

## **Kingston CCG Continuing Health Care Appeals Process Information**

Following an NHS Continuing Health Care assessment, if you are dissatisfied with the outcome, Kingston Clinical Commissioning Group (CCG) would like to address the issues with you, your relative, friend or representative.

Kingston CCG is also able to put you in touch with agencies that can offer support and advice.

Kingston CCG will help and guide you through Kingston's CCG's established appeals process.

It is not necessary to engage legal counsel to pursue an appeal.

You have six months from the date of the NHS Continuing Health Care eligibility letter to notify Kingston CCG that you disagree with the NHS Continuing Health Care decision and that you are requesting an appeal of the NHS Continuing Health Care decision.

If you wish to lodge an appeal against the outcome of the comprehensive assessment using the Decision Support Tool you can do so on the following grounds:

- You disagree with the outcome of the Decision Support Tool.
- You do not consider the process used was in accordance with the Department of Health National Framework
- You disagree with the evidence used in the assessment
- You disagree with the Multi-Disciplinary Team recommendation to Richmond CCG
- You disagree with the Kingston CCG's decision

You will need to write to Kingston CCG outlining your reasons for making the challenge. It is important that you provide as much evidence as you can to support your case. Where possible, relate your evidence to the domains in the Decision Support Tool.

You can appeal on behalf of a friend or relative, but in every case, whether someone is acting on behalf of a relative or friend, Kingston CCG will need evidence that you are the individual's legal representative; this can be in the form of written consent from the individual or a relevant power of attorney.

Where the individual can make the decision Kingston CCG will ask them whether this request is in accordance with their instructions.

Where they do not have capacity, the 'best interests' process will be used to consider whether to proceed with the request for an appeal or independent review.

Kingston CCG will acknowledge in writing that it has received your request within 5 days of receipt.

Kingston CCG will then offer you an opportunity to discuss via the Meaningful Discussion process, your reasoning for the appeal with the nurse assessor and social worker who completed the assessment either over the phone or in person, to try and answer any questions you may have, within 14 days of receiving your written request. During this meeting the assessors who completed the assessment will endeavour to explain the process, answer any questions and document any additional information that you provide to Kingston CCG. A decision from this meeting will be sent to you within 7 days of this meeting.

If you remain unhappy with the decision, then a Local Appeals Panel will be arranged within 3 months of receiving your new written request.

This Local Appeals Panel will consist of a multi-disciplinary panel and you will be invited to attend the Local Appeals Panel and to give your reasons why you wish to appeal the eligibility decision. The Local Appeals Panel will aim to send the decision letter, completed Decision Support Tool and the minutes of the Local Appeals Panel's deliberations to you within 20 days of the panel date. If there's a delay, Kingston CCG will inform you in writing explaining why. There could be a delay because Richmond CCG is unable to access the relevant care records in time.

Kingston CCG will aim to complete the Meaningful Discussion and Local Appeals Panel Meeting process within 3 months of the original appeal letter

**If the Multi-Disciplinary Team and the Local Appeals Panel does not revise the initial NHS Continuing Healthcare decision and you still disagree:**

You can contact NHS England and request an Independent Review Process (IRP); you should do this within 6 months of the CCG's earlier decision.

You can contact NHS England at:-  
Continuing Health Care Team  
Nursing Directorate  
5<sup>th</sup> Floor  
NHS England, London Region  
Skipton House  
80 London Road  
London  
SE1 6LH

Skipton House opening hours: 7:00am – 7:00pm  
Skipton House reception phone number: 0207 972 5972

The Independent Review Process should be concluded within 3 months. You should receive the Independent Review Panel's NHS Continuing Health Care eligibility decision within 6 weeks.

The letter you receive from the Independent Review Panel will give you information on how to contact the Parliamentary Health Service Ombudsman.

**If the CHC eligibility decision is not revised following the IRP Process:**

You have 12 months to contact the Parliamentary Health Service Ombudsman to take your case further from the date you were notified of the decision.

References:

1. National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care. Department of Health. October 2018 [revised].
2. NHS England: Operating Model for NHS Continuing Healthcare. March 2015.
3. Quick Reference Guide to the National Framework. NHS England/ADASS. September 2014.
4. NHS Continuing Healthcare Refreshed Redress Guidance. NHS England. 01.04.2015.
5. NHS Choices: [www.nhs.uk/](http://www.nhs.uk/). Web based guidance on continuing healthcare.
6. Age UK Fact Sheet 20: NHS Continuing Healthcare and NHS Funded Nursing Care. July 2015. [www.ageuk.org](http://www.ageuk.org).
7. Care and Support Statutory Guidance [Care Act 2014]. Department of Health.
8. RBK Assessment and Support procedure 2015.
9. Mental Capacity Act 2005.

**Advocacy**

Beacon is a social enterprise which provides both free and paid services, including 90 minutes of independent advice funded by NHS England about NHS Continuing Health Care assessments and the appeals process. Tel: 0345 548 0300  
[www.beaconchc.co.uk](http://www.beaconchc.co.uk)