

**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 Primary Care Trust]

[Insert date]

Dear Sirs

**Continuing Healthcare Appeal**  
**[Insert name of person, date of birth and address]**

I am writing in relation to [NAME]'s eligibility for NHS Continuing Healthcare ("CHC") funding. I note that the most recent Decision Support Tool ("DST") dated [DATE OF DST] concluded that [NAME] does not have a primary healthcare need and does not meet the eligibility criteria for NHS CHC funding. I write to appeal this decision and to request an immediate review.

**Background**

Set out here in brief and clear terms the background to the matter, including:

- The person's diagnosis
- When they first became ill/were first diagnosed
- Any involvement of social services
- When the matter was first referred for a CHC funding decision
- The date and outcome of any CHC funding panel
- The reasons given by the panel for its decision

**Legal Framework**

Indicative guidance on establishing a primary health need is included within the DST, at paragraph 32. It provides that a clear recommendation of eligibility to NHS continuing healthcare would be expected in each of the following cases:

- (a) *A level of priority needs in any one of the domains which carry this level;*
- (b) *A total of two or more incidences of identified severe needs across all care domains;*
- (c) *If there is:*
  - i. *One domain recorded as severe, together with needs in an number of other domains, or;*
  - ii. *A number of domains with high and/or moderate needs,*

*This may well also indicate a primary health need. In these cases, the overall need, the interactions between needs in different care domains, and the evidence from risk assessments should be taken*

*into account...MDTs are reminded of the need to consider the limits of local authority responsibility when making a Primary Health Need recommendation (see paragraph 26 of the National Framework for Continuing Healthcare).*

## **Submissions**

I make this appeal on behalf of [NAME] under Section 5(1) of the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009. I disagree with the DST dated [DATE] on the following grounds.

[Refer to each of the domains within the DST (see headings below) and for each domain say whether you agree with the conclusion reached within the DST and if not, why not, referring to any medical or other evidence in support of your argument wherever possible. If you agree with the conclusion reached in respect of a particular domain, say so, and confirm that you do not dispute the conclusion in respect of this domain].

### **1. BEHAVIOUR**

In the DST dated [DATE], [NAME], was assessed as having [LOW/MODERATE/HIGH/SEVERE/CRITICAL] behavioural needs. I disagree with this conclusion because [INSERT REASONS, WITH SUPPORTING EVIDENCE WHERE POSSIBLE].

I therefore dispute the assessment that [NAME] has [LOW/MODERATE/HIGH/SEVERE/CRITICAL] behavioural needs, and submit that this domain should be assessed as being [LOW/MODERATE/HIGH/SEVERE/CRITICAL].

[Repeat the above for each of the following ten domains. If you agree with the assessment in respect of a particular domain, simply state "The assessment in the DST dated [DATE] with regard to this domain is not disputed."]

### **2. COGNITION**

### **3. PSYCHOLOGICAL AND EMOTIONAL NEEDS**

### **4. COMMUNICATION**

### **5. MOBILITY**

### **6. NUTRITION**

### **7. CONTINENCE**

### **8. SKIN**

**9. BREATHING**

**10. DRUG THERAPIES AND MEDICATION**

**11. ALTERED STATE OF CONSCIOUSNESS**

**CONCLUSION IN RELATION TO THE DST DECISION**

[State here how many of the domains you are disputing and the difference between your conclusions as set out above and the conclusions in the DST. If your conclusions now trigger a decision that there is a primary health need, say so here.]

In light of the above, I believe that the DST dated [DATE] is flawed both in relation to its recommendations relating to the domains highlighted above and in its overall conclusion that [NAME] does not have a primary health need and is not eligible for CHC funding. I therefore ask that the Trust re-assess [NAME]'s eligibility for CHC funding immediately. I look forward to receiving a substantive response to this request within 14 days of this letter.

I have written this letter using a guide that has been published by Headway. That guide was based upon legal advice.

I look forward to hearing from you.

Yours faithfully