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have you visited this web site ?

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**your right to 100% NHS funded Continuing Care
under UK law and the Coughlan case**

updated 0900 Friday 21st August 2009

Pamela Coughlan won her case in the Law Lords , the highest court in the land, against this Government, in **July 1999** .
"Social Care" is part of Health Care - according to the Law Society and the Royal College of Nursing.
Breaking News: please see [What the Media report and Parliament](#) and our [Press Release](#)



These pages advise the UK public on their right, under existing law and the Coughlan case, to free nursing care 100% funded by the NHS - known as "Continuing Care".

The site is dedicated to Len and Eve Lovelock and was set up by their son Robin, after both good and bad "NHS/Social Security experiences" with his parents, seen here. Len passed away at home in January 2002, and Eve at Holyport Lodge Nursing Home in February 2003. Robin and his sister Sally thank all those who provided professional and loving care in the last years of Len and Eve's full and happy lives.



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the law is clear ...

“ The judgment 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. ”

- from the Law Society
- also applies to patients in their own home, a residential home, hospice, and of course, an NHS Hospital.

The Coughlan Case clarified the Law.

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who is eligible ?

- Patients with an equal or greater care need than Pam Coughlan qualify for Continuing Care and should be 100% NHS funded - under the law.
- Eligibility Criteria that fail Pam Coughlan are therefore unlawful and must be modified.
- Pam Coughlan's may not be the minimum health need the law requires to be 100% NHS funded.

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events in over 10 years

- 1996 Care in Community Act: “GP → PCT”
- 1999 Pam Coughlan’s Case won.
- 2002 MP Paul Burstow’s : 360,000 homes, etc.
- www.NHSCare.info Coughlan Campaign started.
- 2003 Ombudsman’s Report.
- 2004 Law Society evidence to Parliament.
- 2005 Grogan Case won. “...fatally flawed”.
- 2006 DoH “National Framework” consultation.
- 2008 National Framework and DST used
- 2009 the fraud continues, ten years after “Coughlan”

10 years, 700,000 families, £30 billion fraud.

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the crime continues ...

- maybe £30 billion has been criminally defrauded from perhaps 700,000 families and their estates, in the past 10 years.
- many will never reclaim the money due to lack of evidence – “medical records lost”.
- continues at maybe £3 billion per year.

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“we can't afford it”

- who are they kidding ?

- £3 billion v £100 billion NHS budget ?
- £3 billion v £1000 billion total spending ?

or do they mean “we can't afford to admit we are breaking the law” ?

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simple advice to families

- See video of Pam Coughlan – compare with patient
- Print the NHSCare Flyer which includes this advice.
- confirm that you have a case. Discuss with relatives.
- do what you feel is right for the patient.
- write at least one letter, mentioning Coughlan.
- consider refusal to pay for care – but think it through.
- keep a paper file of all information, letters, etc.
- take care what you sign... “without prejudice...” etc.
- record in writing any disagreement with NHS/SS.
- find a close friend or relative able to write letters.
- consider use of Solicitors and “no win no fee”

(above is a greatly simplified form of the advice on front page of nhscare.info)

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advice to NHS and Social Services staff
and those within the Care Industry

- do not break the law
- ignorance is no defence in Court
- consult www.nhscare.info
- consult the RCN publication
- obey your conscience

(simplified form of the advice on front page of nhscare.info)

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the “Coughlan Test”

- Compare the patient’s care needs with those of Pam Coughlan
- YES - if the patient has equal or greater care needs than Pam Coughlan.
- YES - if the patient already has a home (Social Services may not intervene).
- patient CAN be "stable and predictable".
- NOT sufficient to say “if called Pam and living within the centre of Exeter” 😊

DoH “National Framework” feedback to “Consultation” process

Comment:

- still not lawful (1946 Health Act & Coughlan)
- consultation is just another delaying tactic ?

Suggestions: that the DoH/Government state:

- how many would qualify ? 25,000+75,000 ?
- what additional budget ? £3 billion/year ?
- Include exact text of the “Coughlan Test”
- start effective “trawl back” to 1996. £30 billion ?
- start criteria for those below Coughlan threshold.

(above is simplification of Robin’s public letter of 11 September 2006)

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help us “spread the word”

- understand the simple facts
- mention www.nhscare.info
- use these briefing slides
- print and use the “Flyer” →
- Use the Press Release

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 for this advice

"The judgment 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. Visit the [warning](#) page and tell others around you of this web site. NHS Doctors and Consultants may wish to read extracts from Derek's recent letter to the BMA [here](#). "... the Law Society have no need to notify my solicitor of the BMA's Betans (formerly Betans As if) ... are writing so helpful letters ...". - from Derek's latest open letter to NHS Managers and Social workers [here](#). More "what's in it for me" welcome: please click [here](#).

simple advice for families ...

Print the [NHS Care Info flyer](#) which includes this advice. Make good use of it. Help us "spread the word".

can ask these people: including the [summary](#) to confirm that you have a case; discuss with close friends and relatives; do what you feel is right for the patient. This may include going along with us for helpful advice from Social Services.

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

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

keep a paper file of all information such as printouts from www.nhscare.info, all letters and medical history.

take care when signing 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 "With no prejudice. All Rights Reserved: see 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, "It didn't happen".

find a close friend or relative who is able to write and respond to letters ever what may be many years.

consider writing a complaint letter to the Primary Care Trust (PCT) - but see [Derek's page](#) on this.

Consider a complaint to the Ombudsman. Consider checklists [here](#).

This advice is from www.nhscare.info. Underlined words such as [here](#) are links to more information. 310706.

NHSCare.info Campaign

August 2009 version of briefing slides

Your right to 100% NHS funded
Continuing Care under UK Law

“we ask that the NHS obey the law”