

How to appeal an NHS Continuing Healthcare (CHC) Decision

How do I appeal?

If you or someone you represent, have had full Continuing Healthcare (CHC) assessment, and you do not agree with the outcome, you have the right to appeal.

You can **only appeal** if you are dissatisfied:

- by the criteria the ICB applied in making the decision; or
- with the procedure followed by Bedfordshire Luton and Milton Keynes Integrated Care Board (BLMK ICB) in making the decision.

You or your representative must write to the CHC department at BLMK ICB notifying that you would like to appeal the decision. The letter can be sent to the BLMK ICB address shown on the decision letter, and it needs to be submitted within six months of date of the decision letter.

It is recommended that you read all the correspondence and take the time to understand why the assessment was unsuccessful before deciding whether or not to appeal the decision.



Trust



Respect



Integrity



Accountability



Care and Compassion

What happens next?

Local Resolution – Stage One

Once BLMK ICB has been notified that you wish to appeal, the CHC department will send you a questionnaire to be completed and returned to the CHC department at the address shown on the letter within two weeks.

A senior Assessor will call you to discuss your concerns and document your discussion. The Senior Assessor will listen to your queries and concerns and review your case and check that the process has been followed correctly.

The outcome of this meeting may be that a reassessment is required, or that the original decision is upheld. Following this discussion, if you are satisfied with the outcome, the appeal case will be closed. If you do not agree with the outcome, then the appeal can move to stage 2 of the process.

Local resolution- Stage 2

If you wish to continue the appeal you and/or your representative (who has the correct legal authority to act on your behalf) will be invited to a Local Resolution Meeting (LRM or LR meeting) with a CHC manager who has not been involved in the assessment process. They will review all the evidence provided and meet with you/your representative to listen to your concerns. The CHC manager will consider all the evidence and will write to you with an outcome letter.

This outcome could be to overturn the original decision, to complete a reassessment or to uphold the original decision. If you remain dissatisfied with the outcome of the LR meeting you will have the opportunity to submit your appeal to the Independent Review Panel (stage 3).

Independent Review Panel (IRP) – Stage Three

If you and/or your representative remain dissatisfied, you are entitled to submit a request for an 'independent review' to NHS England, which is the organisation responsible for the 'Independent Review process'. Your outcome letter from the LR meeting will include the address.

NHS England will let you know if they believe that an IRP should go ahead and contact you directly about the next steps. If you do have an IRP hearing, you and/or your representative will be invited and, following the hearing, be informed of the outcome of the IRP in writing by NHS England.

The IRP will make a recommendation to NHS England and the ICB which will usually be accepted by the ICB. Where the recommendation to overturn the original decision of the ICB is accepted by the ICB, the ICB will fund the care of the assessed individual back from the date of the original decision and will determine when a new assessment on eligibility will take place, if appropriate.

The Parliamentary Health Ombudsman

If BLMK ICB's decision is upheld by the recommendation of the IRP, and you/or your representative remain dissatisfied and feel you have not had a fair assessment you can contact The Parliamentary Health Service Ombudsman (PHSO) to investigate the case.

The role of the PHSO is to decide whether or not BLMK ICB and the IRP have carried out the process appropriately and fairly. They cannot make their own decision about a person's eligibility. If you refer your case to them, you will need to point out specifically how the process was unreasonable or unfair in your case. The IRP report will give you details of how to take your appeal further.

If you would like advice or support with the CHC appeals process you can contact:

NHS England, NHS Continuing Healthcare

<https://www.england.nhs.uk/healthcare/>

Healthwatch Bedford Borough

www.healthwatchbedfordborough.co.uk

Tel: 01234 718018

Healthwatch Central Bedfordshire

www.healthwatch-centralbedfordshire.org.uk

Tel: 0300 303 8554

Healthwatch Milton Keynes

www.healthwatchmiltonkeynes.co.uk

Tel: 01908 698800

Healthwatch Luton

www.healthwatchluton.co.uk

Tel: 01582 817060

BLMK ICB Complaints

Blmkicb.contactus@nhs.net

Tel: 01525 624275