

## **Patients changing responsible commissioner**

(adapted from NHS Commissioning Board Interim Commissioning Policy: NHSCB cp-10)

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## **Policy Statement**

This policy applies to any patient in circumstances where NHS Telford and Wrekin Clinical Commissioning Group (NHSTWCCG) is the responsible commissioner for their NHS care. It equally applies to any patient needing medical treatment where the Secretary of State has prescribed that the CCG is the responsible commissioner for the provision of that medical treatment as part of NHS care to that person.

Where responsibility for providing NHS services to the patient has been transferred to NHSTWCCG, NHSTWCCG will, subject to the terms of this policy, honour existing funding commitments made by the patient's previous NHS commissioner.

The terms of this policy outline the circumstances where NHSTWCCG will and will not honour existing funding commitments.

## **Equality Statement**

NHSTWCCG has a duty to have regard to the need to reduce health inequalities in access to health services and health outcomes achieved as enshrined in the Health and Social Care Act 2012. NHSTWCCG is committed to ensuring equality of access and non-discrimination, irrespective of age, gender, disability (including learning disability), gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation. In carrying out its functions, NHSTWCCG will have due regard to the different needs of protected equality groups, in line with the Equality Act 2010. This document is compliant with the NHS Constitution and the Human Rights Act 1998. This applies to all activities for which they are responsible, including policy development, review and implementation.

## Guidance note

The range of services commissioned by NHSTWCCG is defined in legislation and by Directions made by the Secretary of State. It follows that they may change over time. As a result there may be occasions when the responsibility for commissioning a patient's care is transferred from another commissioner to NHSTWCCG.

Under these circumstances NHSTWCCG is entitled to review commissioning decisions relating to a patient. Following such a review, the commissioning decisions of NHSTWCCG may not be in line with the package of care or the treatment options that were approved by the original organisation responsible for commissioning care for the patient.

NHSTWCCG will normally, at least initially and subject to resource constraints, agree to continue to fund the treatment/care pathway the patient has been receiving. However, commissioning decisions relating to patients for whom commissioning responsibility transfers to NHSTWCCG from another commissioning organisation will be reviewed as NHSTWCCG considers appropriate.

## The Policy

1. This policy applies to any patient in circumstances where NHSTWCCG is the responsible commissioner for their NHS care. It equally applies to any patient needing medical treatment where the Secretary of State has prescribed that NHSTWCCG is the responsible commissioner for the provision of that medical treatment as part of NHS care to that person.
2. Where responsibility for providing NHS services to the patient has been transferred to NHSTWCCG, NHSTWCCG will, subject to the terms of this policy, maintain but review existing funding commitments made by the patient's previous NHS commissioner.
3. Patients who become the responsibility of NHSTWCCG, having formerly been provided with healthcare under the NHS in Wales, Scotland or Northern Ireland, shall also enjoy the rights provided under paragraph 2 above.
4. Patients who become the responsibility of NHSTWCCG, having been formerly provided with healthcare under private healthcare arrangements or pursuant to a state healthcare system anywhere else in the EU or in a non-EU country, shall not be entitled to take advantage of the rights under paragraph 2 above.
5. Where paragraph 2 applies, NHSTWCCG reserves the right to seek a formal clinical review of the patient's future healthcare needs and to consider whether the decision to provide the patient with any further courses of treatment of the type previously provided, and of any other nature, is equitable and appropriate. NHSTWCCG shall have regard to its other commissioning policies and its ethical framework for priority setting and resource allocation when conducting any such review.
6. The rights under paragraph 2 above shall not apply if the patient would not, for any reason, have continued to have had the treatment in question commissioned for the patient by the patient's previous responsible commissioning organisation.
7. The rights under paragraph 2 above shall not apply to patients involved in clinical trials/trials of treatment approved by another NHS commissioning organisation, where the commissioning responsibility transfers to NHSTWCCG. Each case will be considered on an individual basis; please refer to the following NHSTWCCG's commissioning policies:
  - *On-going access to treatment following the completion of a trial explicitly funded by NHS Telford and Wrekin Clinical Commissioning Group*
  - *On-going access to treatment following the completion of non-commercially funded clinical trials*
  - *On-going access to treatment following the completion of industry sponsored clinical trials or funding*
  - *On-going access to treatment following a trial of treatment which has not been sanctioned by NHS Telford and Wrekin Clinical Commissioning Group for a treatment which is not routinely funded or has not been formally assessed and prioritised*
8. This policy should be read in conjunction with: ["Who Pays? Determining responsibility for payment to providers" NHS England August 2013](#)

## Documents which have informed this policy

- Department of Health, The National Health Service Act 2006 (amended by NHS Health and Social Care Act 2012), The National Health Service (Wales) Act 2006 and The National Health Service (Consequential Provisions) Act 2006.  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH\\_064103](http://www.dh.gov.uk/en/Publicationsandstatistics/Legislation/Actsandbills/DH_064103)
- Department of Health, The NHS Constitution for England, July 2009,  
[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_093419](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_093419)
- The National Prescribing Centre, Supporting rational local decision-making about medicines (and treatments), February 2009,  
[http://www.npc.co.uk/policy/resources/handbook\\_complete.pdf](http://www.npc.co.uk/policy/resources/handbook_complete.pdf)
- NHS Confederation Priority Setting Series, 2008,  
<http://www.nhsconfed.org/publications/prioritysetting/Pages/Prioritysetting.aspx>
- “Who Pays? Determining responsibility for payment to providers” can be accessed via:  
<http://www.england.nhs.uk/wp-content/uploads/2013/08/who-pays-aug13.pdf>

## Glossary

TERM	DEFINITION
<b>Healthcare intervention</b>	<i>A healthcare intervention</i> means any form of healthcare treatment which is applied to meet a healthcare need.
<b>NHS commissioned care</b>	<i>NHS commissioned care</i> is healthcare which is routinely funded by the patient's responsible CCG or by the NHS Commissioning Board (NHSCB). Both CCGs and the NHSCB have policies which define the elements of healthcare which each CCG and the NHSCB is and is not prepared to commission for defined groups of patients.
<b>Priority setting</b>	<i>Priority setting</i> is the task of determining the priority to be assigned to a service, a service development, a policy variation or an individual patient at a given point in time. Prioritisation is needed because the need and demands for healthcare are greater than the resources available.
<b>Prioritisation</b>	<i>Prioritisation</i> is decision making which requires the decision maker to choose between competing options.
<b>Treatment</b>	<i>Treatment</i> means any form of healthcare intervention which has been proposed by a clinician and is proposed to be administered as part of NHS commissioned and funded healthcare.