**Funded Nursing Care**

**Update for Care Forum Wales – 21 January 2019**

This has been a long-running saga with amounts paid across being challenged for 2014/15, 2015/16, 2016/17 and 2017/18. I know it has become quite difficult for providers to follow where we are. I have therefore tried to set out the full situation and payments owed below.

We have now agreed with the Health Boards the full amounts that should have been paid for 2014/15, 2015/16, 2016/17 and 2017/18.

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| --- | --- | --- | --- |
|  | **HB component of FNC rate**  **(8.855 hours plus continence)** | **Social care related to FNC and so funded by LA**  **(0.385 hours)** | **Total FNC weekly rate**  **(9.24 hours plus continence component)** |
| **2014/15** | £161.62 | £6.55 | **£168.17** |
| **2015/16** | £161.97 | £6.56 | **£168.53** |
| **2016/17** | £163.48 | £6.63 | **£170.11** |
| **2017/18** | £165.28 | £6.70 | **£171.98** |

The amounts paid before the Supreme Court judgment in August 2017 were:

2014/15 £146.32

2015/16 £146.65

2016/17 £148.01

2017/18 £149.67

With part of these amounts having being paid in arrears in 2016 following an acceptance during the court care of part of the providers’ argument.

Then in March 2018 the Health Boards took a decision that the rate for 2017/18 should have been the amounts below before it was pointed out by CFW that there was a further error in the calculations and they accepted the amounts should have been as listed above.

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| --- | --- | --- | --- |
| **2017/18** | £162.75 | £6.59 | **£169.34** |

Some Health Boards have since March made this payment with BCUHB also paying the LA element on behalf of the local authorities.

Therefore the amounts still owing to providers are:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **HB component of FNC rate** | **Social care related to FNC and so funded by LA** | **Total amount owing** |
| **2014/15** | £15.30 | £6.55 | **£21.85** |
| **2015/16** | £15.32 | £6.56 | **£21.88** |
| **2016/17** | £15.47 | £6.63 | **£22.10** |
| **2017/18** | £2.53 - £15.61 | £0.11-6.70 | **£2.53 - £22.31** |

With the amount relating to 2017/18 dependent on whether you have already received part of the back payment this year.

The Health Boards are holding back a small amount to represent the amount allocated to paid breaks in the original calculations of FNC, however the remainder is being paid now. The full local authority amount can also now be paid. These payments have now started to be made. Please see the end of the briefing for updates by Health Board area. The amounts agreed to be paid are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Health Board amount owing | Amount to be withheld as above | Health Board amount to be paid | Local Authority amount to be paid |
| 2014/15 | £15.30 | £2.21 | £13.09 | £6.55 |
| 2015/16 | £15.32 | £2.22 | £13.10 | £6.56 |
| 2016/17 | £15.47 | £2.24 | £13.23 | £6.63 |
| 2017/18 | £2.53 - £15.61 | £2.26 | £0.27-13.35 | £0.11-6.70 |

The amounts withheld will be repaid on receipt of a declaration the wording of which is currently being agreed. We expect nursing homes will be required to say they either confirm they pay for breaks and can provide evidence, confirm the costs of paid breaks are included within the overall salary package and can provide evidence, or they confirm paid breaks are included within salary and they are confirming via a signed declaration. We expect the wording to be issued to providers to return in February.

The FNC rate for 2018/19 will go to Health Boards in January but we are expecting it to be £174.67 (£167.87 from Health Boards and £6.80 from local authorities).

We had a meeting with the Health Boards on 18th January where we discussed:

* the situation regarding back payments for self-funders and the Health Boards now understand that where providers’ contracts separate out the FNC rate from the remainder of the self-funder rate then the amount is owed to the provider not the self-funder;
* those Health Boards where the CHC rate is linked to the FNC rate where which we will be taking up with the individual Health Boards;
* the arrangements for setting the FNC rate going forward.

We expect to meet again in late February to resolve the outstanding issues.

**Health Board and local authority back payment processes – please let me know if you have any updates on this**

***Abertawe Bro Morganwg***

LHB & LA element for 2017/18 paid (as per March figures above) by Bridgend & Swansea LA but not NPT. However Swansea have indicated that they will be reclaiming the HB element and the HB will then pay this. In terms of the remaining amounts the Health Board plans to issue plan is to issue statements to the Care Homes in early January 2019 and will then reimburse upon receipt of a matching invoice. Bridgend have also paid LA element for 2018/19 – not sure if this is at correct amount?

***Aneurin Bevan***

The Health Board has paid its element for 2017/18 (as per March figures above) and has asked providers to invoice them for the remaining amounts and they advise that all invoices they have received from Providers will be paid before Christmas. No information as yet from local authorities.

***Betsi Cadwaladr***

The Health Board has paid both the Health Board and the local authority elements for 2017/18 as per March figures above) and is intending to pay the remaining elements on 21 December. There is no requirement to invoice.

2017/18 adjustment to go out by end of January.

***Cardiff & Vale***

The Health Board will make its payments in January – at least one provider has received but not all. No information as yet from local authorities.

***Cwm Taf***

Response awaited from both Health Boards and local authorities.

***Hywel Dda***

The Health Board will make its payments in January. Not clear yet if this will also include local authorities.

**Powys**

Response awaited from both Health Board and local authority.