

HEALTH OVERVIEW AND SCRUTINY COMMITTEE: 6 SEPTEMBER 2017**REPORT OF EAST LEICESTERSHIRE AND RUTLAND CCG****SETTINGS OF CARE POLICY****Purpose of report**

1. The purpose of this report is to provide an update on East Leicestershire and Rutland Clinical Commissioning Group's (ELR CCG) position on the Settings of Care Policy for its patients.

Policy Framework and Previous Decisions

2. The Settings of Care Policy covers the commissioning of services for people who have been assessed as eligible for an episode of fully funded NHS Continuing Healthcare (CHC).
3. The purpose of the Settings of Care Policy is to define how and when the CCGs will support choice of care setting for individuals in relation to safe, effective and clinically appropriate care which makes the best use of available resources and to ensure that care is provided equitably across the LLR CCGs.
4. The three Leicester, Leicestershire and Rutland (LLR) CCGs inherited the predecessor organisations' Settings of Care Policy for commissioning of services for people who have been assessed as eligible for CHC as part of the transfer arrangements.
5. An internal review of the Settings of Care policy for LLR began in 2013, in line with new developments such as Personal Health Budgets (PHBs). The 2011 policy was out of date and did not include the option for patients to organise their own care using a PHB.
6. Additionally, the three CCGs considered exceptional circumstances at a clinical workshop held in October 2015.
7. In 2016, the Governing Bodies of the three CCGs agreed that the policy needed to be updated. ELR CCG is responsible for Continuing Health Care commissioning, and on behalf of the three LLR CCGs, undertook work to develop proposed changes to a revised policy.
8. The CCG then undertook an LLR-wide public engagement exercise in 2016, which subsequently formed part of a formal public consultation in 2017 on proposed changes to the outdated policy.

Background

9. The policy needed revising and brought up to date to include Personal Health Budgets (PHBs); and clarity on consideration of exceptional circumstances.
10. ELR CCG on behalf of LLR's three CCGs carried out a detailed review of the 2011 policy which included engagement and then formal consultation, proposing some changes to the policy. Consultation took place with patients, local groups for people with specific conditions and general members of the public.
11. A key feature of the 2011 Settings of Care Policy was the threshold which should enable CCGs to fund a clinical package of care, delivered in the individual's setting of choice (e.g. home, care home), where the anticipated cost of that package was above the anticipated cost of the most cost effective care provision identified.
12. It was noted that the 2011 policy had not been applied consistently across LLR for existing packages of care above a 25% threshold above anticipated cost of the most cost effective care provision identified.
13. The LLR CCGs are outliers in relation to both the number of CHC packages of care and the cost of those packages when benchmarked against all CCGs in England in 2015/16 (Illustrated in Appendix 1 which was presented with a paper to the Governing Body in July 2017).

Proposals/Options

14. Based on feedback from the engagement and consultation, a reduced threshold level of 10% was proposed in the updated Settings of Care Policy for LLR (Illustrated in Appendix 2 which was presented with a paper to the Governing Body in July 2017).
15. This would enable the LLR CCGs to commission a safe, effective and clinically appropriate and sustainable package of care, delivered in the individual's setting of choice (e.g. home, care home), where the anticipated cost of that package is not more than 10% above the anticipated cost of the most cost effective care provision identified.
16. It was proposed that in exceptional circumstances the CCGs would be prepared to support a safe, effective, clinically appropriate and sustainable package of care where the cost of care provision is more than 10% above the cost of the most cost effective care provision identified.
17. Exceptional circumstances were considered at a clinical workshop held in October 2015, ahead of the public engagement in 2016 and subsequently forming part of the formal public consultation in 2017. Further meetings with key stakeholders such as the Continuing HealthCare Alliance and Public Health Consultants also took place in 2017 to consider circumstances that may potentially be considered to be exceptional.
18. Packages of care are subject to a cost-effectiveness test in the same way as all other NHS services. Whilst agreeing a package of care for eligible individuals the CCGs have a statutory duty to consider the available resource. However, in coming to a decision on a package of care to be commissioned for an individual,

the CCGs need to ensure safe, effective and clinically appropriate care provision for individuals in a robust way and within the available financial resources. The CCGs are obliged by law to seek to balance the realisation of patient choice with the need to work within the financial allocations provided.

19. The revised policy was presented to the Governing Body of ELR CCG on 11 Jul 2017 for approval.
20. After careful consideration, the Board approved the policy (subject to minor amendments) but deferred the proposed implementation date of 1 September 2017. The Board asked for an update on the timeframe for the implementation to be presented at the August 2017 meeting of the Governing Body.
21. During the August Governing Body meeting of ELR CCG, a high level implementation plan was presented to the Board (Illustrated in Appendix 4 which was presented in a paper to the Governing Body in August 2017). The plan is being worked through and dates have been agreed for development of the Standard Operating Procedures which will inform the training and communication of the changes to all relevant staff. Discussions have taken place with Midlands and Lancashire Commissioning Support Unit, our provider of Personalised Commissioning Services about the application of the policy for ELRCCG and they recognise the importance of ensuring that the new policy is only applied to ELRCCG patients. The responsible CCG is already identified at the point of referral for Continuing Healthcare Assessment therefore staff in the Personalised Commissioning Service will be able to have the appropriate discussion with the individual and their representatives. An update will be presented at October's Governing Body meeting before an implementation date is discussed and agreed.

Consultation

22. ELR CCG is committed to listening to the views of the public and to implementing a policy which ensures clinically appropriate, high quality and affordable care provision for individuals.
23. The comments and feedback from the engagement exercise in summer 2016 were applied to inform the proposed changes to the policy. The Governing Bodies across the three CCGs approved the decision to formally consult on a proposed reduced threshold as part of the revision to the existing policy. These proposed changes were then formally consulted on and are available in Appendix 3 which was presented in a paper to the Governing Body in July 2017.

In summary, the consultation analysis report concludes:

- 212 surveys were completed during the formal consultation period either electronically or on paper copies; and
- Nearly 76% of respondents opted for a reduction of 10% to the current threshold.

24. Amendments were made to the policy considering all feedback received throughout the consultation period.

Timetable for Decisions

25. A detailed timeline will be presented to ELR CCG's Governing Body in October 2017 before any decisions are made on the implementation date of the updated policy.

Recommendation

26. The Committee is invited to note ELR CCG's position on its Settings of Care Policy for ELR.

Background papers

ELR CCG Governing Body paper – July 2017

<https://eastleicestershireandrutlandccg.nhs.uk/wp-content/uploads/2017/07/ELR-CCG-Governing-Body-PUBLIC-papers-11-July-2017-FINAL-1.pdf>

ELR CCG Governing Body paper – August 2017

<https://eastleicestershireandrutlandccg.nhs.uk/wp-content/uploads/2017/08/ELR-CCG-Governing-Body-PUBLIC-papers-8-August-20171.pdf>

Circulation under the Local Issues Alert Procedure

The approved Settings of Care Policy affects patients in East Leicestershire and Rutland.

Officer to Contact

Name and Job Title: Carmel O'Brien,
Chief Nurse and Deputy Managing Director, ELR CCG
Telephone: 0116 2957257
Email: Carmel.O'Brien@EastLeicestershireandRutlandccg.nhs.uk

List of Appendices

Appendix 1 - Settings of Care Policy thresholds map
Appendix 2 - Settings of Care Policy
Appendix 3 – Findings of Public Consultation
Appendix 4 – Settings of Care Policy Implementation Plan