

NHS Continuing Healthcare Local Resolution Process

Introduction

The Local resolution process is intended to ensure that where patients or their representative have a reasonable belief that a decision of CHC eligibility may not be correct a local review will be undertaken.

This process is not a substitute for effective provision of information and clear communication with patients and / or their representatives throughout the assessment process. Where possible queries about the outcome of an assessment process should be dealt with informally through conversation with the lead coordinator.

Your Right to Appeal a CHC Eligibility Decision

You or your representative have a right to request an appeal if;

- You do not agree with the CHC eligibility decision made by the CCG.
- You do not consider that the CHC process followed was in accordance with the guidance set in the National Framework for Continuing Healthcare (CHC) and Funded Nursing Care (FNC).
- You disagree with the evidence used to inform the CHC assessment.

The patient and / or their representative are informed by the CCG of their right to request an appeal in writing in the outcome letter.

All requests for an appeal must be made in writing within 6 months of you or your representatives receiving a written CHC eligibility decision from the CCG. Your request for an appeal should outline the reasons you believe the CHC eligibility decision made by the CCG was incorrect, providing the supporting evidence. Reasons for appealing must include;

1. Guidance from the National Framework of CHC and FNC not being robustly applied during the CHC process.
2. Crucial information was missing or not considered in the CHC eligibility decision making process.
3. The reasons you or your representative believe that you meet the eligibility criteria for full CHC funding.

Your appeal should be addressed to the CHC Team, clearly marked "APPEAL" and sent to the address or email provided below;

NHS Merton / Wandsworth CHC Team

CHS Healthcare
Royal Hospital for Neuro-Disability
West Hill
Putney
London
SW15 3SW

Tel; 02039575053 / 02039575054

Merton Email; MerCCG.CHSCHCHealthcare@nhs.net

Wandsworth Email; WACCG.CHCreferralsWCCGCHSHealthcare@nhs.net

The CHC service will send you written confirmation within 5 working days upon receipt of your appeal and send you an appeal pack to complete. If you are appealing on behalf of another person, you will need to provide evidence that you have authority to act on their behalf. This will also enable the CCG to make a request for health and / or care records if required.

Your appeal will be dealt with via the CHC Local Resolution Process, in accordance with the National Framework for NHS CHC and FNC as described below. Please be advised that the CHC service will aim to reach a resolution to your appeal within 3 months of receipt of completed appeal pack and authority to act.

CHC Local Resolution Process

The Local Resolution Process has 2 stages as detailed below;

- **Stage 1 (Informal Local Resolution Meeting)**; You and or your representative will be invited to an Informal Resolution Meeting with the assigned assessor from the CHC service. The purpose of this informal resolution meeting, is for the CHC service to seek further clarity on the grounds of your appeal, with the aim of reaching a resolution. This meeting can either be via telephone or face to face depending on what best suits you or your representative.
- **Stage 2 (Local Review Panel)**; If your appeal is not resolved following the Informal Resolution Meeting, your appeal will be progressed to Stage 2. At this stage, the CCG will arrange a Local Review Panel to review the facts of the case and provide an objective determination on CHC eligibility in line with guidance from the National Framework of CHC and FNC. You and or your representatives will be invited to attend the Local Review Panel to present your case to the panel. The panel will comprise of the following professionals;
 - Panel Chair (usually Head of Service or designated Senior Manager well versed with the National Framework for CHC and FNC and the local CHC process).
 - Representative from CHC Service (usually the Clinical Lead assigned to the case).

- Representative from the Local Authority (usually Service manager with CHC experience).
- Minute Taker

The panel will then deliberate the case considering the evidence presented and agree a CHC eligibility outcome. This outcome will be communicated to you or your representative in writing within 4 weeks of the panel date.

- **Independent Review at NHS England**: If your appeal is still not resolved following the Local Review Panel you or your representatives can ask NHS England to review your case via an Independent Review Panel (IRP). An NHS England IRP Public Information & IRP Request Form will be sent to you or your representatives by the CHC service with the outcome letter of the Local Review Panel.

If following the NHS England IRP, you or your representative remain dissatisfied with the CHC outcome decision made, you have a right to appeal to the Parliamentary & Health Service Ombudsman at the following address;

Health Service Ombudsman for England
Millbank Tower
Millbank
London
SW1P 4QP

Telephone Helpline no. 0345 015 4033
Email: phso.enquiries@ombudsman.org.uk
Website: www.ombudsman.org.uk

Funding Arrangements During Your Appeal

It is important to note that during the appeal process the original CHC eligibility funding decision made by the CCG remains effective. If following local resolution, the CHC decision is changed and the patient is awarded NHS CHC funding then the CCG will reimburse any agreed care fees back to the date of the initial CHC decision. This will be handled in accordance with the NHs CHC Refreshed Redress Guidance (2015) and proof of payment of care fees will be requested.

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