



Government Circular No. 30/08

**DEPARTMENT OF HEALTH AND SOCIAL SECURITY**

**NURSING CARE CONTRIBUTION  
SCHEME 2008**

The Nursing Care Contribution Scheme 2008, made by the Department of Health and Social Security on 28<sup>th</sup> May 2008, approved by resolution of Tynwald on 16<sup>th</sup> July 2008 and coming into operation on 5<sup>th</sup> October 2008.

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# The Nursing Care Contribution Scheme 2008

## PART 1

### *Introduction*

#### **Citation and commencement**

1. This Scheme may be cited as the Nursing Care Contribution Scheme 2008 and shall come into operation on 5<sup>th</sup> October 2008.

#### **Interpretation**

2. In this Scheme –

“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 (c.4) as that Act of Parliament has effect in the Isle of Man<sup>1</sup>;

“the Department” means the Department of Health and Social Security;

“nursing care contribution” means a nursing care contribution under this Scheme; and

“whole week” means a period of seven days beginning on a Sunday.

## PART 2

### *Conditions of entitlement*

#### **Condition of entitlement to a nursing care contribution**

3. A person is entitled to a nursing care contribution if he satisfies the nursing care condition mentioned in paragraph 4.

#### **The nursing care condition**

4. (1) Subject to paragraph 5, a person satisfies the nursing care condition if he–

- (a) is residing in a nursing home to which section 1(1)(c)(i) of the Nursing and Residential Homes Act 1988 (c.9) applies; and
- (b) is provided in that home with nursing care by a registered nurse (other than nursing care provided under the National Health Service Act 2001 (c.14)) in respect of which he pays a charge.

(2) In sub-paragraph (1) –

- (a) “nursing care by a registered nurse” means any services provided by a registered nurse and involving—
  - (i) the provision of care, or
  - (ii) the planning, supervision or delegation of the provision of care,

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<sup>1</sup> See S.D. 505/94.

other than any services which (having regard to their nature and the circumstances in which they are provided) do not need to be provided by a registered nurse; and

- (b) “registered nurse” is to be construed in accordance with the Nursing and Midwifery Order 2002<sup>2</sup>.

**Persons treated as satisfying the nursing care condition: hospital in-patients and persons temporarily absent from the Isle of Man**

5. (1) A person who temporarily fails to satisfy the nursing care condition while he is absent from a nursing home shall be treated as satisfying that condition while –

- (a) he is a hospital in-patient but only for a continuous period of not more than 6 weeks; or
- (b) he is absent from the Isle of Man but only for a continuous period of not more than 4 weeks,

and during that absence he remains liable to pay a retaining fee in respect of that home.

(2) In sub-paragraph (1)(a) “hospital in-patient” means a person who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005<sup>3</sup> (as they have effect in the Isle of Man)<sup>4</sup>.

(3) For the purposes of sub-paragraph (1)(b) any two or more periods of temporary absence from the Isle of Man separated by a break of not more than 56 days shall be treated as one continuous period.

PART 3

*Administration*

**Administration**

6. The Department shall make arrangements for identifying persons who (in its opinion) appear likely to satisfy the conditions of entitlement to a nursing care contribution.

PART 4

*Finance*

**Amount of a nursing care contribution**

7. (1) Subject to sub-paragraph (2), a nursing care contribution shall be payable –

- (a) at the rate of £60.00 per whole week in respect of which a person satisfies the conditions of entitlement to such a contribution; and

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<sup>2</sup> S.D. 159/02.

<sup>3</sup> S.I. 2005/3360.

<sup>4</sup> S.D. 82/06.

- (b) at the rate of £8.57 per day in respect of any period of less than a whole week in respect of which a person satisfies the conditions of entitlement to such a contribution.

(2) In the case of a person who satisfies the nursing care condition by virtue of paragraph 5(1)(a) (hospital in-patients), a nursing care contribution shall be payable at the rate of 80% of the rate that would be payable to him under sub-paragraph (1) were he to satisfy that condition by virtue of paragraph 4.

### **Nursing care contribution, etc. to be payable out of money provided by Tynwald**

8. Any nursing care contribution and any other expenses of the Department attributable to this Scheme shall be paid out of money provided by Tynwald.

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Made on

28<sup>th</sup> May 2008



Minister for Health and Social Security

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### **EXPLANATORY NOTE**

(This note is not part of the Scheme)

#### **1. Introduction**

- 1.1 This Scheme provides for the introduction of a payment (called a “nursing care contribution”) to be made by the DHSS to persons living in private nursing homes to help them meet the cost of their private nursing care.
- 1.2 Paragraph 1 provides for the citation and commencement of the Scheme.
- 1.3 Paragraph 2 provides for the interpretation of certain terms appearing within the Scheme.

#### **2. Conditions of entitlement to a nursing care contribution**

- 2.1 Paragraph 3 introduces the qualifying condition for entitlement to a nursing care contribution: the nursing care condition.

### **3. The nursing care condition**

3.1 Paragraph 4 sets out the nursing care condition.

3.2 A person satisfies the nursing care condition if they are –

- residing in a nursing home to which section 1(1)(c)(i) of the Nursing and Residential Homes Act 1988 applies; and
- provided in that home with nursing care by a registered nurse (other than National Health Service nursing care) in respect of which they pay a charge.

3.3 However, paragraph 5 provides that persons who are temporarily absent from a nursing home while they are –

- in hospital (but not for any longer than 6 weeks at a time); or
- outside the Isle of Man (but not for any longer than 4 weeks at a time),

shall be treated as satisfying the nursing care condition if they remain liable to pay a retaining fee in respect of the home they normally live in.

In calculating the length of a person's absence from the Isle of Man to determine whether or not they breach the 4-week maximum, any two or more periods of absence separated by a break of not more than 56 days shall be treated as one continuous period.

### **4. Administration**

4.1 Under paragraph 6 the DHSS must make arrangements for identifying persons who appear likely to satisfy the conditions of entitlement to a nursing care contribution.

### **5. Amount of a nursing care contribution**

5.1 Paragraph 7 provides that a nursing care contribution shall be payable at the rate of £60.00 per whole week or at a daily rate of £8.57 for periods of less than a whole week.

5.2 However, in the case of hospital in-patients who are treated as satisfying the nursing care condition by virtue of paragraph 5 (see paragraph 3.3 of this note), the amount of the nursing care contribution payable shall be only 80% of the amount which would otherwise be payable to them if they were not absent from the nursing home.

### **6. Payment of nursing care contributions, etc. to be made out of money provided by Tynwald**

6.1 Paragraph 8 provides that the cost of paying nursing care contributions under the Scheme and any other expenses incurred by the Department which are attributable to the Scheme shall be paid out of money provided by Tynwald.