

Issue for consideration of Priorities Panel

For official use only:

Issue ID Number: **021**

Date received by Operational Director
19/11/2009

Date to Priorities Panel
26/11/009

Office use:

Name:
(JJ, RA, KT, All)

Date completed and initials:

Date of referral to LINK	18/11/2009
Date issue arose	09/11/2009
Title (Headline / short title of issue)	Eligibility for Continuing Care and Concerns over Neglect
Nature of interest / standing of person in relation to issue:	
Recipient of service <input type="checkbox"/> Family <input checked="" type="checkbox"/> Friend <input type="checkbox"/> Advocate/Campaigner <input type="checkbox"/> Other <input type="checkbox"/>	
If other, please state what their standing is in relation to the issue:	
Is the person raising the issue a:	
LINK participant?	<input type="checkbox"/>
Member of the public?	<input checked="" type="checkbox"/>
Priorities Panel Member?	<input type="checkbox"/>
Governor Group Member	<input type="checkbox"/>
LINK Development Worker	<input type="checkbox"/>
Part of an organisation	<input type="checkbox"/>

<p>If raising issue on behalf of an organisation, state name and brief details of what they do</p>	<p>N/A</p>
<p>Summarise issue (no more than 100 words). If necessary, a more detailed account may be submitted on page three with additional pages attached if necessary</p>	<p>This is a request from a member of the public to look into the definition or clarification of what is defined as Continuing Care? Where does a persons health needs stop, and their social care needs begin?</p> <p>This was also the question raised by the Panorama programme (5 March 2006) which gave cases of people around the Country (one of those featured was the case given here) – DVD of this programme has been provided as evidence by the referrer.</p> <p>Mrs X’s children have had a long standing battle after their Mother’s house had to be sold to pay for her care, to get The Independent Review Panel (IRP) to reassess their mother and admit that their she is in need of continuing care, as she cannot look after herself.</p> <p>Whilst this ongoing battle with the IRP continues Mrs X is alleged to have suffered neglect in the care home where she lives.</p>
<p>Please use this space to give a detailed account of the issue to be raised with the Priorities Panel. (N.B: Form will expand to accommodate additional text – other documentation can be appended, as necessary)</p> <p>There are two issues in effect (1) That of continuing care – Definition and Assessment – Mrs X’s family seeking this for their mother, as they feel she is in need of such care being totally dependent on others.</p> <p>(2) Alleged neglect of Mrs X in the care home she is currently still residing which has been ongoing, but one incident resulting in a growth on her nose being untreated for several months, which resulted in her having a cancerous tumour (pictures supplied in evidence) the removal of which left her with a third of her nose being removed, and having to undergo plastic surgery.</p> <p>In this instance, care staff have been said to have been unsympathetic and rude on occasions (letters submitted in evidence there is some concern over training and supervision of the staff in the home, and when asked what qualifications one</p>	

particular carer had – Mrs X’s daughters were told it was none of their business.

Having gone to the PCT and the SHA on a number of occasions they have still been unsuccessful with their issue and reassessment review to date.

Mrs X’s daughter has therefore turned to the Kent LINK to see if these issues can be considered and some action taken to make someone accountable, and a fairer assessment of her mother’s care needs.

She is also seeking to have her mother removed from this home with a more suitable and caring environment if possible.

Is the issue currently under investigation, via a complaint or inquiry or being dealt with by somebody else (this includes being part of a wider campaign on the issue)?

Yes X

No

If yes, give details of actions already taken including contact details of others dealing with the issue:

The Independent Review Panel knows of this case – but despite the family’s concerns and the fact that Mrs X is totally dependent on others for her every care need, she has still been refused continuing care.

The care home has been corresponding with the daughter but they are said to have been unsympathetic and uncooperative on many occasions with the family – despite the complaints Mrs X is still sitting in a cold room, unattended for considerable lengths of time. As the daughter and her siblings all need to work and have full time employment they cannot be with their mother as much as they would like to.

Is there a timescale / deadline / circumstance affecting this issue which may mean the LINK will have to act quickly, e.g. closure of a unit, change of service, a particular urgency?

Yes X

No

If yes, what is that circumstance and what is the timescale by which action has to be taken?

I think there should be – as the correspondence which has been submitted has already been going on for a considerable amount of time (historical document dates to 2004 when raising the funding issue).

What expectation does the person raising the issue have of the LINK, ie what does that person want the LINK to do / what action does it want it to take?

That the LINK get clarification of assessment for Continuing Care using the Coughlan Ruling* as it was intended. (*DVD of the Panorama Programme explains this further, as this was the judgement that the means testing was based on).

Also that the LINK look into the concerns raised here with this care home and others across the County with the training and supervision of care staff, and what policies and procedures they should adhere to (perhaps a mystery shopper exercise could be included here?).

What would be a good outcome from the perspective of the person raising the issue?

That Mrs X and others like her do finally get judged as fitting the continuing care criteria, and it is backdated to when she first went into the care home. Also that she can be moved to another more suitable and comfortable home.

What evidence does the person raising the issue have to support the case they are putting for the LINK to take action? List or attach evidence and sources, if available.

DVD of the Panorama Programme provided together with pictures of Mrs X's face and other supporting documentations which is available for viewing by the Panel.

How widely does this issue affect other people?

It affects everyone in the Country. Although the Panorama Programme highlighted this back in 2006, it is still an ongoing battle for Mrs. Xs family and many others. The 'Big Care Debate' which ended 13 November 2009, just last week, shows that assessments for what is classified health or social care need to be more clearly defined.

Why are many people still judged unfairly? With some getting assessed as continuing care needs whilst others with the same conditions or even worse are assessed as social care needs.

Many may not have to sell their homes as in 2006, but a legal charge is made on the property, and their families then lose the property when the person receiving the care dies.

In what ways are other people affected by this issue.

As mentioned above, but it also causes considerable stress and anxiety to the families of those needing the care. When they have to constantly try to find ways

of financing care which in cases like those illustrated should be free to all.

Signed: Elayne Oxley, LINK Development Worker, West Kent

Date: 18 November 2009

Your LINK for improving health and social care

www.thekentlink.co.uk

ID 021: Eligibility for continuing care



a LOCAL INVOLVEMENT NETWORK

No	Recommended action	Tick	If additional information required, please specify	Additional comments, if any
1.	No further action			
2.	Watching brief			
3.	Letter to trust / social care calling for comment before taking any further			
4.	Urgent action as issue concerns patient / client safety			
5.	Further information required, please specify			
6.	Consult / survey participants to check level of interest / concern before proceeding to any other action			
7.	Start discussion on LINK website / through LINK Bulletin			
8.	Question to Citizen Jury			
9.	Topic for local meeting			
10.	Urgent unscheduled visit – specify purpose of visit in comments column			
11.	Refer to regulator, eg Care Quality Commission, Ofsted, Health and Safety Executive, Royal Colleges, etc –please specify			
12.	Potential to develop as possible LINK project			
13.	Any other recommended actions			