



**GIG**  
CYMRU  
**NHS**  
WALES

Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board

Cadeirydd Dros Dro/ Interim Chair: **Emma Woollett**  
Prif Weithredwr/Chief Executive: **Tracy Myhill**

**gofalu am ein gilydd, cydweithio, gwella bob amser**  
**caring for each other, working together, always improving**

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 6<sup>th</sup> December 2019  
Ein Cyf / Our Ref: 19-K-017

☎ 01639 648363

✉ FOIA.Requests@wales.nhs.uk

[REDACTED]

Corporate Services  
Headquarters  
1 Talbot Gateway  
Baglan  
Port Talbot, SA12 7BR

[REDACTED]

I refer to your Freedom of Information Act Request acknowledged by ourselves on 12<sup>th</sup> November 2019. Your request sought information relating to continuing care assessments.

**Please provide details of the test applied to NHS Continuing Healthcare Assessments, the reference being, Grogan v Bexley NHS Care Trust, "107. In that consideration in my view, the Care Trust should; i) identify the test it applies,"**

**You clarified on the 13<sup>th</sup> November 2019, that where you referred to the 'test applied', you meant the following:**

**The National Framework for NHS Continuing Healthcare and NHS-Funded Nursing Care Revised (2012) & (2018) state;**

**Key relevant points from the Grogan judgement include:**

- In assessing whether Mrs Grogan was entitled to NHS continuing healthcare, the care trust did not have in place – and did not apply – criteria which properly identified the test or approach to be followed in deciding whether her primary need was a health need.**

**Other than the National Framework, please provide copies of, or point to documents - policies, instructions, guidance, advice, notes, relating to, acknowledging, recognising and identifying "the test" and what that "test" is, which is applied to NHS Continuing Healthcare Assessments, the reference being Maureen Grogan v Bexley NHS Care Trust, (Case Law),**



Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe  
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

**namely: " 107. In that consideration in my view, the Care Trust should;  
i) identify the test it applies,""**

I can confirm that the Health Board does not have its own policy, instructions guidance etc, but follows the Welsh Governments 'Continuous NHS Healthcare - The National Framework for Implementation in Wales' along with the 'Decision Support Tool for Continuing NHS Healthcare'. Please find copies of these two documents attached.

I hope this information is helpful. If you require anything further please contact us at [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below or register your complaint via [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2<sup>nd</sup> Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely

Pam Wenger  
**Director of Corporate Governance**

