

NEWS RELEASE FROM THE
REGISTERED NURSING HOME ASSOCIATION

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**RNHA CALLS FOR CAMPAIGN TO HALT
THE BIG 'RIP OFF' OF OLDER PEOPLE**

It is time for the government to stop its big 'rip off' of older people who need continuing care, the Registered Nursing Home Association (RNHA) said today.

Responding to last night's BBC *Panorama* programme which highlighted the plight of those who are forced to sell their homes to fund their own nursing home care, the RNHA said the government was blatantly flouting an Appeal Court judgement that the NHS should fund all the care costs of individuals whose primary need is for health care rather than personal care.

Commented RNHA chief executive officer, Frank Ursell: "Last night's programme focused attention on one the greatest scandals in our society today. The sad reality is that, if you are old and chronically sick, you are very likely to be left to your own devices by the State when it comes to picking up the tab for the care you need."

He added: "In fact, the whole situation is a complete and utter lottery. If you are lucky, you might be assessed as being eligible for NHS-funded care in a nursing home. However, it is perfectly possible for someone with virtually identical needs to find that they are assessed as not meeting the criteria under which they would qualify for NHS funding. If ever there was a crazy and unjust system, this is it."

The RNHA points to two definitive court judgements in recent years which have clarified NHS responsibilities for funding long-term care, as well as severe criticism from the NHS Ombudsman and the House of Commons Health Select Committee of the way the NHS applies funding criteria.

In the face of what it sees as a continuing injustice affecting thousands of families throughout the country, the RNHA is calling for a nationwide campaign to remove the anomalies in the current system and to make sure that care home costs are fully met by the NHS when an older person's needs are primarily health-related.

Said Mr Ursell: "The government and the NHS cannot remain in this state of denial about what does or does not constitute health care. For example, it would appear from the criteria currently being applied by many parts of the NHS that if a patient's condition is stable, they may not qualify for NHS funding. However, in many instances the stability of the medical condition is the result of regular nursing and other health care interventions. In other words, patients may be dependent on health care to maintain their stability and to prevent lapses in their condition."

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“The government says that it is going to consult on national criteria. Thousands of older people and their families will hope that this is not simply a smokescreen. It would be a travesty if, under the guise of consultation, the government were simply to replace different sets of unjust criteria devised by individual strategic health authorities by a new set of equally unjust criteria devised centrally. After all, we have to remember that the criteria previously issued by strategic health authorities are based on guidance from the Department of Health.

“What the older people of this country want to know is that, when they are at their most vulnerable as a result of the degenerative diseases of old age, the NHS will not duck and weave to avoid its financial responsibilities for their care. To be told that your condition is stable or predictable is not a good enough reason for the NHS to refuse funding. No one says that to a younger person with diabetes, asthma, arthritis or back ache. So why should older people be singled out?

“One thing is for certain – all of us as individuals and families face the possibility that the NHS will let us down when we are old. We, in the RNHA, are calling on everyone to write to Ministers, MPs, strategic health authorities, primary care trusts and the media to urge them to stop the rot now. This is about the kind of society people want to live in. As the *Panorama* programme showed, most people have until now assumed that the NHS is there to help them throughout their lives. That is the basis on which they have paid their taxes and National Insurance contributions.”

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Notes to editors:

1. In 1999, the Court of Appeal determined in the case of Pamela Coughlan that if a patient’s primary need is for health care, it is the responsibility of the NHS to fund it. If health care is ancillary or incidental to their need for accommodation in a care home, then it could be the responsibility of the local authority to organise it, but on a means-tested basis.

2. In 2005, Matthew Grogan won a court case against Bexley NHS Care Trust, which had refused to fund his mother’s continuing care in a nursing home and forced him to sell her house in order to find the money. NHS criteria used to assess her needs were described as ‘fatally flawed’.

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