

# Summary: Proposed changes to primary legislation – Introducing direct payments for Continuing NHS Healthcare



Llywodraeth Cymru  
Welsh Government

## What is this consultation about?

We want your views on proposed changes to primary legislation in relation to social care and Continuing NHS Healthcare.

We have published a consultation that sets out the detail of several proposals and asks related questions.

### Chapter 2 – Introducing direct payments for Continuing NHS Healthcare

Through implementation of the Social Services and Well-being (Wales) Act 2014, Welsh Ministers have sought to empower people to have greater voice and control over the care and support they receive.

An important element is a person's right to receive direct payments (monetary amounts) from their local authority which allow them to make their own arrangements to meet their eligible needs for care and support, or their support needs in the case of a carer.

Healthcare, provided by the NHS, is free at the point of need and when that need outweighs other care needs, a person may be eligible for a package of ongoing care known as 'continuing healthcare' ('CHC'). Currently, those receiving CHC cannot receive direct payments to make their own arrangements.

Concerns have been raised that transferring from local authority direct payments for care and support to a CHC package, arranged by the NHS to meet all health and care needs, can compromise a person's control. Welsh Government is considering whether to change the law to ensure that disabled and seriously ill adults can retain that choice of how, when and by whom their needs are met. This – alongside the National Framework for Continuing NHS Healthcare (April 2022) and practice guidance – aims to deliver on our Programme for Government commitment to 'improve the interface between CHC and direct payments'.

## What are we proposing?

To include within the NHS (Wales) Act 2006:

- a power for local health boards to make direct payments available to adults (or their representative) who have been determined as eligible for CHC
- a power for the Welsh Ministers to make regulations about these direct payments (e.g. what sort of care they can be made for, any exclusions, how the scheme will operate)
- a power for local health boards to give assistance to persons or bodies in connection with direct payments.

The consultation invites views on these proposals and their likely impacts, benefits, costs and risks. It asks whether lessons can be learned from practice in other countries; whether there are other or complementary approaches that could be considered; and whether the law should be supported by guidance about how the system operates.

## How can I share my views with Welsh Government?

You can submit your response **by midnight on 7 November 2022**, in the following ways:

- Complete our online form, **or**
- Download, complete our form and email it to: [SocialCareConsultation@gov.wales](mailto:SocialCareConsultation@gov.wales) **or** post it to the address noted in the consultation document.

Please read the consultation document before considering your response. This is available at: [gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care](https://gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care)