

Ref: FOI1431

Newcourt House
Newcourt Drive
Old Rydon Lane
EXETER
Devon
EX2 7JQ
d-ccg.foi@nhs.net

Tel: 01392 205205

19 October 2017

Dear,

Re: Request for information under Freedom of Information Act 2000

Thank you for your request under the Freedom of Information Act 2000, which was received on Wednesday 23 August 2017.

The CCG is confirming in accordance with Section - (1) (a) of the Act, it holds the information requested and (b) is supplying it unless otherwise specified.

I can confirm that NHS Northern, Eastern and Western Devon CCG holds part of the requested information. The information is supplied in two parts. The first part relates to appeals following a Decision Support Tool (DST) and the second part for Previous Unassessed Period of Care (PuPoC).

Please also note the following that accompanies the information provided.

NHS NEW Devon Clinical Commissioning Group (NEW Devon CCG) was created on 01 April 2013 following the Health and Social Care Act in 2012. Prior to 01 April 2013, data relating to NHS Continuing Healthcare appeals and retrospective assessments for previously unassessed periods of care were held by two separate Primary Care Trusts; Devon Primary Care Trust and Plymouth Teaching Primary Care Trust. Although both Primary Care Trusts dealt with appeals and retrospective assessments in accordance with guidance in '*The National Framework for NHS Continuing Healthcare and NHS-Funded Nursing Care*', the local process and the way in which records were held were not exactly the same. In 2014 the records relating to appeals and retrospective assessments that were still active were transferred to NEW Devon CCG's NHS Continuing Healthcare database.

You requested the following information.

I would ask if you would provide in relation to NHS Continuing Healthcare funding eligibility decisions appeals and for:

- Each of the years between and including 2012 and 2016

Appeal of a Decision Support Tool (DST)

2013 – 38

2014 – 30

2015 – 42

2016 – 72

Total = 182

- All appeals

(Total number of Appeals; DST + PUPoC)

2013 – 41

2014 – 31

2015 – 66

2016 – 220

Total = 358

- Appeals for Previously Unassessed Periods of Care cases,

2013 – 3

2014 – 1

2015 – 24

2016 – 148

Total = 176

the following data:

Appeal of a DST

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Chief Officer: Dr Nick Roberts

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A)

- Number of appeals to the CCG

Appeal of a DST - 182

- Number of appeals that resulted in the CCG reversing the previous decision for the whole period

2013 – 2

2014 – 6

2015 – 2

2016 – 8

- Number of appeals that resulted in the CCG reversing the previous decision for part of the period

2013 – 2

2014 – 3

2015 – 2

2016 – 0

NEW Devon CCG came into existence in April 2013. Prior to this date, appeals data was held by two separate organisations, Devon PCT and Plymouth Teaching PCT.

- Number of appeals that were heard at NHS England Independent Review Panel (IRP)

11

- Number of appeals where NHS England recommended that the previous CCG decision on eligibility was unsound

0

- Number of appeals that were submitted to the Parliamentary and Health Service Ombudsman (PHSO)

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The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals where the PHSO recommended that the previous CCG decision on eligibility was unsound

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals that were heard at tribunal/court

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals that were heard at tribunal/court that were settled out of tribunal/court

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals that were heard at tribunal/court that reversed the previous CCG eligibility decision

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

B)

I would ask if you would also provide the number of current appeals awaiting review at:

- IRP stage

8

- PHSO stage

Please contact PHSO directly

- tribunal/court stage

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None known to the CCG

C)

I would also ask if you would confirm which is the responsible tribunal/court which an appeal should be escalated to should a previous CCG decision not be reversed.

Appeals for Previously Unassessed Periods of Care cases

A)

- Number of appeals to the CCG = 176

- Number of appeals that resulted in the CCG reversing the previous decision for the whole period

2013 – 1

2014 – 0

2015 – 0

2016 – 1

- Number of appeals that resulted in the CCG reversing the previous decision for part of the period

2013 - 0

2014 - 0

2015 - 2

2016 – 20

The increase in the number of appeals being reversed in 2016 relates to the increase in the number of decision letters sent out by the CCG. The total number of decision letters posted in 2016 was 296. As a comparison, 110 decision letters were posted in 2015.

- Number of appeals that were heard at NHS England Independent Review Panel (IRP) = 13

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- Number of appeals where NHS England recommended that the previous CCG decision on eligibility was unsound

= 2 (1 of which was partially eligible)

- Number of appeals that were submitted to the Parliamentary and Health Service Ombudsman (PHSO)

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals where the PHSO recommended that the previous CCG decision on eligibility was unsound

The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- Number of appeals that were heard at tribunal/court

This information is not held by the CCG

- Number of appeals that were heard at tribunal/court that were settled out of tribunal/court

This information is not held by the CCG

- Number of appeals that were heard at tribunal/court that reversed the previous CCG eligibility decision

This information is not held by the CCG

B)

I would ask if you would also provide the number of current (PUPoC) appeals awaiting review at:

- IRP stage

52

- PHSO stage

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The CCG does not hold this information. In order to assist you with this part of your request you may wish to have direct communication with the Please refer this question directly to Parliamentary and Health Service Ombudsman

- tribunal/court stage

This information is not held by the CCG

C)

I would also ask if you would confirm which is the responsible tribunal/court which an appeal should be escalated to should a previous CCG decision not be reversed.

If a CCG decision is not overturned at appeal then we would direct the individual to NHS England for an Independent Review. If the individual remains unhappy with the decision, they can then contact the Parliamentary and Health Service Ombudsman who can review process.

Satisfaction

I trust this matter has been dealt with to your satisfaction but if there is anything which you need further clarification, please do not hesitate to contact the office on 01392 205205 or by email at d-ccg.foi@nhs.net Please remember to quote the reference number at the top of this letter in any future communications.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can write to the office and arrangements will be made for an independent review. You of course can write directly to the CCGs Chief Officer if you prefer using the “contact us” details displayed on the CCG website.

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If you remain dissatisfied with the outcome of the appeal, you have the right to appeal again to the Information Commissioner at:
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Tel: 01625 545 700

Fax: 01625 524 510

Legal information pertaining to the release of this information

Please note that the information being provided to you is for information only and remains subject to existing intellectual property rights; no license for the re-use of this information is given or implied through its provision to you.

Yours sincerely,

**The Freedom of Information Office
NHS Northern, Eastern & Western Devon Clinical Commissioning Group**

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