

Forthcoming Events

You may be interested in attending some of the following events, please go to their website for further information:

2010

25th March	SIA Cornflower Ball, Manchester www.spinal.co.uk	1st – 3rd July	Mobility Roadshow, Peterborough www.mobilityroadshow.co.uk
29th April	Aspire Sports Quiz, London www.aspire.org.uk	11th – 12th September	Beyond Boundaries, Farnborough, Hampshire www.beyondboundarieslive.co.uk
20th - 22nd April	Naidex NEC Birmingham www.naidex.co.uk		

Irwin Mitchell annually produces a booklet detailing the welfare benefits and tax credits for injury or illness. If you would like a copy of the April 2009 – April 2010 edition, please fill out your contact details and send back to Lynne Carrick-Leary, Irwin Mitchell LLP

Fax: 0161 839 9804

Email: lynne.carrick-leary@irwinmitchell.com

FREEPOST RRGU-ACCC-YRJU, Lynne Carrick-Leary, Irwin Mitchell Solicitors, Bauhaus, Rossetti Place, 27 Quay Street MANCHESTER M3 4AW

Name:

Job title (if appropriate):

Organisation (if appropriate):

Address (business or home):

Telephone Number:

Email Address:

Fax Number (if appropriate):

We hold the information you supply us on our database and will use this to supply legal or financial services to you where you have requested this. From time to time we may send you information on other products and services provided by Irwin Mitchell. If you do not wish to receive this additional information please tick this box.

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Spinal Injury Focus

Winter 2010 – Issue Three

Welcome ...

to the third issue and our 'new style' Spinal Injury Focus that looks at the world of spinal injuries in closer detail. We will be looking at specific issues relevant to spinal injuries as well as the charitable causes that we support which we know many of you are also involved with. If you have any feedback on this issue or would like us to address any particular spinal injury issues, please email us at: SCIGroup@irwinmitchell.com

Irwin Mitchell lend a helping hand

Last year, a group of Irwin Mitchell employees from the Manchester office swapped their office attire and dusted down their decorating overalls, rolled up their sleeves and lent a helping hand at an adapted house in Liverpool which is part of Aspire's Housing Programme.

The team of eight got stuck in doing everything from assembling furniture and putting up curtains to gardening and kitting out the kitchen. Irwin Mitchell also sponsored one of the rooms in the house, which allowed Aspire to buy the essential equipment to ensure that a wheelchair user can have independence and accessibility to all aspects of the house.

Lynne Carrick-Leary, Communications Manager at Irwin Mitchell commented:

"It is fantastic to see first hand the good work that Aspire do and how it is helping people with spinal injuries in a very practical way. It is a really great house and a fabulous project and Irwin Mitchell are delighted to have been involved."

Based in Woolton, Liverpool, the house is part of the Aspire Housing Programme. Aspire research has shown that around 70% of those who sustain a spinal cord injury are likely to have unsuitable housing available once they are ready to be discharged from



Staff from both Irwin Mitchell and Aspire pull together for DIY!

hospital; this could mean a prolonged stay in hospital, a return to an unsuitable house or a nursing home. The Liverpool house provides an alternative to these and is part of Aspire's expanding provision of houses around the UK.

For further information on Aspire's Housing Programme, please visit their website: www.aspire.org.uk



When is care a health need and when is it only social?

by Mathieu Culverhouse

Much has been written in recent months about the NHS Continuing Healthcare Guidelines, and just who is eligible for PCT funded care. The new Framework, which came out in October 2007, was intended to standardise decision making around the country. But we are still seeing evidence that some PCTs are trying to escape from their duties and pass the responsibility for care to the Local Authority.

Mathieu Culverhouse, from our Public Law Team in Manchester, recently dealt with a case that throws light on different interpretations in different areas. Our client, Pat (not her real name) is a 63 year old lady who has been spinal cord injured for over 25 years. In addition to being paralysed from the chest down she also has liver disease, the use of only one lung and severe pressure sores after her latest hospitalisation.

When she was initially discharged from hospital after her spinal injury, Pat had a package of care put in place that included morning and night care by nurses, and day care by healthcare assistants. Later her day care was designated as social and paid for, but the morning and night care remained as health. However in July 2006 she was informed that all her care had now been redesignated as social rather than healthcare, and consequently the night and morning care would be withdrawn, and replaced by care provided by Social Services.

Pat and her husband complained about this, and it was agreed that the existing care arrangements would stay in place until the complaint had been resolved. However when Pat was hospitalised in 2008 for two months with respiratory failure, they were told that she would not be discharged home until the funding arrangements had been agreed. Concerned that a prolonged stay in hospital would have detrimental side effects, Pat and her husband arranged private care so that she could be discharged home.

In October 2008 their local PCT carried out two assessments, which both concluded that Pat did not meet the criteria in a sufficient number of domains and consequently the PCT were not responsible for her care needs. Pat and her husband were very unhappy with this decision and asked Irwin Mitchell to help them with their appeal.

We instructed a nursing expert to attend while Pat was having a further assessment for NHS Continuing Healthcare. Our nursing expert was able to highlight Pat's health needs to the assessor and, we believe largely as a result of our intervention, she was found to be eligible for NHS Continuing Healthcare. Obviously this has resulted in a significant long-term financial benefit to Pat and her husband, and the PCT also agreed to reimburse the money which had been paid for private care.

Pat and her husband comment: 'You can't describe what the support from Irwin Mitchell meant to us right from the start of the complaint through to the last Continuing Care decision. We were able to check everything we wrote to the PCT with them and their advice gave us the strength to continue. It made us feel that we were not alone – and you can feel alone when you are dealing with PCT officials who, however nice they are as individuals, are interpreting criteria in a way which is prejudicial to you. Of course Continuing Care is reviewed regularly and it is a great comfort to know where to turn again if decisions go against us.'

If you have any questions about Public Law issues, please contact Mathieu direct at: mathieu.culverhouse@irwinmitchell.com

Sponsorship Support for Back-Up

During 2009, the Back Up Trust enjoyed the support of an Irwin Mitchell bursary fund that enabled children and adults to be able to participate in life-changing courses run by Back-Up.

Courses were open to anyone with spinal cord injury, whether they were eight or 80, male or female. Back Up's mission is to provide a supportive social network centered on the individual needs of people with spinal cord injury, taking into account friends, family, colleagues and medical professionals to support the rehabilitation process.

Anne Luttman-Johnson, Client Liaison Manager from Irwin Mitchell said: "We were very proud to be supporting the bursary for the Back-Up Trust. We deal with people on a daily basis who are living with the consequences of spinal injuries. The work the charity does is invaluable to people with such injuries, providing them with opportunities to build their confidence and surpass their own expectations of what they can do in a positive and enjoyable way."

Bea Richardson, Fundraising Manager at the Back-Up Trust said: "It means a great deal to receive the sponsorship from Irwin Mitchell as this enables us to support more people with spinal cord injury to surpass their aspirations. Back-Up courses can be a life changing experience for participants but are also expensive to run. All support that helps us to achieve our aims of



Chris Wahl from Northampton enjoying a Back Up course.

spinally injured people pushing outside their comfort zone is very important and the Irwin Mitchell bursary allowed us to reach those who would benefit the most from attending such a course, regardless of their ability to contribute."

www.backuptrust.org.uk

Physability

The Physability Centre in Stroud, Gloucestershire helps spinal cord injured people maximise their fitness and their mobility through an intensive exercise programme that is tailor made to each person's abilities. Their mission is to tap into every possible movement each person has to offer, in an attempt to regenerate and re-educate muscle function.

The original concept came from the Dikul Institute in Russia, which was founded by one man (Valentin Dikul) who taught himself to walk, following a spinal cord injury, by re-educating and re-strengthening muscles through an intensive exercise regime. The centre is run by two therapists who work on a one to one basis with their clients. Their exercise equipment is designed to provide a range of exercises that are not generally available in a normal gym environment.

One of Physability's clients, David Follett, has been going to the centre once a week since he was discharged from his spinal injury centre. Although David is tetraplegic, paralysed below C6, his injury is incomplete and he has managed to maximise the limited muscle power he can still control. He is now able to stand

and walk between parallel bars with assistance from his therapist, wearing custom made boots (rigid AFO'S). Whilst the walking practise has a long way to go, David is pushing the boundaries a little further each time. Learning to walk again is not the only goal for David and the centre has also enabled him to improve flexibility, balance, strength and cardio-respiratory fitness through a combination of prescribed exercises.

For further information about the work of the centre go to their website: www.physability-uk.com or email them on info@physability-uk.com

The Back Up Dragon Boat

Team IM took to the seas last September, well the Thames anyway and battled against strong headwinds and choppy waters in the name of dragon boat racing and fund raising for Back Up.

After initial clashing of paddles and ritual soaking of team members the team got into their stride. In Race One, the team got off to a good start but were beaten by a narrow margin.

Back on dry land the team headed for the bar but before they even had time to down their pints they were being called for Race Two.

In Race Two with a change of tactics and seeing the strongest paddlers take to the middle of the boat the team got off to a strong start. Despite a near capsize mid race as the boat precariously dipped to the left, the team maintained their lead by a whole boat length and knocked three seconds off their previous time. Unfortunately the team did not quite grasp the 'stopping the boat' technique and crash landed into the jetty successfully getting the front of the boat stuck on the jetty.

The helm looked concerned and immediately instructed the team to back paddle which they duly did but the boat was stuck fast. A further attempt at back paddling failed to release the boat too and eventually the front of the boat had to be lifted off the jetty back into the water.



The team then headed back to the bar before ambushing the barbeque. If there was prize for getting to the front of the BBQ queue the team definitely would have come first!

A good time was had by all, the team didn't capsize and it didn't rain and over £2600 was raised by Team IM for Back Up.

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