

**HEALTH SCRUTINY PANEL – 27 March 2012
BRIEFING – NHS CONTINUING HEALTH CARE UPDATE**

Introduction;

Since the last Health Scrutiny Panel, the Council has continued in its robust approach with the PCT with regard its interpretation and implementation of the NHS Continuing Healthcare Framework.

Actions

Impact of the CHC specialist worker

Janet Golder has;

- held a programme of training events across staff and managers to raise awareness and knowledge of CHC
- continuously supports and advises staff to progress applications
- conducting individual reviews to progress CHC funding
- engaged legal services in challenging the PCT's decisions and processes
- conducted a review of the whole process, analysing where in her view the PCT is not adhering to statute and the spirit of the CHC Directions and Guidance.
- this review was the basis of a briefing meeting with WBC Health Scrutiny
- the review has been the basis of discussions with the SCHA

Health Scrutiny Panel

Charles Waddicor attended the last Panel and answered a range of questions from the Scrutiny members. This emphasised to the PCT how seriously this Council was taking these matters and its intention to progress their concerns with other organisations.

Legal Services

Due to the position taken by the PCT on a number of individuals and with no dispute resolution process in existence, legal services are regularly used to support staff in challenging the PCT. Currently they are working with over 20 individual cases.

Independent Review

The Council has discussed with the SCHA the findings of Janet's review. This has resulted in an agreement to an independent review to be conducted April/May 2012 commissioned by the SCHA. 2 senior managers are to be involved. Currently one is SWHA Continuing Healthcare lead and the other an ex

NHS CEO with significant expertise in this area. She also comes from the South West where there has been established an accord between the Councils and NHS on CHC matters.

The aims of this review will be;

1. To review the application of Continuing Healthcare Policies by NHS Berkshire across the six local authority areas, including any specific NHS Ombudsman guidelines currently used to inform local decision making.
2. To review the way in which the Directions, National Framework and Practice Guidance are being implemented by NHS Berkshire; review current local operational policies and procedures, and to determine the extent to which these are compliant with the national requirements.
3. To review how the eligibility criteria for NHS CHC are being applied (using the Decision Support Tool), and whether the Framework and National Practice Guidance are being interpreted correctly. To review this specifically in relation to decisions about eligibility for CHC for people with learning disability/challenging behaviour, people with mental health/substance misuse problems, and children.
4. To review the work of the CHC Panels, specifically in relation to timeliness of decision making and communication of outcomes, and the relationship between MDT recommendations and Panel decisions.

The reviewers will review existing written procedures in place across Berkshire, the advice and guidance provided to CHC Leads, and to Panel members, by NHS Berkshire and any written evidence relating to specific cases provided by the six Councils.

They will meet with both NHS and Council staff. Timescales and reporting arrangements will be agreed. The critical issue will then be how the review's recommendations are implemented in practise, with a robust monitoring framework in place.

Berkshire Local Authorities

Margaret Goldie has contacted the other 5 Councils, who have all expressed similar concerns at the approach of the PCT to this matter. They have agreed that WBC will lead for the 6 Councils, but are all supplying examples to contribute to the independent review.

Jan Evans - Head of Service