

you choose not to proceed with the appeal, the process will stop.

The Local Appeals Panel

If you choose to proceed with the appeal then the information will be presented to a formal Local Appeal Panel. We will send you and your representative an invitation to attend the panel meeting.

What do I need to do before the panel?

If you have any additional information you wish the Panel to consider, this must be submitted at least 14 days before the panel so that panel members can review the information. At the Appeal Panel you will have the opportunity to inform the panel of your views and to discuss the levels within the assessment (Decision Support Tool) document.

When will I be informed of the panel's decision?

You will be informed of the Local Appeal Panel's decision within 21 days of the panel meeting. For your information, we will send a copy of the minutes of the meeting and the panel recommendation.

What can I do if I don't agree with the Local Appeal Panels decision?

If you do not agree with the outcome you can ask NHS England to review the decision. The local processes must have been completed before they will consider your request. Details of how to do this and how to contact NHS England will be included

with the information sent to you following the local appeal.

The local processes must have been completed before they will consider your request. Following this you may request a further review by the Parliamentary and Health Service Ombudsman if remain unhappy with the decision.

Where can I find further information about CHC funding?

The current eligibility criteria are set out in the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care. You can find the policy and the Decision Support Tool at the following website www.gov.uk search Continuing Healthcare.


You can also find information about NHS Continuing Healthcare on Bristol Clinical Commissioning Groups website at <https://www.bristolccg.nhs.uk/your-health-local-services/help-and-support/continuing-healthcare/>

How can I find out more?

If you have any questions, please contact:
CHC Team
Previously Un-assessed Periods of Care (PUPoC)
South Plaza, 6th Floor, Marlborough Street
Bristol, BS1 3NX
Telephone: 0117 984 1594
Fax: 0117 900 2690
email: chcprogrammenhsbristol@nhs.net

If you would like further copies of this leaflet or in another format, please contact your CHC team. Produced by the South West Commissioning Support Unit. August 2014

Appealing a decision of a Previously Unassessed Period of Care for NHS Continuing Healthcare (CHC)



How do I appeal a decision?

If you or a relative has been found not eligible for NHS Continuing Healthcare (CHC) funding, following completion of a Decision Support Tool, you can appeal this decision. You will need to lodge your appeal no later than six months from the date of the letter informing you of the decision.

To lodge your appeal, you will need to complete the Appeal and Consent forms which were enclosed with the letter advising that you are not eligible.

- The Appeal Form is for you to let us know the reasons why you are disagreeing with the assessment (the Decision Support Tool) and/or the decision.
- The Consent Form is to allow us to access any additional information from third parties such as care homes or GP surgeries.

Both forms should be returned to the CHC Team at the address below within six months of the letter advising the decision. We will acknowledge receipt of the completed forms. Please let us know if you need replacement forms.

If you have any additional information to support your appeal please submit this with the forms so that it can be considered during the appeal.

Can I appeal an eligibility decision on behalf of a relative or friend?

Yes, you will need to provide evidence that you are the patient's representative and

act on their behalf. You may have already provided us with this information already.

Examples of authority would be:

- The patient's written consent to act on their behalf in this matter; or if the patient lacks the capacity to consent please provide one of the following documents as evidence of authority to act:
 - Lasting Power of Attorney (LPA) for Welfare or Finance
 - Enduring Power of Attorney (EPA) registered with the Office of Public Guardian (showing the seal of the Office of Public Guardian)
 - Court Appointed Deputy for Welfare or Finance

Please note that if your authority is over finances only, this may limit the information that can be shared due to patient confidentiality.

To avoid delay in us being able to speak or correspond with you about the appeal it would be helpful to provide the evidence of authority as soon as possible.

If you do not have formal authority to act on their behalf, please contact us to discuss this. It may be possible to proceed on a 'best interests' basis but again patient confidentiality may limit what information can be shared.

If the individual has since passed away, the above documents will no longer apply and you will need to provide evidence that you are responsible for dealing with their estate.

Do I need a solicitor or specialist claim firm to help me appeal?

No, this is not a legal process and we aim to keep the process as simple as possible. If you feel you need additional support we can put you in touch with independent advocacy services which may support you free of charge.

If you ask a solicitor, claims firm, independent advocate or other third party to act on behalf of the patient or their authorised representative we will need written authority for them to act. This is in addition to the consent form mentioned previously.

If you choose to involve a solicitor or claims firm you will be responsible for the payment of any fees charged and the NHS, Bristol Clinical Commissioning Group or Bristol Community Health CIC cannot refund those costs.

What happens after I appeal?

Your appeal will be acknowledged and a review will be undertaken to check that the process for NHS Continuing Healthcare has been followed correctly and will review the eligibility decision.

The Local Resolution Process

The next step will be to discuss Continuing Healthcare funding and the assessment with you or your relative. This can be by telephone or if you prefer they can arrange a meeting.

If following the Local Resolution Meeting