

The purpose of *The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care* is to provide for fair and consistent access to NHS funding across England and Wales. This is to ensure that individuals with a Primary Health Need are able to access appropriate personalised care regardless of their geographical location. NHS Continuing Healthcare and NHS-funded Nursing Care is free at the point of delivery and is not means tested unlike adult social care.

Anyone over 18 years of age assessed as having a 'primary health need' are entitled to NHS Continuing Healthcare (CHC). Eligibility is not dependent on a particular disease, condition, diagnosis or prognosis, nor on who provides the care or where that care is delivered.

How do I Appeal?

If you or your relative have been found ineligible for NHS Continuing Healthcare funding you can appeal against the decision by contacting the Continuing Healthcare Team. The Appeals Co-ordinator will support you through the process. It is recommended that you read all the correspondence and take the time to understand why the assessment indicated a non-eligible decision before deciding whether to appeal or not. Please note, the appeal should relate only to the period covered within the Decision Support Tool. If you are concerned about any periods outside this time frame, please contact the Continuing Healthcare Team.

A request to appeal a decision can be made by phone or in writing to the team.

Your full appeal reasons need to be provided to the team within six months of the date of the decision letter.

Appealing on behalf of a relative or friend

You can appeal on behalf of a friend or relative, but in every case, when someone is acting on behalf of a relative or friend, we will need to see evidence that you are the individual's legal representative, for example:

- A Lasting Power of Attorney which has been registered with the Office of the Public Guardian. This can be either a Health and Welfare Lasting Power of Attorney or a Property and Financial Affairs lasting Power of Attorney.
- An Enduring Power of Attorney which has been registered with the Office of the Public Guardian.
- Where no person holds any of the documents from the above list, each case will be considered on an individual basis taking into account what would be in the best interest of the individual.

What will happen next?

Stage 1 – Local Resolution Meeting (LRM)

At this stage, a telephone call will be arranged between you and/or your representative, the Lead Nurse and Nurse Assessor who undertook the assessment. This is an informal conversation which offers an opportunity to raise any issues or concerns, discuss the completed Decision Support Tool and how the decision on Continuing Healthcare eligibility was made.

You and/or your representative will be able to provide any additional evidence that you would like to be considered. A letter detailing

any actions will be sent to you and/or your representative.

The Lead Nurse will also ensure that the correct process has been adhered to. If following the LRM there is no resolution and you and/or your representative remain dissatisfied, a request can be made to proceed to stage 2. Contact should be made with the team within 28 days of the LRM.

Stage 2 – Local Review Panel (LRP)

This panel will consist of a multidisciplinary team who have had no previous involvement in the decision-making process. You and/or your representative will be invited to participate with the panel process and explain the rationale of why the ineligibility decision is being appealed.

We aim to conduct the LRP within 3 months of notification.

At the start of the meeting the Chair will introduce the members of the panel and set out how the meeting will be structured. We aim to send the decision letter and completed appeal Decision Support Tool to you within four/six weeks of the LRP.

Stage 3 – Independent Review Panel (IRP)

We hope that upon completion of the first two stages that you and/or your representative will be satisfied with the decision making. However, if this is not the case you and/or your representative will have the right of appeal to NHS England. Full contact details will be provided within our decision letter. NHS England will advise you and/or your representative how the IRP will be conducted and will write directly to you regarding the outcome of the IRP.

The Health Service Ombudsman

Following an Independent Review Panel, if the original decision is upheld, and you/or your representative remain dissatisfied with the outcome, you have the right to make a complaint to the Parliamentary and Health Service Ombudsman.

Appointing a Solicitor

The team would also advise that whilst you have the right to seek legal advice, this should not be necessary and can incur a significant cost to yourself which the NHS will not reimburse. All individuals will receive an appropriate assessment, undertaken by clinicians who have experience in NHS Continuing Healthcare. If an individual is found to have a Primary Health Need that is intense, complex or unpredictable, a recommendation will be made for eligibility.

If a Solicitor is appointed it is important for them to be aware that the appeal meetings are not a legal process. Chairs of the appeal meetings will not allow discussions to be held on points of law.

Complaints

Any individual has a right to complain about any aspect of the service they receive from the NHS. If you wish to make a formal complaint, please contact our Feedback and Engagement Team.

Address: Bowyer Building
Torbay Hospital
Lowes Bridge
Torquay TQ2 7AA

Tele No: 01803 655838.
Email: tsdft.feedback@nhs.net

Where can I find further information?

The multidisciplinary team will use 'The National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care' to inform their decision making of the assessed level of needs. This framework and a public information film about CHC can be found on the NHS England website at <https://www.england.nhs.uk/healthcare/>

Useful Resources

Beacon – advice services for the public about NHS CHC funded by NHS England (alongside Beacon's paid advocacy service) www.beaconchc.co.uk.

Torbay and South Devon NHS Foundation Trust website for Continuing Healthcare <https://www.torbayandsouthdevon.nhs.uk/services/continuing-healthcare/>

25673/V1/Continuing Healthcare Support/
09.23/Review date 09.25



Torbay and South Devon
NHS Foundation Trust

PATIENT INFORMATION

NHS Continuing Healthcare Appeals Process

Continuing Healthcare Team
Sherborne House
Kingsteignton Road
Newton Abbot
TQ12 2PF

Tel: 01626 357820

Email:
tsdft.chcreferrals@nhs.net