

NHS FUNDED CARE/CONTINUING HEALTH CARE LOCAL RESOLUTION POLICY

| | |
|-----------------------|--|
| Document Title | NHS Salford Clinical Commissioning Group (CCG) NHS Funded Care local Resolution Process – for requests of a re-review/appeal of eligibility of continuing Health Care |
| Owner | Jacque Purser – Head of NHS Funded Care |

| Version | No. | Date Issued | Purpose |
|--------------|------------|-------------------|--|
| Draft | 0.1 | 30.09.13 | The purpose of this policy to ensure that due process is followed in line with the Continuing Healthcare National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (DH 2007, revised 2009 and 2012) and also with the Strategic Health Authority Operational Policy for Independent Review Panels (SHA 2009). Distributed for comments |
| | 0.2 | 12.12.13 | Comments/amendments made for implementation as soon as possible. |
| Final | 0.3 | 28.05.2014 | Ratified by NHS Salford CCG Executive Team |
| | | | |

NHS SALFORD CLINICAL COMMISSINGING GROUP (CCG) NHS FUNDED CARE LOCAL RESOLUTION PROCEDURE

1. INTRODUCTION

In exercising their functions under sections 2 and 3 of the National Health Service Act 2006, insofar as they relate to NHS Continuing Healthcare, Clinical Commissioning Groups (CCG) must comply with paragraphs (2) to (8) of the NHS Continuing Healthcare (Responsibilities) Directions 2007.

Where a NHS CCG has decided that a person is not eligible for NHS Continuing Healthcare pursuant to paragraph (3) or (5), it must inform the person (or where relevant someone acting on that person's behalf) of the circumstances and manner in which he may apply for a review of the decision if he is dissatisfied.

1.1 CCGs should deal promptly with any request to review decisions about eligibility for either NHS Continuing Healthcare or NHS-funded Nursing Care. The CCG's local Continuing Healthcare Resolution process will be the usual first step, unless it will add unnecessary delay in resolution.

1.2 Once a case has been considered at the Continuing Healthcare Ratification Panel, if the claimant disagrees with the decision they have the right to request an appeal, in accordance with the National Framework for NHS Continuing Healthcare and NHS Funded- Nursing Care. The patient and /or representative has 28 days from the date of notification of the panel decision within which to write to NHS Salford CCG to request commencement of a review outlining why they feel the National Framework for Continuing Healthcare has not been robustly applied. The 28 day timescale is an administrative timescale to allow a prompt and timely response to be initiated. Once a request for a review has been received, by the NHS Funded Care Team, the NHS Funded Care Team Lead will acknowledge receipt of the request in writing to the patient/representative within five working days.

2. STAGES IN THE PROCESS OF APPLICATION FOR LOCAL RESOLUTION IN DISPUTES OF DECISIONS ABOUT ELIGIBILITY FOR NHS CONTINUING HEALTHCARE

2.1 Stage One

2.2 Once a letter has been received from the patient and/or representative outlining the reasons for the request for a review of the NHS Continuing Healthcare eligibility decision, a response will be forwarded in writing to the patient and/or their representative supplying a copy of this procedure, and with a request for the patient and/or their representative to complete the

standard questionnaire and consent document to confirm their power to act on behalf of the individual. This will be forwarded within 5 working days of the individual's request.

2.3 On receipt of the requested information from the individual inclusive of proof of eligibility to act, copies of all care records associated medical and social care records will be requested from the providers pertinent to the individual's case. In many cases under The Access to Health Records Act 1990 care providers have up to 40 days to supply the records. For NHS organisation this is 21 days.

2.4 Once the relevant documents have been received a date will be arranged for the patient and /or their representative to attend a Local Resolution Panel meeting. This will be in line with Department of Health Guidance and will be within 3 months of the initial request where at all possible- **Stage two**.

2.2 Stage Two

The Nurse Commissioner from the CCG who co-ordinated the original multi-disciplinary team (MDT) assessment will prepare the application for consideration at the Local Resolution Panel that meets on a monthly basis.

The Nurse Commissioner will present the case to the Local Resolution Panel. There will be an administrator/note taker present at the panel.

The Local Resolution Panel meeting will be held in two parts.

This panel will be made up of all or a combination of the following representation:

- A member of the NHS Funded Care Team the Clinical Commissioning Group (CCG) (Chair- who has not been previously involved with the case)
- A Local Authority Representative (with knowledge of the Continuing Healthcare Framework)
- A GP from Salford CCG
- Dependant on the individuals care needs any other co-opted member for example a Tissue Viability Nurse, Psychiatric Nurse etc.

The patient and or their representative will be invited to attend the first part of the meeting to enable them to discuss their views in respect of the patients care needs and the levels of those needs when reflected against the Decision Support Tool (DST)

Part one will be also be attended by the clinical Panel members, the note taker.

After the patient and/or their representative have been given the opportunity to discuss their views they will be asked to leave and the Nurse Commissioner who presented the case will also be asked to leave and **Part**

two of the meeting will commence attended by the multi-professionals and the minute taker.

The **purpose** of convening a NHS Salford CCG's Local Resolution Panel is:

- To establish that the patient had been comprehensively assessed to allow full consideration in respect of their care needs.
- To establish that the procedures used in the original MDT were compliant with those laid down in the National Framework for NHS Continuing Healthcare and NHS Funded Care.
- To ensure that the application of the criterion within the National Framework has been properly and consistently applied.
- To ensure there is robust documentation in respect of the decisions made inclusive of the decision making rationale.

Following the Local Resolution Panel deliberations and decision, the outcome will be communicated to the patient and/or their representative within 28 days, together with the minutes of the meeting outlining how the decision was made and a copy of the Panel's Decision Support Tool. If the patient and/or representative remain dissatisfied, then the process will move to **Stage three**.

The Chair of the Local resolution Panel will inform the patient and/or representative of NHS England's Independent Review Procedure and ensure the patient and/or representative have the contact details.

3. Stage three - PROCEDURE IF THERE IS STILL A DISPUTE FOLLOWING LOCAL RESOLUTION. Request for an Independent Review Panel (IRP) at the NHS England.

This is an arrangement to enable individual patients and their nominated representatives (family or carer) to challenge a CCG's decision about their eligibility for NHS Continuing Healthcare funding or NHS-funded nursing care where the individual is:

Dissatisfied about:

- The procedures followed by the CCG, in reaching a decision about their eligibility; OR
- The application by the CCG of the eligibility criterion i.e. that the individual has a *Primary Health Need*

AND

The individual has been unable to resolve the matter through the CCG's Local Resolution procedures. In these circumstances the client/representative, can ask NHS England to review the case no later than six months following notification of the responsible body's decision. A NHS England IRP Patient Information & request form will be supplied to the client/representative by the NHS Funded Care Team at, NHS Salford CCG.

Summary of Local Resolution Process

NHS Salford declines a client's NHS Funded Care following the multidisciplinary team meeting recommendations. Panel outcome letter with rationale sent to the patient and/or representative.



Dispute letter from patient/representative received within 28 days of written outcome



Acknowledgement of receipt of request within 5 working days with request for proof of authority to act and consent to access care records



On return of requested information care records requested from pertinent providers.



On receipt of relevant care records a date arranged for LRP



Local Resolution Panel at NHS SALFORD



Written Outcome within 28 working days



Patient/representative remains dissatisfied



NHS ENGLAND Independent Review Panel