

**Terms of Reference
Exceptional Cases Panel**

1. Purpose and Duties

- 1.1. The Exceptional Cases Panel (the Panel) is authorised by NHS Bedfordshire, Luton and Milton Keynes Integrated Care Board (the ICB) to assess Individual Funding Request (IFR) applications for exceptionality in accordance with the ICB’s IFR Policy.
- 1.2. In considering the cases, the Panel will aim to promote consistency, fairness and equity, ensuring effective use of resources and that the decisions are based on clinical evidence.
- 1.3. The Panel will also consider rare cases where no commissioning policy/service exists on an individual basis.
- 1.4. The Panel may also be asked to review IFR decision made by other external ICB Panels in line with their IFR Policy and Appeals process.

2. Membership and Voting

- 2.1. The membership of the Panel shall include:

Position	Role	Voting Rights
Board Member of the ICB**	Chair	Yes
Lay Person appointed by the ICB		No
Nominated GPs x 2		Yes
Public Health Consultant or nominated deputy		Yes
Executive Director or nominated deputy		Yes
Commissioning Lead Pharmacist or nominated deputy		Yes*
Relevant Clinical Lead (dependent on the case presented)		Yes
IFR Service Lead, Pharmacy Lead or relevant nominated representative	Case presenter	No
Panel Administrator	Notes of discussion, actions and decisions	No

*** If the identified Chair is unavailable, a suitable Chair will be nominated per Panel*

** Medicines related cases only*

- 2.2. Panel members will seek to reach decisions by consensus where possible, but if a consensus cannot be achieved, decisions will be taken by a majority vote with each Panel member present having an equal vote. If the Panel is equally split, then the Panel Chair will have the casting vote.

Other individuals with specific expertise and skills may be requested to attend the Panel on a non-voting basis, as and when necessary, in order to clarify funding issues for complex cases.

3. Quorum

- 3.1. The Panel will be quorate if three of the members with voting rights are present and must include a GP representative.
- 3.2. Where the case presented is related to a pharmaceutical (drug) request, a Commissioning Lead Pharmacist in addition to a GP representative will be required to form part of the quoracy (as per 3.1) for that particular case. Where an IFR represents other specialist areas (for example Dental IFRs), a suitable clinical representative will be required to form part of the Exceptional Cases Panel quoracy
- 3.3. No formal business shall be transacted where a quorum is not reached.

4. Frequency of meetings and attendance

- 4.1. The Panel is held on a monthly basis dependent on the cases being presented. Where there are no cases for discussion, the Panel will not be required to meet.
- 4.2. Panel members should make every effort to attend every scheduled Panel meeting. The Panel Administrator will monitor attendance and will report on this annually.
- 4.3. Where a case is deemed clinically urgent, an extraordinary Panel will be established, consisting of the same quoracy principles set out in section 3.
- 4.4. The Panel is not obliged to allow patients to attend the Panel. The IFR process is clinician led and all deliberations at the Panel will be based on evidence of individual clinical exceptionality and will not take into account issues relating to social or personal circumstances.
- 4.5. Patients may submit a supporting statement, but this will be limited to clinical issues i.e. what effect the condition has on the patient's activities of day to day living. Any reference to social or personal circumstances will be redacted.
- 4.6. Where the Panel is to be held virtually, the video conferencing platform must be approved for use by the ICB in compliance with Information Governance and Data Protection requirements.

5. Authority

- 5.1. The Panel will consider cases in line with the financial authority as set by the ICB's Standing Financial Instructions (SFIs).

6. Reporting

- 6.1. The Panel reports to the Quality and Performance Committee

- 6.2. The IFR Service will report annually to the Quality and Performance Committee the number of cases considered, case outcomes, alongside any issues and risks arising.

7. Documentation

- 7.1. All cases will be anonymised before consideration by the Exceptional Cases Panel.
- 7.2. All papers relating to the case in consideration will be made available to Panel members electronically no less than 5 working days prior to the meeting. For urgent cases, Panel members will be provided with papers at the earliest opportunity. Only those Panel members that have accepted an invitation to attend the Panel will receive papers for the case.
- 7.3. The IFR Service nominated Lead as outlined at section 2.1 will produce a summary of the key information using the Decision Making Framework Document. The Decision Making Framework for each case will record the Panel discussion and overall decision. The Decision Making Framework for each case will be provided to the Panel Chair within 5 working days for final sign off.
- 7.4. The Panel Chair will write to the requesting clinician advising of the Panel's decision within 5 working days of the Panel meeting.
- 7.5. Formal minutes of the Exceptional Cases Panel will be recorded in writing and supported by an action log.

8. Training

- 8.1. All members of the Panel will be required to undergo mandatory training arranged by the ICB. Training will be refreshed annually to ensure that all Panel members maintain the appropriate skills and expertise to function effectively. Training will include Data Protection and the legal and ethical framework for IFR decision making.
- 8.2. The ICB's Panel members will work to the ICB's IFR Policy, commissioning processes and structures.

9. Terms of Reference Review

- 9.1. The Panel Terms of Reference will receive an initial first year review and thereafter will be reviewed every two years as a minimum, unless the Panel has indicated an earlier review is necessary.
- 9.2. Any amendments to the Terms of Reference will require approval by the Quality & Performance Committee.