

# SHOULD YOU PAY FOR THE NURSING HOME ?

your right to 100% NHS funded nursing care  
under the law since 1948 and "Coughlan"  
see [www.NHSCare.info](http://www.NHSCare.info) for this advice

*"The judgement in Coughlan clearly establishes that where a person's primary need is for health care, and that is why they are placed in nursing home accommodation, the NHS is responsible for the full cost of the package."*

**simple advice for solicitors ...**

The quote above is from the [summary](#) of the Law Society's Evidence to the House of Commons Health Committee inquiry into NHS Continuing Care. The full document is [here](#). More detailed advice for solicitors is [here](#).

**simple advice for NHS and Social Services staff ...**

*Make sure you are not breaking the law.* Ignorance of the law, and the fact that many others share this ignorance, is no defence in a Law Court. The Department of Health's *National Framework* is "...not fully compliant with the Coughlan Judgement..." - the Law Society comment is [here](#). "Social Care" is part of Nursing Care. Click [here](#) for information from the RCN and the amnesty for "whistle blowers".

**simple advice for families ...**

*If the patient's health care need is equal to, or greater than that of Pamela Coughlan, then under the law, they qualify for Continuing Care.*

Watch the [video of Pamela Coughlan](#) then ask yourself if the patient needs less care than Pam.

See the [overview](#) for "the big picture".

print the [NHSCare.info flyer](#) and educate all involved including family, Care Home, NHS and Social Services staff.

discuss with friends and relatives and confirm that you have a strong case under existing law and "Coughlan".

find a friend or relative to act as your representative, able to write and respond to letters over what may take years.

document the patient's care needs and compare these with Pamela Coughlan after visiting [advice to solicitors](#).

consider refusal to discharge from hospital, or to pay for care. If so, [think it through and do what is best for the patient](#).

make sure you have written at least one letter, mentioning Coughlan, such as this [draft letter](#).

keep a paper file of all information: printouts from [www.nhscare.info](http://www.nhscare.info), letters, medical history, and notes of meetings - with names.

take care what you sign when dealing with NHS and Social Services. Your signature might indicate agreement. If you feel you must sign, in the interests of the patient, then add a comment beside your signature such as "Without prejudice. All Rights Reserved: see [www.nhscare.info](http://www.nhscare.info)".

record in writing any disagreement with NHS/Social Services: by them and by yourself soon after the meeting. They might later claim, "if it's not written down, it didn't happen".

consider a complaint to the [Ombudsman](#), or the [Healthcare Commission](#).

visit the [message board](#) and share your experiences with others; you are not alone.

consider use of a Law firm and "no win no fee" for Judicial Review - but see our [advice to solicitors](#) .

This advice is from [www.nhscare.info](http://www.nhscare.info). Underlined words such as [here](#) are links to more information. 4 Nov 08.