

Key changes from the new CHC framework

Published 2 October 2018

The new [CHC national framework](#) came into effect from 1 October. This is hugely important for commissioners, and so we ask in this article whether you are up-to-speed with the key changes?

Our previous alert on this - ['Changes to NHS Continuing Healthcare Framework: Is your CCG ready?'](#) - looked in detail at what is changing.

By way of quick reminder now that the start date for the new framework has arrived, the 'headlines' are:

- CHC eligibility criteria themselves are unchanged (focus on 'primary health need' as before)
- Layout/style more user-friendly and updated to reflect legislative changes since last version (e.g. definition of social care from Care Act 2014, to help distinguish between health and social care needs)
- New emphasis on ensuring CHC assessments do not delay hospital discharge:
 - Revised guidance on when you do and don't need to use CHC screening checklist;
 - CHC assessments to be done after hospital discharge (normally/in majority of cases).
- New emphasis on CCGs being responsible for ensuring that CHC arrangements they commission are lawful/compliant with the Mental Capacity Act, including having to consider whether the arrangements amount to a deprivation of liberty and, if so, whether the necessary steps have been taken to authorise it.
- New emphasis on avoiding protracted disputes about eligibility:
 - Main purpose of annual reviews is to look at whether care arrangements/care plans remain appropriate, not to re-assess eligibility;
 - Greater steer on process for individuals challenging eligibility decisions (e.g. suggesting two-stage local resolution process - informal discussion followed by formal meeting, followed by application for IRP if still no resolution);
 - More detail on suggested resolution process for inter-agency disputes (e.g. with clear escalation pathway, leading to independent arbitration as last resort).

In particular, CCGs should check:

- Have your local CHC protocols/processes been updated to reflect the new framework?
- Are staff on the ground aware of the changes?

If your CCG has any questions about these changes or their implementation, our national team of healthcare regulatory lawyers can help, whether by reviewing local CHC protocols to ensure compliance with the new framework, advising on resolution of disputes about eligibility or assisting with wider issues arising in CHC cases such as applications to the Court of Protection.

We can also provide tailored training packages covering CHC-related issues and the implications of the revised national framework.

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