



30 June 2022

## 2022 Update to the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care

This document sets out the changes in the 2022 update to the [National Framework for NHS Continuing Healthcare \(CHC\) and NHS-funded Nursing Care \(FNC\)](#). There are no substantive policy changes: the guidance and associated tools have been brought in line with wider legislative changes, including those to be brought about by the Health and Care Act 2022.

References to CHC in this document refer to all the processes covered by the Framework, including CHC, FNC and Fast Track.

### Changes to reflect the new legislative environment to be brought about by the Health and Care Act 2022

- **CCG to ICB transition:** changes made throughout the document to reflect that the responsibility for CHC will transfer from Clinical Commissioning Groups (CCGs) to Integrated Care Boards (ICBs).
- **Hospital discharge:** strengthened wording around the Discharge to Assess approach in the guidance.
- **Interagency dispute resolution:** additions to emphasise the importance of collaboration and joint working within Integrated Care Systems and reflecting the new relationship between Integrated Care Boards and local authorities.
- **Carers:** updated section to reflect legislative changes on involving carers in discharge planning.

### Other changes to improve clarity

- **Person-centred approach:** strengthened emphasis throughout the document that the CHC and FNC assessment and review process should take a person-centred approach.
- **Consent for parts of the CHC process:** updates to the National Framework in relation to consent are intended to ensure that the Framework correctly sets out the legislative basis for various parts of the assessment process, including reflecting obligations set out in the UK GDPR (General Data Protection Regulation) such as informing the individual how, and with whom, their personal data will be shared. In particular, the individual should be fully informed of, and given the opportunity to actively participate in, all the CHC processes. Consent is required for any physical intervention or examination and is therefore required for any CHC assessment which involves such an intervention. Consent is required for sharing personal information with family, friends, advocates, and/or representatives. However, consent is not required for information sharing between health and social care professionals regarding the CHC processes and arrangement of appropriate care and support.

- **Mental capacity:** aligning the language around mental capacity throughout the document to the Mental Health Act 1983 and Mental Capacity Act 2005.
- **Deprivation of Liberty Safeguards:** addition of a placeholder acknowledging the change from Deprivation of Liberty Safeguards to Liberty Protection Safeguards policy in response to upcoming changes, and a commitment to update the National Framework again to set out these changes.
- **Virtual assessments:** updated language to emphasise person-centred approach to assessment location, to reflect best practice during the pandemic.
- **Fast Track Reviews:** language more closely aligned to [The National Health Service Commissioning Board and Clinical Commissioning Groups \(Responsibilities and Standing Rules\) Regulations 2012](#).
- **Spinal injury centres:** following stakeholder feedback, the update reinforces that spinal injury centres are specialist rehabilitation settings separate from acute hospital wards.
- **Collaboration:** additional wording on collaboration and partnership working between NHS bodies and local authorities as part of the CHC process.
- **Equalities Monitoring:** to bring the equalities monitoring questions at the end of the tools (Checklist, Decision Support Tool and Fast Track tool) in line with the latest NHS England Patient Level Data Set (launched in April 2022), we have updated the questions in the tools and added a 'disclaimer' for practitioners to read out before the start of the assessment. The disclaimer acknowledges that some individuals may not identify with the definitions used, and that we will take further action on this issue in the future.

If you have any questions on the 2022 Update to the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care, please contact the DHSC NHS Continuing Healthcare Policy Team at [chc@dhsc.gov.uk](mailto:chc@dhsc.gov.uk).

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