

Coronavirus and Continuing Healthcare (CHC)

Coronavirus Bill 2020: Guidance on the Government's proposed legislation to fight Coronavirus. The Bill will go for second reading on 23.03.20 and should receive Royal Assent by the end of March.

The Coronavirus Bill proposes suspending the CCG's statutory responsibility in relation to CHC assessments in order to support rapid hospital discharge and protect CCGs from legal challenge in these extraordinary circumstances.

Under the Bill a CCG:

- does not have to comply with its duty (set out in the NHS Commissioning Board and CCG (Responsibilities and Standing Rules) Regulations 2012) to ensure that an assessment of eligibility for CHC is carried out where it appears that there may be need for such care or when a person already receiving CHC may no longer be eligible.
- does not have to comply with its duty to have regard to the National Framework so far as it relates to the assessment for eligibility
- will only have a duty to assess for FNC if the CCG chooses to assess eligibility for CHC.
- must ensure that, if a decision is taken to assess for CHC despite the above, this assessment must be done before a FNC assessment.

Wider responsibilities will be amended accordingly and the discharging NHS Trust:

- does not have to comply with the duty to take reasonable steps to ensure that an assessment of eligibility for NHS CHC is carried out when it appears there is need for such
- does not have to comply with the duty to have regard to the National Framework in relation to such assessment
- must take reasonable steps, if a CHC assessment is carried out, to ensure that this is before they give notification to the social services authority under the Community Care (Delayed Discharges) Act 2003.
- does not have to set out consideration of CHC in any assessment notice.

General points:

- This only applies to the law of England
- Care will have to be taken that the emergency measures have actually been triggered/not rescinded as they will only be implemented nationally under certain conditions. The aim is that they are in place for the shortest time possible.
- When the provisions are in force, they will apply to duties arising before the provisions were commenced.
- Under this “discharge to assess” model the patient would continue to receive NHS funded care following discharge until such time as an assessment was carried out. We know that in many areas a similar process already operates between NHS Trusts and their CCGs which may help manage the discharge process.

CCG responsibilities and key funding considerations are outlined in the joint NHS and HM Government document on discharge service requirements which can be found [here](#).