

# NHS WEST ESSEX CLINICAL COMMISSIONING GROUP

## Cessation of Continuing Healthcare Funding Policy

WE CCG Policy Reference:

**WECCG86**

<b>Brief Description (max 50 words)</b>	This policy sets out the approach to dealing with the ending of continuing healthcare funding and should be read in conjunction with the National Framework for NHS Continuing Healthcare and NHS Funded Nursing Care (DH 2012) and the Care Act 2014.
<b>Target Audience</b>	The Continuing Healthcare Team, Hospital Discharge Teams, Local Authority, Residents within the west Essex CCG localities

<b>Version Number</b>	1
<b>Accountable Officer</b>	Jane Kinniburgh, Director of Nursing
<b>Responsible Officer</b>	Gail Walker, Head of Continuing Healthcare
<b>Date Approved</b>	20 <sup>th</sup> July 2017
<b>Approved By</b>	Executive Health and Care Commissioning Committee
<b>Date Summary presented to Board</b>	Planned for November 2018
<b>Review Date</b>	July 2019
<b>Stakeholders engaged in development/review</b>	Yes
<b>Equality Impact Assessment</b>	Yes

**SUSTAINABILITY STATEMENT:** We declare that NHS West Essex Clinical Commissioning Group will demonstrate commitment to promoting environmental and social sustainability through our actions as a corporate body and as a commissioner. We aim to reduce our carbon footprint by 28% from a 2013 baseline by 2020.

### Amendment History

Version	Date	Reviewer Name(s)	Comments
1	31 <sup>st</sup> May 2017	Laura Huntley Business Manager Continuing Healthcare	
1.1			

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## 1. Introduction

Continuing Healthcare funding (CHC) is not awarded indefinitely but subject to regular eligibility reviews. This policy sets out West Essex CCG's (WECCG) approach to the ending of funding for continuing healthcare funding when an individual has been assessed as no longer eligible. The main content of this policy has been agreed across the five CCG's in Essex which are co-terminus with Essex County Council (ECC).

This policy should be read in conjunction with the National Framework for NHS Continuing Healthcare (Department of Health 2012), the Care and Support Statutory Guidance (Department of Health 2014) and the Care Act 2014.

## 2. Purpose

The purpose of this policy is to ensure a consistent and equitable approach to the cessation of CHC funding across the five Essex CCG's which are co-terminus with ECC. When ceasing continuing healthcare funding WECCG will balance the need of the adult to have their ongoing healthcare and any associated social care needs met, with our wider duty to ensure that public funds are spent appropriately and best value is obtained for public money.

## 3. Definitions

3.1 NHS West Essex Clinical Commissioning Group (WE CCG) is responsible for commissioning health services for the population of West Essex.

3.2 Fully funded "NHS Continuing Healthcare" is a term used to describe a package of ongoing care, including accommodation, arranged and funded solely by the NHS, where it has been assessed that the individual's primary need is a health need

3.3 'NHS-funded nursing care' is the funding provided by the NHS to homes providing nursing to support the provision of nursing care by a registered nurse. Since 2007 NHS-funded nursing care has been based on a single band rate. In all cases individuals should be considered for eligibility for NHS continuing healthcare before a decision is reached about the need for NHS-funded nursing care.

3.4 Eligibility for funding

Eligibility for NHS continuing healthcare is based on an individual's assessed needs. The diagnosis of a particular disease or condition is not in itself a determinant of eligibility for NHS continuing healthcare.

3.5 NHS Continuing Health Care (CHC)

CHC applies to care provided to persons aged 18 or over to meet the physical or mental health needs which have arisen as a result of disability, accident or illness. It may require the provision by the NHS of health services and social care services and can be provided in a range of settings. CHC is not awarded indefinitely, but is subject to regular eligibility reviews.

3.6 Regional Independent Review Panel (IRP)

IRP is hosted by NHS England. The Independent Review Panel (IRP) process has been set up to enable individuals and/or their representatives to look at:

- the primary health need decision by a Clinical Commissioning Group (CCG);

- or the procedure followed by a CCG in reaching a decision about their eligibility for NHS Continuing Healthcare; and to make a recommendation to NHS England in the light of its findings on the above matters.

### 3.7 Multi-Disciplinary Team (MDT)

A multidisciplinary team is a group of health care workers who are members of different disciplines (professions e.g. Psychiatrists, Social Workers, etc.), each providing specific services to the patient

## 4. Roles and Responsibilities

### 4.1 CCG Board

The CCG has the lead responsibility for NHS Continuing Healthcare in the CCG locality (but there are also specific requirements for Local Authorities to cooperate and work in partnership with the CCG a number of key areas)

### 4.2 Chief Nurse

The Chief Nurse leads the Continuing Health Care Team and assumes a consultative and advisory role in the clinical and operational aspects of the CHC team.

The Chief Nurse must ensure West Essex CCG meets its responsibilities as set out in the National Health Service (Commissioning Board and Clinical Commissioning Groups Standing Rules) Regulations 2012

### 4.3 Accountable Officer (AO)

The AO must ensure West Essex CCG meets its responsibilities as set out in the National Health Service (Commissioning Board and Clinical Commissioning Groups Standing Rules) Regulations 2012

### 4.4 Local CHC Independent Panel Chair

The Independent CHC Panel Chair is responsible for ensuring that the local panel decision making process is equitable and due process is followed as per the National Framework for the NHS Continuing Healthcare 2012.

The Chair's responsibilities include ensuring families and carers are given clear information about the panel procedures and decisions are communicated appropriately.

### 4.5 CHC Staff

All members of CHC staff have a responsibility to familiarise themselves with the content of the CHC Cessation Policy.

## 5. Policy Procedural Requirements

### 5.1 Decision making

Continuing healthcare funding will only cease after a formal review has been conducted with a recommendation from the Multi-Disciplinary Team (MDT) that continuing healthcare funding is no longer appropriate, which has been validated by the Clinical Commissioning Group (CCG). The review and decision making process will be conducted in conformity with the NHS Framework for Continuing Healthcare.

No funding will be withdrawn until 28 days have elapsed from the day on which the decision was notified in writing to the adult and to the local authority this is to allow the adult and the local authority time to make arrangements for their care, and to consider whether the individual wish to appeal against the decision that they are no longer eligible for Continuing Healthcare Funding.

## 5.2 Appeals

All appeals shall be in writing and must contain an outline of the grounds based on assessed need, for appeal.

Failing this funding will be withdrawn at the end of 28 days in the normal way. In the event that the adult appeals against the decision to end their Continuing Healthcare funding West Essex CCG will continue funding until completion of local resolution. In the event that the appeal is unsuccessful, funding will cease 28 days after that notification of the decision to the adult.

Once the local dispute resolution process has been completed should the adult chose to ask NHS England to review the matter West Essex CCG will not continue to fund while the matter is under review. The CCG will then exercise its discretion when deciding what action to take on the outcome of the Independent Review Panel (IRP).

## 5.3 Disputes with Essex County Council

In the event that West Essex CCG and Essex County Council, as the social care authority;

1. disagree about the decision regarding eligibility, the withdrawal of continuing healthcare funding, and,
2. as a result of the withdrawal of the continuing healthcare funding Essex County Council will be required to fund the ongoing care of the adult

The disputes protocol in place between West Essex CCG and Essex County Council shall apply. In this case West Essex CCG will continue to fund the adult's care on a without prejudice basis until the matter has been resolved in line with protocol. In the event that the matter is decided in favour of the CCG, Essex County Council will reimburse West Essex CCG for the cost of the adult's care in line with the disputes protocol.

## 6. Monitoring Compliance

The policy will be monitored by the CHC Team and Chief Nurse

## 7. Arrangements for Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance.

If only minor changes are required, the Patient Safety and Quality Committee or Governance Committee has authority to make these changes without referral to the CCG Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the CCG Board.

## 8. Associated Documentation

National Framework for NHS Continuing Healthcare (Department of Health 2012)  
Care and Support Guidance (Department of Health 2014) and the Care Act 2014.

## 9. References

n/a

## 10. List of Stakeholders Consulted

Please ensure that the Accountable Officer, Chief Operating Officer, Chief Finance Officer & Executive Nurse are included within the stakeholder process for every policy.

Date Policy circulated	Name of individual or group	Title	Were comments received	Were comments incorporated into the policy	If no – why not
			Yes/No	Yes/No	
Apr 2016	Lisa Allen	BB CCG	Yes	Yes	n/a
May 2016	John Leslie	BB CCG			
May 2016	Louis Kamfer	BB CCG			
May 2016	Jo Cripps	BB CCG			
Sep 2015	CHC Forum	Essex	Yes	Yes	n/a
Jan 2016	David Williams	Essex CC	Yes	Yes	n/a
Jan 2016	Simon Froud	Essex CC	Yes	Yes	n/a
Jan 2016	Sue Cooper	Essex CC	Yes	Yes	n/a
Apr 2016	Linda Dowse	Southend CCG	Yes	Yes	n/a
Apr 2016	Jane Kinniburgh	West Essex CCG	Yes	Yes	n/a
Apr 2016	Lisa Llewelyn	NE Essex CCG	Yes	Yes	n/a
Apr 2016	Rachel Hearn	Mid Essex CCG	Yes	Yes	n/a
Apr 2016	Jane Foster Taylor	Thurrock CCG	Yes	Yes	n/a
Apr 2016	Tricia Dorsi	CPR CCG	Yes	Yes	n/a
Nov 2015	Tony Ogunsanya	BB CCG	Yes	Yes	n/a
Sep 2015	Nick Allinson	BB CCG	Yes	Yes	n/a

## 11. Equality Impact Assessment

West Essex CCG is committed to carrying out a systematic review of all its existing and proposed policies to determine whether there are any equality implications. This policy has been assessed using the CCG's Equality Impact Assessment framework which identified the following impact/s upon equality and diversity issues:

Age	Marital Status	Disability	Gender & Pregnancy	Race	Sexuality	Religion	Human Rights	Total Points	Impact
0	0	3	0	0	0	0	0	3	HIGH

Points

3 – This area has a high relevance to equalities

2 – This area has a medium relevance to equalities

1 – This area has a low relevance to equalities

0 – This area has no relevance to equalities

Scoring

13-18 points – high impact

7-12 points – medium impact

0-6 points – low or no impact

## 12. Version Control

<b>Version</b>	<b>Author: Name &amp; Title</b>	<b>Date Policy issued</b>	<b>Date Policy due to be reviewed</b>
1			