Please amend the text in red before sending.

**PRIVATE AND CONFIDENTIAL**

[Insert your address

and telephone number

and email address]

For the attention of the Continuing Healthcare Department

[Insert name and address of the Integrated Care Board (“ICB”]

[Insert date]

Dear Sir or Madam,

**Request for an assessment of eligibility for NHS Continuing Healthcare –** [Insert the name, date of birth and address of the person with care needs]

I am writing to request that [insert name of ICB] undertakes an assessment of [insert their name and initials (XX)]’s eligibility for NHS Continuing Healthcare (“CHC”) funding.

As you are aware, [insert name of ICB] is responsible for assessing eligibility for NHS CHC. According to the law, it must undertake an assessment of eligibility wherever it appears that there is a need to do so.

**Background**

[XX] has a diagnosis of [insert any diagnosis they have or give a summary of their disabilities].

As a result, [XX] presents in the following ways on a daily basis:-

[Give examples of the overall effect of these needs on their day-to-day presentation and/or behaviour].

In addition, [XX] requires the following day-to-day support:-

(i) Include a brief description of what care and support they require as a result of their condition(s);
(ii) Consider whether any specialist skills are required to monitor and/or treat their condition(s)];
(iii) Describe whether their needs get better or worse over time, and/or any challenges in managing this].
As you are aware, even if a need is ‘*well-managed’* – the MDT’s decision-making rationale should not marginalise this need (see:- paragraph 64, National Framework 2022).

[XX] has a primary health need as the level and type of their day-to-day care needs taken in their totality – including the quality and quantity of care – fall beyond the remit of the local authority.

**Legal Framework**

Regulations state that the purpose of an eligibility assessment for NHS CHC is to determine whether [XX] has a primary health need:-

*‘Whilst there is not a legal definition of a healthcare need (in the context of NHS CHC), in general terms it can be said that such a need is one related to the treatment, control or prevention of a disease, illness, injury or disability, and the care or aftercare of a person with these needs’* (see:- Practice Guidance 2).

Guidance on establishing a primary health need within both the National Framework 2022 and the Decision Support Tool (DST) states that eligibility for NHS CHC depends on the primary health needs test; i.e. the four key characteristics of nature, intensity, complexity and unpredictability of needs.

At paragraph 30, the DST explains that:- *‘Each of these characteristics may – alone or in combination – demonstrate a primary health need, because of the quality and/or quantity of care that is required to meet the individual’s needs. The totality of the overall needs and the effects of the interaction of needs should be carefully considered when completing the DST’.*

As a result, if one or more of these criteria are met, then [XX]’s primary need is for healthcare; i.e. their needs are:-

*(i) More than incidental and ancillary to the provision of accommodation; and/or*
*(ii) I require care of a nature that social services cannot be expected to provide.*
(see:- s.22(1) Care Act 2014).

Given the nature of [XX]’s needs, they are likely to be eligible for NHS CHC.

**Support during the NHS CHC assessment process**

A key element in the decision-making process is the full involvement of [XX] and their representatives. At paragraphs 330 – 332, the National Framework 2022 requires ICBs to:-

*‘…ensure that individuals are made aware of local advocacy and other services that may be able to offer advice and support’,* and of my right to *‘choose to have a family member or other person (who should operate independently of local authorities and ICBs) to act as an advocate on their behalf’.*

As [XX] would have substantial difficulty with the assessment process, they require a suitable person to support and represent them in that process.

1. There is an appropriate person to support them during the assessment process. [Enter the name of a family member/friend who can support them – and their relationship, e.g. Alice Smith, Mother].

OR

1. There is not an appropriate person to support them. Therefore, please can you help them to find an independent advocate to support them with this process.

*[NB: A paid carer is not an appropriate person, so if there are only paid carers in their life, they will need to delete section A and*

*keep section B to request an independent advocate]* DELETE BEFORE SENDING

**Steps you are required to take**Given the above, I would be grateful if you could contact me on [insert contact details]as soon as possible so that an assessment of eligibility for NHS CHC can be arranged, in accordance with the Standing Rules.[[1]](#footnote-1)

Delete if not appropriate
[Please help them to find an independent advocate to support with the assessment process.]

I would be grateful for a response **by no later than 7 days** of the date of this letter. If you require any further information, then please do not hesitate to contact me on [insert contact details].

Kindly acknowledge receipt of this letter by return.

Yours faithfully,

[Insert your name]

Please delete before sending:

This letter has been downloaded from a chatbot developed in partnership with Access Social Care. To use this or any other letter again, please go back to the chatbot rather than saving this letter. This will make sure you get the most up to date letter and the right guidance on which letter to send. It will also help us get the data we need to campaign for positive change in social care.

1. *s.21(2), the National Health Service Commissioning Board and Clinical Groups (Responsibilities and Standing Rules) Regulations*. [↑](#footnote-ref-1)