

This was the case for the family of a Cheshire lady who was forced to sell her home to fund six years nursing home care. Keith Park Solicitors recovered more than £90,000 in care home fees.

New criteria for continuing care has been published under the department of health, and local NHS trusts are under a duty to comply. If you think that you or someone you know may be entitled to fully funded care or that may have been wrongly assessed, a review process is now operational and action can be taken to recover fees where they have been wrongly paid.

The department of health issued a deadline for the review of claims for fees incurred prior to January 2004 however, it is still possible to request the PCT to review patients where care home fees have been incurred since 2004.



Many of us find it difficult to manage our personal and financial affairs. With a busy lifestyle it is easy to leave important decisions which should be made today until tomorrow.

We provide a skilled, efficient and straightforward service to all of our clients providing expertises in all area of Will preparation, IHT and estate planning to estate administration following the loss of a loved one and residential property.

The Private Client team at Keith Park Solicitors consists of:

Nick Hall, Solicitor and Managing Partner has worked in the legal profession since 1978. Nick has recently appeared in the National and Regional Press following the successful recovery of over £90,000 for one of our clients where his late mother had wrongly been made to pay for her own Nursing care.

Geoff Shaw, Consultant Solicitor, and Deputy District Judge is a highly regarded and experienced solicitor who has been providing sound legal advice to the people of St Helens for over 30 years.

Susan Atkinson, Solicitor, specialising in Private Client law. Susan is a member of the Probate Section of the Law Society, Solicitors for the Elderly and is a student member of the Society of Trusts and Estate Practitioners (STEP), which is a specialist course for professionals working in the field of Trusts and Estate Administration.

Let us help you

Keith Park Solicitors have over 30 years experience in serving clients in St Helens and surrounding areas. In addition to Private Client, The Practice also specialises in Family Law, Employment Law, Business Law, Consumer Credit, Conveyancing, Personal Injury Law and Criminal Law.

Pricing

Our charges will depend on the complexity of your matter and the time involved. However for many matters we are able to give a fixed fee quote, to help you budget. Please contact us for an initial free interview at our local office and we will be happy to provide you with an estimate of our charges.

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The solicitors working within the practice qualified as such within England and Wales.



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Care Home Fees

Bespoke Legal Services for all our clients



KPSolicitors specialise in handling all aspects of your personal legal needs

Providing the guidance and knowledge to see you through

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Every day brings news of people living longer and the associated problems in meeting the needs of the elderly.

We might not want to think about it, but the prospect of us (or a member of our family) needing to go into a Care Home at some stage in the future, is becoming more of a possibility than ever before. This often causes alarm in respect of the fees for nursing related care.

Often savings and other capital that has been accumulated during your working life, which you have set aside for loved ones, has been used by the Local Authority of the Health Service, to pay for these charges.

However, it is a little publicised fact that if certain conditions are met, sometimes these costs can and will be met by the NHS through local Primary Care Trusts.

A review process for people who find they are in need of nursing care, as well as for those who have wrongly used up their capital and savings, is now available and action can be taken to recover any money lost in this way.



Many people are paying for care that should be paid for by the NHS. You may be entitled to a refund with interest if you already have paid for Nursing or Care Home Fees even if the person concerned has died.

The Health Service Ombudsman has reported on cases where the NHS should have provided 'Continuing Health Care' in these matters it was decided that the Primary Care Trust (PCT) should repay the money that the patients had paid.

The ombudsman has now directed that all PCT's should review their decisions since 1996.

Continuing NHS Healthcare

Continuing NHS Healthcare is care that is provided over an extended period of time to people with significant health needs or during the later stages of a terminal illness. This means that the level of the care is the responsibility of the NHS and is provided free of charge. If the patient is living in a Nursing or even a care home, the NHS will contract with the care Home and pay the full fees for the patient's accommodation and the care needed if the necessary criteria for entitlement are met.

Care that is provided by social services is arranged through the Local Authorities and is means tested; therefore the cost of the services can be passed on to the patient. This can subsequently endanger the patient's home.



Since 1996 all PCT's must have in place a criteria which specifies who is entitled to continuing NHS care and who will only get help with their nursing costs.

Registered Nurse Care Contribution (RNCC)

This should not be confused with continuing NHS health care. The RNCC is a system where the NHS makes a contribution towards the cost of the nursing care. There are two bands of contribution, which result in a different level of financial contribution from the NHS.

The contribution is towards the care that is provided by registered nurses employed by the nursing home but does not include the care provided by care assistants, therefore, the shortfall from the overall cost of the care is to be funded by the patient

A person can ask to be assessed for continuing NHS healthcare at any time if they believe that they qualify under the criteria set by the local PCT. When someone moves into a nursing home, they should automatically have been assessed for continuing NHS healthcare, although this is not always the case, and unfortunately worried relatives are unaware that they can request this.

Eligibility for Continuing NHS healthcare.

A person will be considered eligible for Continuing NHS healthcare if their need is primarily for health care. This means that the persons condition has resulted in:

- Complex healthcare needs; and or
- Intensive healthcare needs;
- Unstable/unpredictable healthcare needs
- Rapid deterioration

A persons 'primary need' for health care can be indicated by the person requiring regular supervision by a member of the healthcare team such as a consultant or therapist or other healthcare professional. Alternatively if their condition requires regular use of specialist healthcare equipment or medication under the supervision of a registered healthcare professional. It is possible to get money back paid for such fees in the past when a loved one who should have qualified for this allowance hasn't previously

