

Continuing Healthcare Policy

Approved by:	Chief Officer following agreed delegation from February 2014 Governing Body
Date approved:	6 th March 2014
Name of originator/author:	Associate Director (Older Adults)
Name of responsible committee/individual:	Head of Joint Commissioning/ Delivery Committee
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Target audience:	NHS Lewisham CCG Employees and Joint Commissioning Teams at London Borough of Lewisham Patients, families and carers with interest in NHS Continuing Healthcare

Version Control

Version:	1.1 Technical changes made by Head of Integrated Governance following comments from Delivery Committee 19 th December 2013 2.0 Final
Supersedes:	Version 1.0

Consultation History-

1. Lewisham Personal Health Budget Steering Group-November 2013
2. Lewisham CCG SMT –December 2013
3. Lewisham CCG Delivery Committee –December 2013
4. Lewisham Adult Joint Strategy Commissioning Group-February 2014.

Implementation

Implementation plan in place?	Yes
Tools for dissemination	Intranet, staff bulletin, patient leaflet
Date of dissemination	March 2014

Monitoring

Monitoring method	Review of eligibility decisions and quality monitoring of provision
Frequency	Six-monthly
Responsibility	Associate Director (Older Adults)
Reporting	Reporting to Delivery Committee and to For Learning and Action Group.

Related Documents

Department of Health (2012), “*National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care.*”

Personal Health Budgets Guide-How to get good results –Dept of Health, Gateway ref 18453.

NHS (Direct Payments) Regulations 2013 & NHS (Direct Payments Amendments) regulation 2013.

Public Sector Equality Duty

The general equality duty requires public sector bodies, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act 2010
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and those who do not share it

The NHS Lewisham CCG Continuing Healthcare Policy ensures that assessments for eligibility and the provision of NHS Continuing Healthcare will be delivered without discrimination or prejudice. The policy sets out how this will be monitored.

Policy Statements

National framework

1. NHS Lewisham CCG (the CCG) will take all reasonable steps to ensure that individuals are assessed for NHS Continuing Healthcare in all cases where it appears that there may be a need for such care. (The National Framework para 70)
2. The CCG will deliver its responsibilities for NHS Continuing Healthcare and NHS-funded Nursing Care in accordance with the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care (the National Framework). Where there is ambiguity between this policy, any other NHS Lewisham CCG Policy or any other NHS Lewisham CCG procedural document and the National Framework then the National Framework document and its appendices and linked documents will take precedence.
3. If and when the National Framework and or its appendices and linked documents are revised the CCG will deliver its responsibilities for NHS Continuing Healthcare and NHS-funded Nursing Care in accordance with the revised National Framework from the date that the revised National Framework is effective. Where there is ambiguity between this policy, any other NHS Lewisham CCG Policy or any other NHS Lewisham CCG procedural document and the revised National Framework then the revised National Framework document and its appendices and linked documents will take precedence from the date that the revised documents are effective.

The Commissioning Framework

4. The CCG, through joint commissioning arrangements with the Local Authority, will ensure the availability of a wide range of choices of high quality, accessible and safe services to meet the needs of all Lewisham residents requiring NHS Continuing Healthcare.
5. A preferred providers list of service providers able to meet the needs of NHS Continuing Healthcare patients will be maintained and commissioned in line with the London-wide Any Qualified Provider (AQP) framework. The CCG will offer an appropriate cost effective placement in a suitable nursing home, hospice or other setting identified from the AQP preferred providers list or any other suitable nursing home that can meet minimum national quality standards set out in the existing AQP quality specification for NHS Continuing Healthcare.

Personal Health Budgets

6. The CCG will offer Personal Health Budgets to eligible individuals in accordance with Personal Health Budgets Guide-How to get good results (Department of Health, Gateway ref 18453), Implementing Effective Care Planning, (Gateway ref 17753) and NHS (Direct Payments) Regulations 2013 & NHS (Direct Payments Amendments) Regulations 2013. The CCG conduct reviews of eligibility for Personal health Budgets, at 3 months and then at intervals not exceeding 12 months (or sooner if appropriate).
7. In accordance with provisions listed in paragraph 7 (2) b and c of the Direct payments regulations 2013, or where an individual's assessed needs, level of harm and assessed risks or evidence of safeguarding concerns outweighs the benefits to the individual (page 13 of Implementing effective care planning), Lewisham CCG has the right to refuse a request for NHS personal health budgets.
8. The CCG has added additional questions to the Fast Track Pathway tool for NHS Continuing Healthcare to enable the CCG to generate an indicative budget.

9. The CCG will apply the appropriate NHS Continuing Healthcare Resource Allocation System (RAS) model to generate an indicative budget to benchmark the cost of all new and existing Personal Health Budgets for NHS Continuing Healthcare packages in Lewisham.
10. Where an individual is assessed as needing 24 hour nursing care, Personal Health Budgets will be offered provided the total cost of providing care at home is less than 110% of the equivalent cost of an appropriate placement in a suitable nursing home, or other setting identified from the AQP preferred providers list or any other suitable nursing home that can meet minimum national quality standards set out in the existing AQP quality specification for NHS Continuing Healthcare.

Appeals

11. Individuals may appeal the outcome of NHS Continuing Healthcare eligibility assessments
12. Appeals may be made on the grounds of error of fact or error of process
13. There is a three stage appeals process:
 - a. Stage one: an appeal is made to the CCG
 - b. Stage two: a request for an independent review can be made to NHS England
 - c. Stage three: a request for a review can be made to the Parliamentary and Health Service Ombudsman.
14. A Lewisham Continuing Healthcare resolution panel, in line with the guidance provided in the National Framework, will review appeals in respect of a patient's eligibility for NHS Continuing Healthcare at stage one.
15. In line with current direct payments statutory provisions, individuals or their representatives may ask for a re-consideration of a decision to refuse an NHS Personal Health Budget, refusal to include a particular service in a care plan or proposal to reduce the amount of the Personal Health Budget. Each request for re-consideration on these NHS personal health budget processes may be made once every 6 months. During each new request for re-consideration of an individual's care, the individual or their representative will be expected to produce additional evidence or information to support each new request.
16. Any request for a re-consideration of a decision made about any NHS Personal Health Budget process will be considered by the CCG NHS Personal Health Budget Appeal Panel. This appeal panel will be convened on a case-by-case basis and will have the remit to make decision about exceptional circumstances.
17. A user friendly version of this policy is available on request. Information and support to access Continuing healthcare services, or appeal Continuing healthcare or Personal Health budgets decisions is available at Lewisham's my life, my choice (claiming benefits section)

<http://www.lewishammylifemychoice.org.uk/i-need-help-with/information,-legal-and-financial-issues/claiming-benefits.aspx>

Scope

18. This policy applies to all CCG officers and members and all officers of partner organisations that work jointly with the CCG to deliver the CCG's responsibilities for NHS Continuing Healthcare.

Responsibilities

Chief Officer

19. The Chief Officer has overall responsibility for ensuring the CCG has appropriate policies and procedures in place to meet its statutory functions for NHS Continuing Healthcare.

Head of Joint Commissioning

20. It is the Head of Joint Commissioning's responsibility to plan strategically, specify outcomes and procure services that are required to meet the needs of all individuals who qualify for NHS Continuing Healthcare, and for the healthcare part of a joint care package. (National Framework para 108)

Associate Director (Older Adults)

21. The Associate Director (Older Adults) is responsible for:
- Ensuring consistency in the application of the national framework on eligibility for NHS Continuing Healthcare. (The National Framework para 162)
 - Promoting awareness of NHS Continuing Healthcare (The National Framework para 162)
 - Monitoring quality, safety, access and patient experience within the context of provider performance. (The National Framework para 109)
 - Identifying and acting on issues arising in the provision of NHS Continuing Healthcare. (The National Framework para 162)
 - Nominating and making available suitably skilled professionals to be members of Independent Review Panels (in accordance with Standing Rules). (National Framework para 162)
 - Ensuring that the contracting arrangements with care homes that provide nursing care give clarity on the responsibilities of nurses within the care home and of community nursing services, respectively. No gap in service provision should arise between the two sectors. (National Framework para 175)
 - Ensuring that local protocols exist between the CCG, other NHS bodies, Local Authorities and other relevant partners. These should set out each organisation's role and how responsibilities are to be exercised. (The National Framework para 63)
 - Ensuring that the CCG has an appropriate review process and that this is made publicly available. (The National Framework para 151)

Continuing Healthcare Manager (will carry out duties of NHS Continuing Healthcare Co-ordinator set out in National Framework).

22. The Continuing Healthcare Co-ordinator is responsible for:
- Ensuring that there is separation between his/her role and those responsible for making a final decision on eligibility for NHS Continuing Healthcare (The National Framework para PG 26.2)
 - Identifying and securing the involvement of a multi-disciplinary team (MDT)
 - Supporting MDT members in their role

- d. Providing training and development opportunities for practitioners. (The National Framework para 162)
- e. Supporting individuals and their representatives to play a full role in the eligibility assessment process, including ensuring that they understand the process, they have access to advocacy or other support where required, and organising the overall process in a manner that maximises their ability to participate
- f. Ensuring that there is a clear timetable for the decision making process
- g. Acting as an impartial resource to the MDT and the individual on any policy or procedure questions that arise.
- h. Ensuring that the MDTs recommendation on eligibility is sent for approval through the local decision making process in a timely manner. (The National Framework para PG 26.2)

Chief Finance Officer

23. The Chief Finance Officer is responsible for ensuring that he and the other members of the finance team take no part in decisions about an individual's eligibility for NHS Continuing Healthcare. (The National Framework para 57)

Monitoring Compliance

24. To monitor consistency with the National Framework for Continuing NHS Healthcare the CCG will monitor:
- a. Patterns of eligibility decision-making
 - b. Equity of decision-making
 - c. Peer review of eligibility decisions
 - d. This information will be reported to the Delivery Committee twice yearly. (The National Framework para PG 75.2)
25. To monitor the quality of NHS Continuing Healthcare Provision the CCG will agree quality standards with providers and monitor: (The National Framework para PG 75.2)
- a. Agreed key performance indicators covering the domains of patient safety, clinical effectiveness and patient experience.
 - b. Complaints and compliments from patients to providers
 - c. The implementation of action plans following inspections by the Care Quality Commission, Safeguarding Reviews and other external audits and reviews.
 - d. This quality information will be reported quarterly to the For Learning and Action Group.

Definitions

NHS Continuing Healthcare

26. A complete package of ongoing care arranged and funded solely by the NHS, where it has been assessed that the individual has a "primary health need." It can be provided in any appropriate setting that meets assessed needs of the individual.
27. A personal health budget is an amount of money, paid directly to an individual to meet their healthcare and wellbeing needs.

Training

28. Joint commissioning staff or any other staff involved in the process of the generation of indicative budgets are required to undertake mandatory training on both NHS Continuing Healthcare models, to ensure the generation of accurate indicative budgets for eligible Lewisham individuals. On going or refresher courses for staff will be arranged as and when they become necessary.