

# Patients Changing Responsible Commissioner

<b>Author(s) (name and post):</b>	David Webb Contracts Business Partner
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**Document Amendment History**

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The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin CCG website:

[www.shropshiretelfordandwrekinccg.nhs.uk](http://www.shropshiretelfordandwrekinccg.nhs.uk)

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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### 1 Introduction

This policy applies to any patient in circumstances where Shropshire Telford and Wrekin Clinical Commissioning Group (STWCCG) 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 STWCCG, STWCCG 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 STWCCG will and will not honour existing funding commitments.

### 2 The Policy

- 2.1 This policy applies to any patient for whom the Clinical Commissioning Group is the responsible commissioner.
- 2.2 Where responsibility for providing NHS services to a particular patient has been transferred to the Clinical Commissioning Group, the Clinical Commissioning Group will, subject to the terms of this policy, honour existing funding commitments made by the patient's previous commissioner.
- 2.3 Patients who become the responsibility of the Clinical Commissioning Group, having formerly been provided with healthcare under NHS in Wales, Scotland or Northern Ireland, shall also enjoy the rights provided under paragraph 2.2 above.
- 2.4 Patients who become the responsibility of the Clinical Commissioning Group, 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 2.2 above.
- 2.5 Where paragraph 2.2 applies, the Clinical Commissioning Group 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. The Clinical Commissioning Group shall have regard to its other commissioning policies and its ethical framework for priority setting and resource allocation when conducting any such review.
- 2.6 This policy should be read in conjunction with the Department of Health's responsible commissioner guidance, currently: "Who Pays? Determining responsibility for payments to provider (August 2020)".

### 3 Guidance Note

The range of services commissioned by the Clinical Commissioning Group is defined in legislation and by the NHS Commissioning Board. It follows that they may change over time. As a result there may be occasions when the responsible commissioner role for a patient transfers from the NHS Commissioning Board to the Clinical Commissioning Group.

Patients may move house and, as a result, transfer from being the responsibility of one Clinical Commissioning Group to being that of another. The patient's previous commissioner may have a different commissioning policy on a specific treatment for a number of reasons (funding available, different population needs and priorities etc.).

Under either of these circumstances the Clinical Commissioning Group is entitled to review commissioning decisions relating to a patient. Following such a review, the commissioning decisions of the Clinical Commissioning Group 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.

The Clinical Commissioning Group 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 for patients for whom commissioning responsibility transfers to the Clinical Commissioning Group will be reviewed as the Clinical Commissioning Group considers appropriate

## Appendix 1

### References

- The National Health Service Act 2006, The National Health Service Act 2006: <http://www.legislation.gov.uk/ukpga/2006/41/contents>
- The Department of Health, The NHS Constitution for England, 2015: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england/the-nhsconstitution-for-england>
- National Institute for Health and Care Excellence: <https://www.nice.org.uk>
- NHS Confederation Priority Setting Series, 2008:
  - Priority setting: an overview
  - Priority setting: legal consideration
  - Priority setting: strategic planning
  - Priority setting: managing new treatments
  - Priority setting: managing individual funding requests<http://www.nhsconfed.org/resources/2008/12/priority-setting-an-overview>
- NHS England: Who Pays? Determining responsibility for payments to providers: <https://www.england.nhs.uk/wp-content/uploads/2014/05/who-pays.pdf>