy Weinidog dros Wasanaethau Cymdeithasol
Deputy Minister for Social ServicesNATIONAL ASSEMBLY FOR WALES
MEMBERS' LIBRARY

Ein cyf/Our ref MB/GT/0343/09

Llywodraeth Cynulliad Cymru
Welsh Assembly GovernmentPeter Black AM
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA14th October 2009

Dear Peter

CONTINUING NHS HEALTH CARE IN WALES

At recent Business Questions you raised the case of the late Mrs Marjorie Eyton-Jones, a former resident of Anglesey. Mrs Eyton-Jones' estate had received a substantial compensation from the NHS in England for past care home costs. I thought it would be helpful if commented on the matters you have raised at Business Questions with Carwyn Jones.

Contrary to anything you may have read, this case was not the result of a legal judgment but a recommendation of the North West Strategic Health Authority and a decision by Wirral PCT. I am satisfied that it does not have any general or policy implications for us. In both England and Wales there is a process in place to consider eligibility for Continuing NHS Healthcare (CHC), based on a multi-disciplinary assessment, and review panels to revisit individual cases if necessary.

The case was considered by special review panels in Wales twice for the time that Mrs Eyton-Jones lived in Wales. Both concluded that she did not meet the criteria for CHC while she was resident in Wales

We do have a national framework for LHBs to consider eligibility for CHC in Wales. It was issued in 2004. We will be considering revisions to the framework shortly and will consult on any changes we propose as a result of that consideration. Our aim is to ensure clarity, fairness and consistency in decisions on eligibility. Review panels are held when people are dissatisfied with the outcome of their application for CHC.

You have previously referred to the cut off date of 4th December 2009 for retrospective claims. That applies to those cases where the individual's care started and ended prior to April 2003. It does not affect those in a care home currently even if their care began before April 2003.

It was never the intention to keep the special review arrangements for pre-April 2003 cases open indefinitely. It is generally accepted that 6 years is a reasonable period in which to bring a retrospective claim. People will still be able to take their case to the Ombudsman if they feel there are very exceptional circumstances.

Yours sincerely

Gwenda Thomas AC/AM