

Overview NHS Charging for Maternity Care **England**

Gerry Hickey March 2023



maternity action

challenging inequality: promoting wellbeing



Maternity Action

Maternity Action is the UK's leading charity committed to ending inequality and improving the health and wellbeing of pregnant women and their families: <https://maternityaction.org.uk/>

We offer a range of advice services, including two specialist services for migrant women:

- The Maternity Care Access Advice Service
- The Migrant Women's Rights Service *See resources end of slides for more details*



NHS Charging Regulations in England Department of Health

The NHS is not classed as '**public funds**' but some groups of people are chargeable for some forms of **secondary healthcare**

Healthcare is a devolved matter so Scotland, Northern Ireland and Wales have different, older regs in place

Primary Healthcare

Primary healthcare- GPs , dentist, opticians

Everyone can access primary healthcare regardless of immigration status

GP is **free to everyone** but some people need to pay for dentists, opticians if they are not on benefits or don't have a HC2 certificate A guide to HC2 certificates:

<https://maternityaction.org.uk/advice/no-recourse-to-public-funds-free-prescriptions-and-other-nhs-healthcare-services-for-pregnant-women>

NHS Charging Regulations (England). The latest regs were introduced in 2015 but they have been amended a few times since

- Regs place a legal duty on NHS to establish who is chargeable, **who is exempt** and to recover charges from those liable to pay.
- Most charging for secondary care takes place in hospitals
- 2015 regs **introduced 150%** charges tariff for those who are chargeable for secondary healthcare
- Charging is done by Overseas Visitors Team in hospitals and Trusts

Who is entitled to free NHS secondary healthcare in England?

- In most cases British Citizens and those with 'settled status' are entitled to free secondary healthcare.
- Several other groups, who don't have settled status, will be exempt from charging due to their immigration status. This includes:

Refugees, asylum seekers, unaccompanied asylum seeking children, victims of trafficking in support, those in detention facilities, those detained under the mental health act and those who have paid the Immigration Health Surcharge

Secondary Healthcare Exemptions

- Some secondary healthcare is exempt from charging and is available to all migrants regardless of their immigration status. In these cases it is the treatment that is exempt and not the person.
 - A+E, (but not once you are admitted into hospital)
 - NHS walk in centres, minor injuries units
 - HIV, sexually transmitted diseases and other infectious diseases such as TB etc, (long list contained in guidance)
 - Covid (testing and treatment)

Secondary Healthcare exemptions (2)

- family planning, (not terminations of pregnancy)
- victims of particular forms of violence. This includes torture, domestic violence, sexual violence including rape. NB There must be a causal link between the injuries sustained, including mental and physical health problems, and the particular form of violence

'Immediately necessary treatment'

Should never be withheld for want of payment but person may receive bill during or after their care.

DOH guidance define this as treatment which a patient needs:

- to save their life; or
- to prevent a condition from becoming immediately life threatening; or
- promptly, to prevent permanent serious damage from occurring

All maternity care (pre and post natal) is considered immediately necessary

Maternity Services

- Maternity services must be treated as being immediately necessary. No one must ever be denied, or have delayed, maternity services due to charging-related issues.
- Although a woman must be informed if charges apply to their treatment, in doing so she should not be discouraged from receiving any part of her maternity treatment.
- Charges are packaged – no benefit in reducing number of appointments attended
- If the baby is 'settled' or a British citizen , no charges should be made for their care



So who is chargeable?

- undocumented migrants
- Those on a visitor visa and fiancée visa
- overstayers - inc if application for leave is pending
- refused asylum seekers not on s4 or Care Act support
- Those who have made an immigration application and have paid the Immigration Health Surcharge but have not received a response from the Home Office
- Some EEA nationals who entered the UK after on or after 1st of January 2021

NHS

debts and notifying the Home Office

The NHS can tell the Home Office if there is a NHS of over £500 (that are more than two months old) from 6/4/16.

NHS debt is a general ground, under the immigration rules, for refusing an application for leave or to extend an application for leave . A decision to refuse an application for leave on the grounds of a NHS debt can be challenged

Note: Those making protection based claims, such as a claim for asylum, **can not be** refused leave on the grounds of a NHS debt.

Impact of Charging Women for Maternity Care

- The regulations are complex and are not fully understood by Trusts
- Mistakes are made and women are being wrongly charged
- Exemptions for particular forms of violence are not widely understood
- Women avoid care for fear of charging so are greater risk of developing complications. Others will approach very late in the pregnancy
- Women who are charged for the maternity care are likely to be living in poverty levels of support which will be worsened by NHS debt
- Women who are charged experience high levels of stress, which impacts their mental health and the wellbeing of their children
- More information on impacts see
- <https://maternityaction.org.uk/vawg-report-december-2019/>
- <https://maternityaction.org.uk/wp-content/uploads/WhatPriceSafeMotherhoodFINAL.October.pdf>

Useful Resources

- **Principle guidance** on implementing the National Health Service (Charges to Overseas Visitors)
- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132039/2023.01.06 -
Implementing the overseas visitor charging regulations - January update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132039/2023.01.06_-_Implementing_the_overseas_visitor_charging_regulations_-_January_update.pdf)

Chapter (7) 7.5 onwards

Maternity Action

Maternity Care Access Advice Service

<https://maternityaction.org.uk/maternity-care-access-advice-service/>

Migrant Women's Rights Service

<https://maternityaction.org.uk/migrant-womens-rights-service/>

Maternity Action Information Sheets

<https://maternityaction.org.uk/charging-for-nhs-maternity-care/> covers maternity care but the rules also apply to other forms of secondary healthcare.

Useful Resources

A guide to HC2 certificates: <https://maternityaction.org.uk/advice/no-recourse-to-public-funds-free-prescriptions-and-other-nhs-healthcare-services-for-pregnant-women/>

Debt Advice Foundation - <http://www.debtadvicefoundation.org/>

Doctors of the World <https://www.doctorsoftheworld.org.uk/our-work/uk/>

Can assist with helping an individual to register with a GP.

Doctor of the World Hospital Access Project email:
casework@doctorsoftheworld.org.uk Advice Line on 0808 164 7686
(Monday-Friday, 10am-12pm) Advice for those charged up front for secondary healthcare.