

Manchester Health and Care Commissioning

NHS Continuing Healthcare Local Resolution Procedure

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NHS Continuing Healthcare Local Resolution Procedure

Version:	1.1
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Target audience:	Manchester Health and Care Commissioning (MHCC) staff. Individuals and/or representatives requesting a review of an eligibility decision following the completion of a Decision Support Tool.

Version	No.	Date Issued	Purpose
Draft	0.1	May 2013	Procedure produced for consistency in practice and adherence to the National Framework for NHS Continuing Healthcare and NHS - funded Nursing Care November 2012 (revised)
Draft	0.2	June 2018	Guidance from NHSE states that the Special Review Panel is unnecessary and appeal from the LRM can go straight to NHSE. Policy amended to take account of this
Draft	1.0	May 2019	The Local Resolution Procedure has been revised to comply with guidance set out in The National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (October 2018)
Final version	1.1	June 2020	General drafting amendments

NHS Continuing Healthcare Local Resolution Procedure

1. Introduction

- 1.1 This procedure has been developed in accordance with the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (October 2018). It sets out Manchester Health and Care Commissioning's (referred to as the MHCC thereafter) Local Resolution Procedure.
- 1.2 This procedure should be used when an individual or their representative is dissatisfied with MHCC's decision on their eligibility for NHS Continuing Healthcare and requests a review of the decision.
- 1.3 This procedure is not for use when disputes arise between public bodies as to funding responsibilities or disagreements regarding an eligibility recommendation made by the multi-disciplinary Team.
- 1.4 Responsibility for informing individuals of the decision about eligibility for NHS Continuing Healthcare and of their right to request a review lies with MHCC. MHCC will give clear reasons for its decision and will set out the basis on which the decision of eligibility was made.
- 1.5 Where an individual or their representative asks the MHCC to review the eligibility decision, this will be addressed through the Local Resolution Procedure, which is normally expected to resolve the matter. MHCC will deal with a request for a review of the eligibility decision within 3 months from the date of receipt.

2. The Local Resolution Procedure

- 2.1 When an eligibility decision on CHC eligibility is made, the MHCC will inform the individual or their representative of the outcome in writing. This will include the basis on which the decision was made and information on how to request a review if they are dissatisfied.
- 2.2 MHCC will accept a request for a review of the eligibility decision up to 6 months after the individual or their representative is notified of the outcome. Requests made after this time will only be accepted in exceptional circumstances.
- 2.3 All requests for reviews of eligibility decisions should be made in writing or by email to the Clinical Lead (Reviews and Restitution). This should include the reason for the request, including any specific areas that are subject to dispute.
- 2.4 MHCC will acknowledge receipt of the request in writing to the individual or their representative within 5 working days. A copy of the Local Resolution Procedure will be included within the letter.
- 2.5 The Clinical Lead (Reviews and Restitution) will contact the Individual or their representative within two weeks of the request. This will be an opportunity for the individual or their representative to receive clarification of anything they have not understood. MHCC will explain how it has arrived at the decision regarding eligibility. Where required this will also be an opportunity for the individual or their

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representative to provide any further information that has not been considered previously.

2.6 A summary of this discussion will be made available and an offer of a formal meeting will be made if a resolution cannot be reached at this stage.

2.7 Where a formal meeting involving the individual and/or their representative is required, this will involve as a minimum the Clinical Lead (Reviews and Restitution) and/or the CHC Clinical Lead and/ or Clinician from the CHC team. An invitation to this meeting will be sent in writing.

2.8 If confirmation of attendance is not received at least 24 hours before the meeting date, this will be postponed. MHCC will offer a further date. If no confirmation of attendance is received the procedure will be concluded and an outcome will be formulated based on the available evidence and submissions made by the individual or their representative.

2.9 A written record of the meeting will be taken and this will be shared between all parties present. Audio or video recording of the meeting is prohibited. Only in exceptional circumstances with the agreement of the chair in advance of the meeting will this be permitted.

2.10 If the individual or their representative disagrees with the decision they must provide reasons for that disagreement. MHCC will consider this information and agree the next steps with individual or their representative.

2.11 If in the absolute discretion and opinion of the Chair material comes to light that requires further investigation, or for any other material reason, the Chair may adjourn the meeting and recommence at a time and date convenient to both parties.

2.12 Following the formal meeting, the MHCC will either uphold or change the eligibility decision. This will be communicated in writing to the individual or their representative within 28 days of the formal meeting

2.13 If MHCC does not change the original decision, the individual or their representative will be provided with an explanation of the rationale for the decision.

2.14 Where it has not been possible to resolve the matter through the local resolution procedure and the individual or their representative remains dissatisfied with the eligibility decision or the process that was followed by MHCC in making the decision, they may apply to NHS England for an independent review, within six months from the date they are notified of the outcome of the Local Resolution Procedure. Details of how to apply for this will be included in the outcome letter.

2.15 MHCC will inform the individual or their representative if MHCC are unable to complete the Local Resolution Procedure in 3 months and provide an estimated time for completion.