

Witness Name: Karen Smith

Statement No.: WITN7035001

Exhibits: WITN7035002-003

Dated: 22/02/2022

## **INFECTED BLOOD INQUIRY**

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### **WRITTEN STATEMENT OF MS. KAREN SMITH**

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I provide this statement on behalf of Cheshire Clinical Commissioning Group, formally South Cheshire, West Cheshire, Eastern Cheshire, and Vale Royal Clinical Commissioning Groups which merged on 1<sup>st</sup> April 2020, in response to the request under Rule 9 of the Inquiry Rules 2006 dated 14 January 2022.

I, Karen Smith will say as follows: -

#### **Section 1: Introduction**

1. My name is Karen Smith and I was born on the GRO-C 1965, My work address is Bevan House, Barony Court, Nantwich, Cheshire CW5 5RD.

I am a registered nurse and have worked within the NHS since 1984.

I am employed by Cheshire Clinical Commissioning Group as Deputy Director of NHS Continuing Healthcare Services, I am responsible for the delivery of NHS Continuing Healthcare services in Cheshire including the assessment, Case Management, and review of individuals eligible for, or potentially eligible for, NHS funding including NHS Continuing Healthcare funding. I am also responsible for the commissioning of appropriate packages of care for individuals who are eligible.

I have a long career working in the field of NHS Continuing Healthcare first taking up post as clinical lead of an NHS Continuing Healthcare facility in Manchester in 2001 and moving to Cheshire in 2016. My working background includes working within Acute hospital settings as well as the community.

I plan to provide a response to the criticism made of South Cheshire NHS Continuing Healthcare team by Witness W0341, in her witness statement dated the 27th of December 2018.

## **Section 2: Response to Criticism of witness W0341**

2. My responses to criticism of witness W0341 are as follows:

The mother of witness W0341 was admitted to Leighton Hospital following falls at home and was discharged to Clarendon Court Nursing Home, Beechwood Close, Nantwich, CW5 7FY on the 5<sup>th</sup> of February 2018. The mother of witness W0341's placement at Clarendon Court was funded by the NHS from the 5<sup>th</sup> of February 2018 until the 22<sup>nd</sup> of March 2018 at a cost of £950 per week as part of a discharge to assess scheme which ensured that individuals long term needs, and placement were not considered in an acute setting. The mother of witness W0341 was referred to NHS South Cheshire Clinical Commissioning Group Continuing Healthcare service for assessment of her eligibility for NHS Continuing Healthcare Funding on the 23<sup>rd</sup> of February 2018.

The mother of witness W0341 was assessed following the guidance laid out in the Department of Health and Social Care National Framework for NHS Continuing HealthCare and NHS Funded Nursing Care (revised 2018)

NHS Continuing Healthcare funding is a package of care provided to an individual that is arranged and funded solely by the NHS, it is awarded to individuals who following comprehensive assessment of their health and social care needs are deemed to meet the criteria of having a primary Health need.

An individual has a primary health need if, having taken account of all their needs (following completion of the Decision Support Tool), it can be said that the main aspects or majority part of the care they require is focused on addressing and/or preventing health needs. Having a primary health need is not about the reason why

an individual requires care or support, nor is it based on their diagnosis; it is about the level and type of their overall actual day-to-day care needs taken in their totality.

The mother of witness W0341 was assessed on the 15<sup>th</sup> of March 2018.

A decision Support Tool was completed as part of this assessment, which is a tool mandated by the Department of Health and Social Care. See exhibit WITN7035002 for the Decision Support Tool for NHS Continuing Healthcare completed for witness W0341's mother.

NHS South Cheshire CCG Continuing Healthcare Service made the decision that the mother of witness W0341 was not eligible for NHS Continuing Healthcare funding on the 19<sup>th</sup> of March 2018 as it was deemed that she did not have a primary health need at that time.

Witness W0341's states, in her witness statement that South Cheshire Clinical Commissioning Group refused to reassess her mother, I can confirm that South Cheshire Clinical Commissioning Group Continuing healthcare service had an appeals process in place that allowed individuals or their representatives to request a review of a decision made not to award NHS Continuing healthcare funding if they were dissatisfied with this decision and that Witness W0341 asked NHS South Cheshire Clinical Commissioning Group to review its decision. A local resolution meeting was held on the 4<sup>th</sup> of March 2019 to hear from the mother of witness W0341's family and reconsider the decision made. Exhibit WITN7035003 is the record of outcome from the local resolution meeting.

Following this NHS South Cheshire Clinical Commissioning Group upheld the decision that the mother of witness W0341 was not eligible for NHS Continuing Healthcare at that time. Individuals who remain dissatisfied following local resolution processes have the option to request an independent review of their case by NHS England Independent review Panel, to my knowledge Witness W0341 did not do so.

In her witness statement Witness W0341 refers to South Cheshire Continuing Healthcare team assessing her mother's savings including Skipton Fund payments and decided not to provide support.

Financial assessment is not part of an NHS Continuing Healthcare assessment process. An individual is found eligible for NHS Continuing Healthcare funding based upon their needs and not their finances, and a package of care is provided to individuals who are eligible irrespective of their financial situation. Individuals are not permitted to contribute to the funding of the package of care provided to meet their assessed needs if they are eligible for NHS Continuing Healthcare funding.

The mother of witness W0341s Financial information was not collected as part of the NHS Continuing Healthcare assessment process.

My experience tells me that Witness W0341 may be confusing a Social Services financial assessment with the NHS Continuing Healthcare Assessment, as Social Services will have been expected to complete a financial assessment prior to providing any services.

In her witness statement, Witness W0341 states that the South Cheshire NHS Continuing healthcare team spoke to her mother's family, social workers and nurses but failed to appreciate there are different nursing needs for a person with both HCV and Parkinson's disease, I can confirm that the assessment of the mother of witness W0341's Needs identified her health and social care needs and considered her diagnoses, these are documented in the Decision Support tool.

The mother of witness W0341 was assessed as requiring nursing care and was found to be eligible for NHS Funded Nursing care on the 23<sup>rd</sup> of March 2018. NHS-funded Nursing Care is the funding provided by the NHS to care homes with nursing, to support the provision of nursing care by a registered nurse for those assessed as eligible for NHS-funded Nursing Care. It is paid directly to the nursing home. Clarendon Court received £155.06 per week in respect of the mother of witness W0341 from the 23<sup>rd</sup> of March 2018 until the 31<sup>st</sup> of March 2018 and then £158.16 per week from the 1<sup>st</sup> of April 2018 until the 12<sup>th</sup> of July 2018.

In her witness statement Witness W0341 states, she received little sympathy or support from the South Cheshire Continuing Healthcare Team, I am sorry that Witness W0341 feels this way and I would like to take this opportunity to express my condolences. I understand that the NHS Continuing Healthcare process is sometimes difficult for people to understand and offer my apologies to the mother of

witness W0341's family if they feel they had to fight for her during this assessment process.

### **Section 3: Other Issues**

3. At this time, the CCG has no further issues that it wishes to raise.

### **Statement of Truth**

I believe that the facts stated in this witness statement are true.

Signed - 

<b>GRO-C</b>
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Dated \_ 22/02/2022

### **Table of exhibits:**

<b>Date</b>	<b>Notes/ Description</b>	<b>Exhibit number</b>
June 2016	Decision Support Tool for NHS Continuing Healthcare	WITN7035002
4 March 2019	Notice of Appeal with the decision following a review of NHS Continuing Healthcare eligibility (undated)	WITN7035003