# Dementia patient wins legal battle to secure NHS care funding



An 82-year-old man suffering from dementia has secured a significant legal victory against the NHS, ensuring he will not be forced to sell his home to cover escalating care costs. Leonard Manning, who was diagnosed with dementia in 2023 and has been hospitalised since May after experiencing a severe stroke, faced the potential sale of his £150,000 house in Aberdare to manage the burden of care home fees, which can reach £1,800 per week. However, recent developments have compelled the NHS to honour its obligation to fund all future care costs for Mr Manning under the Continuing Healthcare (CHC) scheme.

The CHC programme is a fully-funded provision by the NHS, designed to cover care-related expenses for individuals whose needs are primarily health-related rather than social. Unfortunately, legal experts suggest that many families, like the Mannings, have lost out on substantial amounts of financial aid due to inadequate assessments within the NHS framework. This issue has brought attention to the struggle faced by families who are often unaware of their entitlement to fully funded care.

Graham Manning, 60, Mr Manning's son, expressed his frustrations after his father was initially denied NHS funding for CHC, despite the fact that he could not communicate due to heavy sedation. "Before he suffered a stroke, Dad lived independently. He had never been unemployed and had never taken from the system, and it was wrong. It was my duty to fight for my father," Graham stated. The anxiety over financial strains intensified for the family as they feared Mr Manning's savings would swiftly be depleted if he was forced to pay for care out of pocket.

Mr Manning, a former RAF member and a local government officer with a background in Mensa, received emergency treatment at an A&E in Merthyr Tydfil on May 8 last year. Following his admission, he was transferred to a community hospital where he remains under medical care. Despite social workers indicating that he met the criteria for CHC, an initial assessment in July deemed him ineligible, prompting the family to seek legal assistance.

Lisa Morgan, a partner at the law firm Hugh James, highlighted the systemic failures affecting thousands each year. "Every year thousands of people are unfairly missing out on millions of pounds in NHS Continuing Healthcare funding. The NHS is failing to assess individuals correctly, and many are not fully aware of the funding they're entitled to, meaning they don't challenge decisions," she explained. Morgan's team supported the family in demonstrating that Mr Manning's health needs were sufficiently complex to warrant NHS funding. Subsequently, it was agreed that he qualified for CHC and could be discharged to a care home that provides general nursing.

Plans are in place for Mr Manning to undergo a reassessment three months following his discharge, with further evaluations planned each year to confirm his eligibility for CHC funding as dispensed by Cwm Taf Morgannwg University Health Board. Hugh James has garnered over £200 million in reimbursements for families experiencing similar challenges, contributing to a broader total of £400 million recovered across the UK.

Graham voiced his determination through the ordeal, stating, "After Dad was denied CHC, I knew it was not right. It made me livid and determined to do everything. How can they carry out an assessment when patients are constantly sedated? The system almost failed him." He further remarked on the burdensome nature of the bureaucratic system, indicating that it can lead to severe emotional strain for families in similar situations.

In response to the case, a spokesperson for Cwm Taf confirmed that as patient needs evolve, it is common for CHC assessments to be revisited, which can lead to adjustments in funding eligibility. While they refrained from commenting on specific patient care, they affirmed ongoing communication with the Manning family regarding Mr Manning's circumstances.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://hansard.parliament.uk/commons/2025-01-13/debates/9E924211-FFE3-4377-95FD-00168281766E/HospiceAndPalliativeCare> - This URL discusses palliative care and legal uncertainties in health-related funding, which might indirectly relate to issues of healthcare assessments affecting patients like Mr. Manning, although it does not directly address the Continuing Healthcare scheme.
* <https://www.courts.michigan.gov/492eca/siteassets/publications/benchbooks/evidence/evidbb.pdf> - This document does not directly corroborate the article's claims but provides a legal context regarding evidence and assessments, which could be relevant to the broader legal issues surrounding healthcare funding.
* <https://en-in-qj.obnews.co/Flow/News/id/9681453.html?val=31d24822636d2c1d5595e1d67f8021d8&ch=oppo&g_v=SBie7Ls8G4WyGFeBUHgO_GfRdjFpiJTLkpdfOy18gtcOJ0l6TEDA3aC8IQHceXaP> - This URL reports on a legal case involving the NHS, though it does not specifically address the Continuing Healthcare scheme or Mr. Manning's case.
* <https://www.nhs.uk/using-the-nhs/about-the-nhs/nhs-services/nursing-and-home-care/continuing-care/overview/> - This URL provides information on NHS Continuing Healthcare, explaining how it covers care costs for individuals with primary health needs, directly supporting the context of Mr. Manning's situation.
* <https://www.ageuk.org.uk/information-advice/care-and-support/nhs-continuing-healthcare/what-is-nhs-continuing-healthcare/> - This URL offers detailed explanations of NHS Continuing Healthcare, including eligibility criteria and the assessment process, which aligns with the challenges faced by Mr. Manning's family.