Appealing NHS Continuing Healthcare Decisions
WHAT IS SIA?

SIA is the national charity for people with spinal cord injuries and their families. If you, a relative or friend is paraplegic or tetraplegic, or you are interested in our work, why not join us? Membership is free of charge and all new UK members will receive a year’s free subscription to SIA’s bi-monthly magazine *Forward*. An annual subscription to *Forward* is £20.00. We also circulate a monthly email newsletter, ‘e-clips’ to all who subscribe while our popular interactive website offers a Message Board as well as hundreds of pages of useful information.

We produce a wide range of publications (available to purchase) dealing with all aspects of living with spinal cord injury including publications specifically for health care professionals. We also have an extensive series of free Factsheets on a wide range of topics, and, for those pursuing a compensation claim; we publish a Directory of Personal Injury Solicitors in book form and as a mobile app.

Our Freephone Advice Line is accessible by e-mail, text, post and phone and provides accurate and up-to-date information on subjects including welfare advice, specialist equipment, legal rights etc as well as health related topics. We run a Vocational Support service for those wishing to return to employment, retrain or take up volunteering. Our Ageing project works to improve the quality of life of spinal cord injured people and can be accessed via the Advice Line. Externally, our Outreach Service, staffed by spinal cord injured people, operates at all ten Spinal Injuries Centres in England, Wales and Northern Ireland, as well as out in the community, on a regional basis.

SIA also actively campaigns on vital issues affecting the everyday lives of disabled people, as set out in our campaigns manifesto. We are represented on major voluntary and statutory bodies and our own Governing Board is composed of spinal cord injured people. We have our own state-of-the-art premises, SIA House, which combines the twin principles of inclusive design and accessibility and from here we run the only specialist spinal cord injury Library in the country.

We are active on social media and also have a Message Board on our website providing an online community for spinal cord injured people, their family members and friends.

To find out more, or join us, please write to us at:

Spinal Injuries Association, SIA House, 2 Trueman Place, Oldbrook, Milton Keynes MK6 2HH or contact us on:

General Office: 01908 604191 (9am-5pm)
Freephone Advice Line: 0800 980 0501 (11am-1pm & 2pm–4.30pm)
Website: [www.spinal.co.uk](http://www.spinal.co.uk)
E-mail: [sia@spinal.co.uk](mailto:sia@spinal.co.uk)
Text: Text SIA and your enquiry to 81025 (messages will be charged at your standard network rate)

SIA Registered Charity Number: 1054097
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If you are assessed as not being eligible for NHS Continuing Healthcare, or have your eligibility withdrawn after a review it is important to appeal against the decision.

You should receive the Clinical Commissioning Groups* (CCG) decision-making panel’s decision in writing following an assessment/review. This letter will give details of how to appeal against the decision.

Stage 1: Local Review

Time Limits
From April 2012 individuals or their representatives have 6 months from the date of notification of the decision of ineligibility for NHS Continuing Healthcare to seek a review of that decision.

From April 2012 the CCG should conduct a local review of a decision of ineligibility for NHS Continuing Healthcare within 3 months of the date that the appeal is lodged.

Process
Each CCG will have its own process for appealing decisions. This process should be detailed in writing once an appeal has been lodged.

The most common process is to refer the decision to the CCG review panel. In some CCG's the chair of the review panel is from outside the CCG, but there is no requirement for this to be the case.

The individual should be able to make written submissions to the review panel detailing the reasons why they believe the decision-making panel came to the wrong decision on eligibility. These submissions can include documentation and evidence from third parties. There should be an opportunity to present written submissions in person and make the case for changing the original decision.

If you are challenging a decision to withdraw funding, that funding should remain in place until this stage of the appeal process is completed.

Stage 2: Independent Review Panel

Time Limits
From April 2012 individuals or their representatives have 6 months from the date of notification of the decision of the Local Review Panel decision to uphold the decision of ineligibility for NHS Continuing Healthcare to request an independent review of the decision by NHS England, (www.england.nhs.uk)

From April 2012 NHS England should conduct an independent review of a decision of ineligibility for NHS Continuing Healthcare within 3 months of the date that the appeal is lodged.

Process
If the local review upholds the original decision of ineligibility and the individual or their representative still believes the decision is incorrect the next stage is to appeal
to NHS England. NHS England will set up an Independent Review Panel to scrutinise and review the CCG’s decision.

The role of the Independent Review Panel is advisory, but the guidance is that CCG's should accept their decisions in all but exceptional circumstances.

If you are challenging a decision to withdraw funding, the CCG does NOT have to continue the funding while the appeal is being considered, but if the appeal is successful the CCG will have to backdate payments to cover the appeal period.

**Stage 3: Health Service Commissioner (Ombudsman)**

The last stage of the appeal process is to take the case to the [Parliamentary and Health Services Ombudsman](www.ombudsman.org.uk)

**Representation**

An individual going through the appeal process has a right to be represented by someone. This can be family, advocates, advice services or others in a similar role. There is no requirement to have legal representation, but if you choose to have it the legal representative will play an advocacy role only.

**Involving Your Elected Representative**

SIA strongly recommends that you should involve your Elected Representative (Member of Parliament – and Welsh Assembly Member if you live in Wales) if you decide to appeal against a decision of ineligibility for NHS Continuing Healthcare. If you don't know who your Elected Representative is you can find out who they are and contact them via the [They Work for You](www.theyworkforyou.com) website. You should initially give them a summary of your situation and the reasons you are appealing against the decision of ineligibility and then copy them on all your correspondence with the CCG.

For more information about the time limits on appealing decisions download the [NHS Continuing Healthcare Timescales Guidance](#) and the [NHS Continuing Healthcare Timescales FAQs](#).

For more information please e-mail Brian O'Shea, Continuing Healthcare Adviser, or call on 0845 678 6633.

*Appendix 1 to this sheet contains a description of the role of the Clinical Commissioning Groups.

*This factsheet has been prepared by SIA and contains general advice only which we hope will be of use to you. Nothing in this factsheet should be construed as the giving of specific advice and it should not be relied on as a basis for any decision or action. SIA does not accept any liability arising from its use. We aim to ensure the information is as up to date and accurate as possible, but please be warned that certain areas are subject to change from time to time. Please note that the inclusion of named agencies, companies, products, services or publications in this factsheet does not constitute a recommendation or endorsement by SIA.*

Last Updated: May 2015/BOS

Spinal Injuries Association Registered Charity Number: 1054097
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Appendix 1 - Clinical Commissioning Groups

Clinical Commissioning Groups (CCGs) are responsible for commissioning health and care services and have taken over some of the responsibilities from what were the Primary Care Trusts (PCTs). NHS Continuing Healthcare is one of the responsibilities they have taken over. CCGs are made up of GPs, nurses and other healthcare professionals who, using their knowledge of local health needs, plan and buy services for their local community from any service provider that meets NHS standards.

All GP practices have to belong to a CCG and individuals can find which group their GP practice belongs to through their GP surgery or on the NHS Choices Website. (www.nhs.uk)

Information on all of the CCGs in England can be found by going to NHS England (CCG Information)

The CCGs are overseen by NHS England who ensure that they have the capacity and capability to commission services successfully and to meet their financial responsibilities.