



Press Release

For Immediate Release

ELDERLY HEALTH CARE FUNDING NHS ELIGIBILITY CRITERIA UNLAWFUL?

Camberley 10th March 2006 – Many people, particularly the elderly who are being cared for in nursing homes could be entitled to the full cost of their care being met by the NHS. If the patient's needs are primarily of health then the NHS should pay for all of their care. This was confirmed in a Court of Appeal judgement when a tetraplegic lady challenged her local health authority and won.

Many NHS Trusts publish 'eligibility criteria' setting out in their area who is eligible for free care, but there is concern that many of these eligibility criteria are unlawful. Elderly people who should qualify are told that they are not eligible as their care needs are deemed 'social' not 'health' and as such are something for which they must pay.

Ruth Keighley of Herrington & Carmichael and a member of Solicitors for the Elderly, a national association of specialist lawyers advising older people said, "There are many cases where the law is being wrongfully applied and getting the decision reversed is difficult. The final step is to appeal to the NHS Ombudsman or go through the court, but this can take years, and, in the meantime, the elderly person being cared for often has to sell their house to fund their own care."

Ruth added, "No one should enter a nursing home without checking their funding eligibility and what the procedure is for reviewing the decision. With care fees costing anything up to £1,500 each week, it is vital that elderly people, their families and carers get proper legal advice. The financial loss to them could be huge if they just ignore it."

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The firm is also a patron of Surrey Chambers of Commerce. www.surrey-chambers.co.uk

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