

Children and Young People's Continuing Care Nottingham and Nottinghamshire CCGs Appeals Resolution Procedure

Introduction

This document outlines the local review process in respect of decisions made by Clinical Commissioning Groups (CCGs) in Nottingham and Nottinghamshire regarding eligibility for Children and Young People's Continuing Care (CYPCC) in accordance with the National Framework for Children and Young People's Continuing Care (January 2016) .

This document applies to disputes against CCG decisions by the child or young person (or their family / representative). It does not apply to disputes between the NHS and local authorities concerning respective funding responsibilities.

Each step of the process is explained below with the timescales involved.

Challenges to Individual Decisions

There are different instances where a review of the CCG's decision may be requested:

1. Decisions made relating to screening for Children and Young People's Continuing Care

If the child / young person has been screened out from full consideration following the use of the Checklist, their family/representative can ask the CCG to reconsider the decision and request a full assessment of eligibility (i.e. arrange for the Decision Support Tool (DST) to be completed and a decision made on eligibility). The CCG will give this request due consideration and, if appropriate, arrange for a full assessment to take place. The assessment will take account of all the information available, including additional information from the child / young person and / or their family / representative.

2. Decisions relating to Children and Young People's Continuing Care eligibility

The CCG's C&YP Continuing Care Service will give the child / young person or their family / representative a verbal decision regarding their eligibility for Continuing Care within 5 working days of the decision being made. A clear written explanation of the rationale for the decision should then be provided to the child or young person and

family following verbal notification. The decision letter should advise how to request a review of the eligibility decision and of the complaints procedure in the case of a decision which does not meet the preferences and/or expectations of the child/young person or their family / representative. A request for a review of a decision must be made within 3 months of the date of the decision letter.

Responsibilities of CCG's C&YP Continuing Care Service

The CCG's C&YP Continuing Care service will deal promptly with any request to review decisions about eligibility for Continuing Care.

This document outlines the review process to be followed by the CCG's C&YP Continuing Care service, together with timescales to be observed.

Key Principles

The key principles for dispute resolution procedures are:

- Gathering and scrutiny of all available and appropriate evidence, whether written or oral, including that from the GP, hospital (nursing, medical, mental health, therapies, etc.), community nursing services, care home provider (if appropriate), home care provider (if appropriate), local authority records, school assessments, checklists, DSTs, reports and risk assessments from multi-disciplinary teams (MDTs), panels, or evidence collated during the Education, Health and Care Plan assessment as well as any information submitted by the family or representative concerned.
- Compilation of a robust and accurate identification of the care needs
- Audit of attempts to gather any records said not to be available
- Involvement of the child / young person or their family / carer as far as possible, including the opportunity for them to contribute and to comment on information at all stages
- A full record of deliberations of any review panel, made available to all parties
- Clear and evidenced written conclusions on the process followed by the NHS body and also on the individual's eligibility for Continuing Care, together with appropriate recommendations on actions to be taken. This should include the appropriate rationale related to this guidance.

Process

If, upon receipt of a decision from the CCG's C&YP Continuing Care service concerning eligibility for Continuing Care, the child/young person or their family / representative wish to request a review of the decision, they should write to the

CCG's C&YP Continuing Care service, clearly stating the reasons for a review and why they disagree with the decision. The contact details will be included in the decision letter.

Stage 1

Upon receipt of the request the CCG's C&YP Continuing Care service will:

- Ensure that the key principles, outlined above, have been observed, for example, does the C&YP Continuing Care service have all the available and appropriate information used to inform the original decision?
- The C&YP Continuing Care service will discuss over the telephone or arrange to meet with the child/young person or their family / representative to provide a full explanation of the decision making process. Notes will be taken of this discussion / meeting and any additional information provided will be recorded. If the child/young person or family/representative are satisfied at this stage then the appeal may be closed

Stage 2

If the child/young person or family/representative remains unhappy with the decision and wishes to continue the appeal then the following process should be followed.

- After the initial telephone conversation or meeting above, the C&YP Continuing Care team may decide that a new DST needs to be completed, if so this must be done before the case is returned to Panel.
- The child / young person or their family / representative must be kept fully involved in this process.
- The case will be re-presented to Panel with the additional information or new DST as appropriate.
- The Panel will consist of senior representatives from the CCG and local authority. It does not need to be a different Panel from previously. A record of the deliberations and final decision will be taken.
- The C&YP Continuing Care service will verbally inform the child/young person or their family of the decision within 5 working days of the Panel meeting. This will be followed up by a letter that fully documents the reasons for the decision within 5 working days of the verbal communication.

Stage 3

After receipt of the second decision letter referred to in stage 2, the child/young person or family/representative remains unhappy, the C&YP Continuing Care Service must inform the CCG and request an independent review of the case. The

CCG may commission an independent panel to review the case. The Panel should consist of a lay Chair, a NHS representative and a local authority representative, all of whom should have a working knowledge of the Children and Young People's Continuing Care Framework. Alternatively, the CCG can approach an out of area CCG and request a peer review by their internal Panel.

It is recommended that the child/young person or family/representative is invited to attend the review panel.

It is considered best practice that Stage 3 is completed within 60 working days of the decision to proceed to an independent or peer review. If there is any delay the C&YP Continuing Care service will communicate the reasons for this to the child / young person or their family / carer.

The outcome of the review panel will be communicated to the child/young person or family/representative within 5 working days of the panel date.

In accordance with the guidance in the National Framework, any package of care should remain in place whilst an appeal is ongoing. In Nottingham and Nottinghamshire CCGs, the appeal is considered as concluded at the end of stage 3 of the process. If the decision of the review panel is non-eligibility for Continuing Care funding, then the CCG will give 28 days notice of cessation of the existing funding from the date of notification to the child/young person or family/representative of the review panel's decision.

Stage 4

If the outcome of the independent/peer review is not accepted by the child/young person or family/representative, then the final route of appeal is to the Health Services Ombudsman. The Ombudsman's office can be contacted on 0345 015 4033.

At any point during the appeal process, if the child/young person or family/representative is unhappy about any aspect of the process they may complain to the CCG. The details of the complaints procedure are available from the CCG.