



**Warwickshire North
Clinical Commissioning Group**

Commissioning Policy:

**Patients changing responsible
commissioner**



Quality & Equality First

VERSION CONTROL

Version:	2.0
Ratified by:	Governing Body
Date ratified:	24 th July 2014
Name of originator/author:	Hannah Willetts
Name of responsible committee:	Commissioning, Finance and Performance Committee
Date issued:	26 th September 2014
Review date:	July 2015

VERSION HISTORY

Date	Version	Comment / Update
March 2014	1.0	Based on NHS England policy
June 2014	2.0	EIA added

Contents

1. Policy Statement.....	4
2. Equality Statement.....	4
3. The Guidance Note.....	4
4. The Policy.....	5
5. Documents that have informed the Policy.....	5
6. Glossary.....	6
7. Equality Impact Assessment.....	7

1. Policy Statement

- 1.1 This Policy applies to any patient in circumstances where NHS Coventry and Rugby Clinical Commissioning Group, NHS South Warwickshire Clinical Commissioning Group or NHS Warwickshire North Clinical Commissioning Group (the “CCG(s)”) 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 one of the Clinical Commissioning Groups is the responsible commissioner for the provision of that medical treatment as part of NHS care to that person.
- 1.2 Where responsibility for providing NHS services to the patient has been transferred to one of the Clinical Commissioning Groups, the Clinical Commissioning Group will, subject to the terms of this policy, honour existing funding commitments made by the patient’s previous commissioner (a Primary Care Trust (PCT) or a GP commissioning consortia).
- 1.3 The terms of this Policy outline the circumstances where the Clinical Commissioning Group(s) will and will not honour existing funding commitments.

2. Equality Statement

- 2.1. The CCGs have 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. The CCGs are 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 their functions, the CCGs 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.

3. Guidance Notes

The range of services commissioned by NHS Coventry and Rugby Clinical Commissioning Group, NHS South Warwickshire Clinical Commissioning Group or NHS Warwickshire North Clinical Commissioning Group (the “CCG(s)”) 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 Clinical Commissioning Group (CCG), NHS England or other commissioner, to NHS Coventry and Rugby Clinical Commissioning Group, NHS South Warwickshire Clinical Commissioning Group or NHS Warwickshire North Clinical Commissioning Group.

Under these circumstances the CCG is entitled to review commissioning decisions relating to a patient. Following such a review, the commissioning decisions of the CCG 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 CCG 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 the CCG from another commissioning organisation will be reviewed as the CCG considers appropriate.

4. The Policy

- 4.1. This Policy applies to any patient in circumstances where NHS Coventry and Rugby Clinical Commissioning Group, NHS South Warwickshire Clinical Commissioning Group or NHS Warwickshire North Clinical Commissioning Group (the “CCG(s)”) 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 Clinical Commissioning Group(s) is the responsible commissioner for the provision of that medical treatment as part of NHS care to that person.
- 4.2. Where responsibility for providing NHS services to the patient has been transferred to the CCG(s), the CCG will, subject to the terms of this policy, honour existing funding commitments made by the patient’s previous NHS commissioner (Primary Care Trust, NHS England or CCG).
- 4.3. Patients who become the responsibility of the CCG, having formerly been provided with healthcare under the NHS in Wales, Scotland or Northern Ireland, shall also enjoy the rights provided under paragraph 4.2. above.
- 4.4. Patients who become the responsibility of the CCG, 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 4.2. above.
- 4.5. Where paragraph 4.2. applies, the CCG 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 CCG shall have regard to its other commissioning policies and its ethical framework for priority setting and resource allocation when conducting any such review.
- 4.6. The rights under paragraph 4.2. 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.
- 4.7. This policy should be read in conjunction with the Department of Health’s responsible commissioner guidance, currently: *“Who Pays? Establishing the Responsible Commissioner”*.

5. Documents that have informed the 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.legislation.gov.uk/ukpga/2006/41/contents>
- Department of Health: The NHS Constitution for England, July 2009.
- The National Prescribing Centre, Supporting rational local decision-making about medicines (and treatments), February 2009.
http://www.npc.co.uk/local_decision_making/resources/handbook_complete.pdf
- NHS Confederation Priority Setting Series, 2008.
- Guidance for CCGs on establishing the Responsible Commissioner:
<http://www.england.nhs.uk/wp-content/uploads/2014/05/who-pays.pdf>

6. Glossary

TERM	DEFINITION
Healthcare intervention	<i>A healthcare intervention</i> means any form of healthcare treatment which is applied to meet a healthcare need.
NHS commissioned care	<i>NHS commissioned care</i> is healthcare which is routinely funded by the patient's responsible CCG or by NHS England. Both CCGs and NHS England have policies which define the elements of healthcare which each CCG and NHS England is and is not prepared to commission for defined groups of patients.
Priority setting	<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.
Prioritisation	<i>Prioritisation</i> is decision making which requires the decision maker to choose between competing
Treatment	<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.

Equality Impact Assessment

Arden Commissioning Support

Organisation	Coventry and Rugby CCG, Warwickshire North CCG and South Warwickshire CCG	Department		Name of lead person	Hannah Willetts EIA Jennifer Weigham
--------------	---	------------	--	---------------------	---

Piece of work being assessed Commissioning Policy: Patients changing responsible commissioner

Aims of this piece of work To define actions following change of responsible commissioner

Date of EIA 6.6.14 Other partners/stakeholders involved CSU

Who will be affected by this piece of work? Patients in Coventry & Warwickshire in need of packages of care

Protected characteristic	Is there likely to be a differential impact? Yes, no, unknown
All	No
Gender	No
Race	No
Disability	No
Religion/ belief	No

Sexual orientation		No
Age		No
Social deprivation		No
Carers		No
Human rights		No