

<b>Corporate</b>	<b>ICBP001 Access and Choice Policy</b>
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## **EQUALITY IMPACT ASSESSMENT**

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March 2022	None identified

## **POLICY VALIDITY STATEMENT**

Policy users should ensure that they are consulting the currently valid version of the documentation. The policy will remain valid, including during its period of review. However, the policy must be reviewed at least once in every 3-year period.

## **ACCESSIBLE INFORMATION STANDARDS**

If you require this document in an alternative format, such as easy read, large text, braille or an alternative language please contact [NECSU.comms@nhs.net](mailto:NECSU.comms@nhs.net)

## Version Control

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## Approval

Role	Name	Date
Approver	Executive Committee	July 2022

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For the purposes of this policy, The Integrated Care Board (ICB) will be referred to as 'the ICB'

The ICB aspires to the highest standards of corporate behaviour and clinical competence, to ensure that safe, fair and equitable procedures are applied to all organisational transactions, including relationships with patients their carers, public, staff, stakeholders and the use of public resources. In order to provide clear and consistent guidance, the ICB will develop documents to fulfil all statutory, organisational and best practice requirements and support the principles of equal opportunity for all.

## **1. Introduction**

- 1.1 Choice is fundamental to the delivery of a truly patient-centred NHS as it empowers people to get the health and social care services they want and need. Giving the public and patients good information helps them to make effective choices that are right for them and their families.
- 1.2 It is firmly written into the NHS Constitution that 'patients will be at the heart of everything the NHS does' and therefore have the right to make informed choices about their healthcare. This means that, by law, patients should be offered the opportunity to compare and make choices that suit their needs.
- 1.3 This policy sets out the mechanisms that the ICB will adopt to fulfil its legal obligations.

## **2. Background**

- 2.1 Patient choice began when the NHS was founded in 1948, providing the ability for patients to choose their GP, optician and dentist. Since then there have been numerous developments in support of patient choice and in 2009 the NHS Constitution was published which set out the rights of patients and the pledges that the NHS makes, which includes patient choice as a right and includes the right to information to support that choice.
- 2.2 In July 2010 The Government's White Paper, 'Equity and excellence: liberating the NHS' set out proposals relating to increasing choice and control over care and treatment, choice of treatment and healthcare provider becoming the reality in the vast majority of NHS-funded services by no later than 2013/14.
- 2.3 Liberating the NHS: Greater Choice and Control (October 2010) sought views on proposals for extending choice in the NHS. In July 2011 the NHS published operational guidance to the NHS: Extending Patient Choice of Provider which provided guidance to providers and commissioners on implementation of the Government's commitment to extend patient choice of provider.

- 2.4 In 2012 the legal framework within the NHS changed with the Health and Social Care Act 2012 making clear the duties on NHS England and clinical commissioning groups to promote the involvement of patients and carers in decisions about their care and treatment, and to enable patient choice. The Act sets out specific provision in relation to procurement, patient choice and competition which is detailed in the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013. The regulations were designed to ensure that NHS England and clinical commissioning groups procured high quality and efficient healthcare services that meet the needs of patients and protect patient choice. The 2012 Health and Social Care Act has now been replaced with the Health and Care Act 2022, and responsibilities of Commissioners remain.
- 2.5 In March 2015 the Department of Health published the Choice Framework for 2015/2016 which set out the choices that people have in the NHS. This document reflects that framework and sets out the current elements of patient choice, how the ICB meets its obligations and goes beyond to support patients in choosing their care.

### **3. Status, Purpose and Scope**

#### **3.1 Status**

This policy is a corporate policy.

#### **3.2 Purpose & Scope**

3.2.1 This document sets out the current position of the ICB in support of patient choice and the strategic direction it will head in. As the background section illustrated, patient choice is a subject that sits within a broad legislative and regulatory framework. The scope of this document includes all patients registered with ICB GP practices and their rights to choice in relation to the following service areas:

- Choice of GP practice and particular GP
- Choosing where to go for their first outpatient appointment
- Patients waiting longer than maximum waiting times
- Choosing who carries out a specialist test
- Maternity services
- Mental health services
- Community services
- Health research
- Personal health budget
- Treatment in European economic areas
- End of life care
- Planning long-term care

3.2.1 There are a number of exclusions that relate to choice and these are outlined within the respective sections. The following sections provide more detail in relation to each of the areas identified above.

## **4. Choice of GP Practice and Particular GP**

### **4.1 Current Arrangements**

- 4.1.1 The ICB is committed to a patient's right to choose which GP practice to register at and which doctor or nurse to see there. GP practices must try to make sure this happens.
- 4.1.2 This is a legal right, but there are occasions when a practice might have reasonable grounds for not doing so. This might be where a patient lives outside the boundaries that NHS England and NHS Improvement has agreed or because the GP practice has approval to close their list to new patients. In rare circumstances, the GP practice may not accept a patient if there has been a breakdown in the doctor-patient relationship or because the patient has behaved inappropriately at a practice. The patient may not be able to see their chosen doctor or nurse at their practice if they require an urgent appointment.
- If a GP practice is not able to accept someone onto its patient register, it must inform the individual of the reason for this.
- 4.1.3 **Who is responsible for offering this choice?** First the patient should contact the GP practice where they want to register. If there is any difficulty registering with a GP practice, the next point of contact is NHS England and NHS Improvement or local Healthwatch who can provide advice and support. Healthwatch is an independent consumer champion for health and social care in England.
- 4.1.4 Information is available on 'NHS Choices' and a search for GP practices can be filtered by postcode and by those currently accepting new patients. This is a national website for patients. If the patient cannot register with their preferred GP practice, NHS England and NHS Improvement will help find another.

## **5. Choosing where to go for first appointment as an Outpatient**

### **5.1 Current Arrangements**

- 5.1.1 If a patient needs to see a consultant or specialist as an outpatient, the patient can choose to go to any hospital or clinic in England that offers NHS services for the first appointment. This is a legal right, but the patient can only choose a hospital or clinic that offers the right treatment and care for their condition. A patient can also choose which clinical team will be in charge of their treatment within their chosen organisation. There might be circumstances where the choice is not available and this includes when urgent or emergency treatment is necessary or if the patient is:
- already receiving care and treatment for the condition for which they are being referred and this is an onward referral
  - using emergency services
  - in need of emergency or urgent treatment, such as cancer services where they must be seen in a maximum waiting time of 2 weeks
  - A prisoner;
  - A serving member of the Armed Forces;

- Detained under the Mental Health Act 1983;
- Using mental health services;
- Using maternity services.

5.1.2 Where the patient is being seen for an outpatient appointment and it is determined they need treatment for a different condition that the clinic does not assess for, the patient has the right to choose where to have the initial outpatient appointment for that condition. This could be most convenient to be treated at the same location, but it is the patients right to choose another location.

5.1.3 **Who is responsible for offering this choice?** The patient should speak to the GP, dentist or optometrist who is referring them.

## 6. Patients waiting longer than maximum waiting times

### 6.1 Current Arrangements

6.1.1 Where a patient is referred to a consultant, they will be given an appointment to see the consultant or a doctor who works with that consultant in his or her team. The patient can ask to be referred to a different hospital if they:

- Have to wait more than 18 weeks before starting treatment, if the treatment is not urgent;
- Have to wait more than two weeks before seeing a specialist, if the patient's GP thinks it is possible they have cancer.

Waiting times start from the day the hospital receives the referral letter, or when the patient books their first appointment through the NHS e-Referral Service

6.1.2 This is a patient's legal right but this right is forfeited if:

- They choose to wait longer for treatment to start;
- They choose to wait longer for an appointment with a specialist after being urgently referred with suspected cancer;
- Delaying the start of treatment is in the patient's best interests. For example, if needing to lose weight or stop smoking before starting treatment;
- There are medical reasons which mean it is better to wait;
- They fail to attend appointments that they chose from a set of reasonable options;
- They are on the national transplant list;
- They are using maternity services;
- They are using services not led by a consultant or a member of their team
- They refuse treatment;
- A doctor has decided that it is appropriate to monitor the patient for a time without treatment;
- They cannot start treatment for reasons not related to the hospital (for example, they are a reservist posted abroad while waiting to start treatment);
- The treatment is no longer necessary.

If the patient has to wait for more than 2 weeks for an appointment to a cancer specialist, they do not have a legal right to ask to be referred to a different hospital if:

- they did not go to an appointment that they agreed to go to
- they have declined treatment

#### 6.1.3 **How will a patient know if they have been waiting 18 weeks or two weeks?**

The patient should ask the hospital to confirm this as there are specific rules laid down on how the time is calculated.

#### 6.1.4 **Who is responsible for offering this choice?** GPs (commissioned by ICB's) will take all reasonable steps to offer patients a choice of other hospitals which can see or treat them more quickly.

## **7. Choosing who carries out a specialist test**

### **7.1 Current Arrangements**

#### 7.1.1 If the GP decides the patient needs a specialist test, the patient can choose to have this done by anyone providing that NHS service in England. This is a legal right if:

- The test has been ordered by their healthcare professional; and
- It will be the patient's first appointment as an outpatient with a consultant or a doctor in the consultant's team.

#### 7.1.2 It is not a right if:

- The test is not part of a first appointment as an outpatient with a consultant or a doctor in the consultant's team;
- They are already at the first appointment as an outpatient, and the doctor decides they need a test. There may be a choice about who carries out that test, but there is no legal right to choose once they are being seen as an outpatient.
- Are a prisoner, on temporary release from prison, or detained in 'other prescribed accommodation' (eg a court, a secure children's home, a secure training centre, an immigration removal centre, and a young offender institution)
- Are a serving member of the armed forces
- Are detained under the Mental Health Act 1983
- Are using maternity services ([see: Choosing maternity services in section 6](#))
- Need a test urgently, or have been admitted to hospital.

#### 7.1.3 The choice is only available from organisations which carry out the test needed in a proper and safe way. There is no choice of who carries out the test if a test is needed urgently or the patient is admitted to hospital.

#### 7.1.4 Support in making the choice is available from the GP or the doctor who has asked for the test. More information about the hospitals and clinics to choose from is on the 'NHS Choices' website.

## **8. Mental Health Services**

### **8.1 Current Arrangements**

- 8.2** A patient may be able to choose who they see for services provided in the community, including psychological therapies, such as counselling. Different choices are available in different areas.
- 8.3** This is NOT a legal right. The choices a patient will have will depend on what is put in place by the ICB. NHSE recommend choice is provided where possible with such services, but this is not a legal right.
- 8.4** A patient is not generally able to choose from services outside of their ICB's area, although they may be able to where special arrangements are in place to support this.
- 8.5** If a patient is unhappy with the handling of their referral, they should speak to the GP or the healthcare professional who referred them in the first instance as they should offer the choices that are available.
- 8.6** If they are unable to resolve the issue, a patient may wish to complain to their local ICB.
- 8.7** If the ICB is unable to resolve the complaint to a patient's satisfaction, they have the right to take their complaint to the independent Parliamentary and Health Service Ombudsman. The ombudsman is the final stage of the complaints system.

To contact the ombudsman:

- visit the ombudsman website [www.ombudsman.org.uk](http://www.ombudsman.org.uk)
- call the helpline: [0345 015 4033](tel:03450154033)
- use the textphone (Minicom): [0300 061 4298](tel:03000614298)
- text 'call back' with your name and your mobile number to [07624 813 005](tel:07624813005). You will be called back within one working day during office hours (Monday to Friday, 08:30am to 5:30pm)

## **9. Maternity Services**

### **9.1 Current Arrangements**

- 9.1.1** A range of choices over maternity services is available, although these depend on what is best for the mother and baby, and what is available locally. On first finding they are pregnant they can (subject to availability):
- Go to their GP and ask to be referred to a midwifery service of their choice;
  - Go directly to a midwifery service of their choice, without asking the GP to refer first

- 9.1.2 Whilst pregnant the patient can choose to receive 'antenatal' care from (subject to availability):
- A midwife;
  - A team of maternity health professionals, including midwives and obstetricians  
(This will be safer for some birthing parents and their babies).
- 9.1.3 When they give birth the patient can choose where to give birth (subject to availability):
- At home, with the support of a midwife;
  - In a local midwifery facility (for example, a local midwifery unit or birth centre), with the support of a midwife;
  - In any available hospital in England, with the support of a maternity team. This type of care will be the safest option for some birthing parents and their babies. If this is the case they should still have a choice of hospital.
- 9.1.4 After going home, the patient can choose where to receive postnatal care (subject to availability):
- At home;
  - In a community setting.
- 9.1.5 Depending where the birthing parent lives, they may have other choices about maternity care and should contact their midwife or the ICB for information.
- 9.1.6 **Is this a legal right?** No. It depends what is best for the birthing parent and baby, and what is available locally. Every pregnancy is different.
- 9.1.7 **When is choice not available?** The birthing parent can choose where to give birth, but this may mean some kinds of pain relief are not available during the birth as they are only available in hospitals. If urgent or emergency treatment is needed, there is no choice of who to see and it may not be possible to choose where to give birth.
- 9.1.8 **Who is responsible for offering this choice?** The midwife should discuss the choices available locally with the patient.
- 9.1.9 **Where is information and support available?** The midwife will be able to give information, advice and support to help decisions. A number of charitable and voluntary organisations can also help. These include:
- The National Childcare Trust, the UK's largest charity for parents. Visit [www.nct.org.uk](http://www.nct.org.uk) or call their Helpline: 0300 330 0700;
  - Birth Choice UK, helping women choose maternity care. Visit [www.birthchoiceuk.com](http://www.birthchoiceuk.com);
  - AIMS – Association for Improvements in the Maternity Services. Visit [www.aims.org.uk](http://www.aims.org.uk), or email [helpline@aims.org.uk](mailto:helpline@aims.org.uk) or call the Helpline: 03003650663 for advice from volunteers;
  - Start4Life at: [www.nhs.uk/InformationServiceForParents](http://www.nhs.uk/InformationServiceForParents) for information and advice.

## 10. Community Services

### 10.1 Current Arrangements

10.1.1 **What choices are available?** The patient may be able to choose who they see for services provided in the community.

10.1.2 Different choices are available in different areas. In future, the number of services and locations available is expected to increase.

10.1.3 **Is this a legal right?** No.

10.1.4 **When is choice not available?** The choice of services will depend on what the ICB, GP practices and patients think are priorities for the community.

10.1.5 **Who is responsible for offering this choice?** The GP or the health professional that refers to the service.

## 11. Health Research

### 11.1 Current Arrangements

11.1.1 **What choices are available?** A patient can take part in approved health research (for example, clinical trials of medicines) relating to their circumstances or care. The patient is free to choose whether they take part in any research and do not have to take part if they do not want to.

11.1.2 **When is the choice not available?** The patient cannot take part in research if:

- There is currently no research relating to their circumstances or care; or
- They do not meet the requirements for a particular study.

11.1.3 **Who is responsible for offering this choice?** The health professional who provides the care, for example, the hospital doctor, GP or nurse.

11.1.4 **Where is information and support available?**

- Healthtalkonline explains what clinical trials are and why we need them. Visit [www.healthtalkonline.org](http://www.healthtalkonline.org) and search for 'clinical trials';
- National Institute for Health Research explains how patients can help with research. Visit <http://www.nihr.ac.uk/awareness/Pages/default.aspx> and click on 'Patients and public';
- For information on what research is currently under way: Visit the UK Clinical Trials Gateway: [www.ukctg.nihr.ac.uk](http://www.ukctg.nihr.ac.uk);
- NHS Choices explains why the NHS carries out research and the different types of research there are. Visit [www.nhs.uk](http://www.nhs.uk) and search for 'Getting involved in research'.

## 12. Personal Health Budget

### 12.1 Current Arrangements

12.1.1 **What choices are available?** For some NHS services, there is the right to 'have' and in other areas the right to request and choose to have a personal health budget and a direct payment if eligible. A personal health budget is an amount of money and a plan to use it. The plan is agreed between a patient and their healthcare professional and ICB. It sets out the patient's health needs, the amount of money available to meet those needs and how this money will be spent.

12.1.2 With a personal health budget, the patient (or representative) can:

- Agree with a health professional what health and wellbeing outcomes to achieve;
- Know how much money is available for this health care and support;
- Create their own care plan with the help of their health professional or others;
- Choose how to manage their personal health budget;
- Spend the money in ways and at times that makes sense to the patient, in line with their care plan.

12.1.3 There is a choice to manage the personal health budget in three ways, or a combination of these:

- "A 'notional budget: here, the money is held by the ICB or other NHS organisation who arrange the agreed care and support on the patient's behalf."
- A 'third party budget: Here, the money is paid to an organisation which holds the money on the patient's behalf (such as an Independent User Trust) and organises the care and support agreed;
- Direct payment for health care: the money is paid to the patient or their representative who can buy and manage the care and services as agreed in the care plan.

12.1.4 In each case there will be regular reviews to ensure that the personal health budget is meeting the patient's needs. Direct healthcare payments will be subject to regular reviews of how the money is being spent.

12.1.5 **Is this a legal right?** There is a legal 'right to ask' for a personal health budget, which has been available since April 2014, which was extended to a legal 'right to have' a personal health budget (with some exceptions) since October 2014 for people receiving NHS Continuing Healthcare (including children). NHS Continuing Healthcare is a package of care arranged and funded solely by the NHS and provided free to the patient. This care can be provided in any setting – including an individual's own home. An assessment is carried out by the ICB using a multi-disciplinary team of health and social care professionals. There is now a 'right to have' from October 2014 for CHC and CCC patients, there is a 'right to request' as part of the Special Educational Needs and Disabilities (SEND) reforms as part of the Education Health and Care plan.

12.1.6 More information about NHS Continuing Healthcare is available via NHS Choices: [www.nhs.uk](http://www.nhs.uk)

12.1.7 **When is this choice not available?** Personal health budgets are not available for all NHS services (for example, acute or emergency care or visiting the GP). A few groups of people may not be eligible for a personal health budget or a direct healthcare payment (for example, people who have been ordered by the Court to have drug rehabilitation treatment).

12.1.8 **Who is responsible for offering the choice?** The ICB.

12.1.9 **Where is information and support available?** Patients should:

- Talk to their GP or health professional; or
- Contact the ICB: [www.northeastandnorthcumbriaics.nhs.uk](http://www.northeastandnorthcumbriaics.nhs.uk)

12.1.10 Further information about personal health budgets is available from:

- NHS Choices: [www.nhs.uk](http://www.nhs.uk) ;
- NHS England and NHS Improvement's website has a section dedicated to personal health budgets. This has information about national policy, the implementation toolkit, stories and other resources. [www.personalhealthbudgets.england.nhs.uk](http://www.personalhealthbudgets.england.nhs.uk) ;
- The Peer Network, a user-led organisation for personal health budgets, has its own website: [www.peoplehub.org.uk](http://www.peoplehub.org.uk);
- Contact the ICB website: [www.northeastandnorthcumbriaics.nhs.uk](http://www.northeastandnorthcumbriaics.nhs.uk)

## 13. Treatment in European Economic Areas

**NB: We are awaiting Government guidance following Brexit therefore the below is subject to change.**

### 13.1 Current Arrangements

13.1.1 **What choices are available?** The right to choose to receive treatment, normally available on the NHS, in other countries within the European Economic Area (EEA) and is subject to certain conditions. This is a legal right set out in the NHS Constitution and in EU law.

13.1.2 Under a new EU directive on patients' rights in cross-border healthcare, there is the right to access any healthcare service in Member States that is the same as or equivalent to a service that would have been provided in the circumstances of each case. This means that the treatment must be one that is available through the NHS. There is then a right to claim reimbursement up to the amount the treatment would have cost under the NHS – or the actual amount if this is lower.

This means that the patient will normally have to pay for the full cost of the treatment upfront (though other arrangements may be available via the ICB or NHS England and NHS Improvement). The directive covers treatment provided in state-run hospitals and services provided by private clinics and clinicians.

13.1.3 **When is choice not available?** The directive does not cover:

- Long-term (i.e. social) care;
- Access to and allocation of organs (for transplantation); or
- Public vaccination programmes against infectious diseases.

13.1.4 In some cases, prior authorisation may be required before treatment is accessed in another EEA country. This will enable the patient to confirm that they are entitled to the treatment requested, as well as the level of reimbursement that will apply.

13.1.5 The process of prior authorisation will also ensure that the patient is aware of all the possible treatment options within the NHS, which may be more convenient than going abroad. If the patient is unable to access treatment on the NHS without undue delay, authorisation must be granted.

13.1.6 **Who is responsible for offering this choice?** To access treatment in an EEA country, the GP, dentist or ICB will outline the choices that are available.

## 14. End of Life Care

### 14.1 Current Arrangements

14.1.1 Patients have the right to be involved in discussions and decisions about their health and care, including end of life care, and to be given information to enable them with support from family or carer where appropriate to make decisions about the end of life care they want to receive, including preferred place of care.

#### 14.1.2 **What does this right mean for patients?**

The ICB has a duty to promote the involvement of patients, carers and representatives in decisions, which relate to the prevention and diagnosis of illness in the patients, or their care or treatment. Clinicians will discuss a patient's preferences and circumstances with patients and these will be reflected in the decision that is made. Patients will be listened to and treated as an individual.

14.1.3 Where a range of potentially suitable treatments or forms of healthcare are available, a competent person has the right to receive the information they need in order to decide their preference. NHS staff will involve patients in discussions to decide on the right choice for the patient, the discussions can include family and carers.

14.1.4 Not everyone will wish to take up this right. Some people will not be able to do so for themselves, for example if they are not conscious or if they have lost mental capacity. The Mental Capacity Act and its Code of Practice set out how others can make healthcare decisions under such circumstances.

14.1.5 In relation to both GP and secondary care (e.g., hospital treatment), doctors registered with the General Medical Council have a duty to work in partnership with patients. This must include listening to patients and responding to their concerns and preferences and giving patients the information, they want or need in a way they can understand.

## **15. Planning a patient's long-term care**

### **15.1 Current Arrangements**

***“The NHS commits to involve you in discussions about planning your care and to offer you a written record of what is agreed if you want one.” (Section 3a of the NHS Constitution)***

15.1.1 The Government is committed to a patient-led NHS, strengthening patient’s choice and management of their own care. The ICB wants to support shared decision-making and focus on improving patient outcomes. Involving patients (and carers and family, where appropriate) in discussions about planning care is key to helping patients understand what choices available, and what support might be needed to manage their condition and stay healthy.

15.1.2 What does this right mean for patients? For people with long-term conditions, the aim is to identify how their condition is impacting on the things that are important to them. A care planning discussion can help to identify a range of personal goals, and how the health system will support in achieving them. It can also include wishes around end-of-life care if this is relevant or appropriate. The discussion can also identify the range of support available, the extent to which the patient is able to self-care, what support groups are available and the most convenient way for patients to access further information.

15.1.3 In this way, patients will have more control over the care and support received, and this should help reduce unplanned emergencies or unscheduled admissions to hospital. The care planning discussion is generally led by the main health or care professional, so that could be in primary or secondary care (e.g., with a GP or a hospital doctor). It may also be offered by a community pharmacist, e.g., after a medicines use review or a healthy lifestyle discussion. For people with long-term conditions, it is likely to be led by the GP and then added to by other health/care professionals as appropriate.

15.1.4 The NHS has developed a range of patient decision aids to support patients and health professionals in discussions about care planning. Patient decision aids are specially designed information resources that help people make decisions about difficult healthcare options and why one option is better than another.

15.1.5 The outcome of the discussion about the care decisions will usually be recorded.

15.1.6 This record could be called a care plan, a health plan, a support plan, a self-management plan or an information prescription. For some people their ‘plan’ will be very detailed, for others it might be something simpler.

- 15.1.7 It is good practice to offer the patient a written record of what is agreed. The care planning approach is well established in mental health services and in aspects of social care. The aim is to make this type of practice more generally available.
- 15.1.8 The patient may not want a written document, but just have the agreement recorded in their patient notes.
- 15.1.9 The Department of Health's End of Life Care Strategy (2008) outlined a number of measures to be put in place to ensure that patients' needs are met. At a local level, we are supporting the roll-out of the electronic palliative care co-ordination systems. These enable the recording and sharing of information about people's needs, wishes and preferences for end-of-life care, with their agreement, so that care provision is delivered in line with people's choices.

## **16. Principles & Process for Ensuring Patient Choice**

- 16.1 The ICB recognises that providing people with greater choice is a priority of the modern NHS. Research in the UK and overseas has shown that treatments are more effective if patients choose, understand and control their care. The ICB will regularly review the health provision in the market place to ensure choice of provider and locations of care are available for patients on a regular basis.
- 16.2 Where gaps in the market are identified the organisation may choose to engage with providers to create more choice in a service if it is appropriate to do so.
- 16.3 The ICB recognises its obligations under The National Health Service Commissioning Board (Responsibilities and Standing Rules) Regulations 2012 and works with the provider market to establish assurance mechanisms that support all patients being offered choice where they are at risk of breaching the 18 week or two-week waiting time targets.
- 16.4 The ICB will work with Public and Patient Involvement leads, and patient involvement forums to gain an understanding of patients' needs, priorities and perceptions to inform and influence the choice agenda
- 16.5 The ICB will build on existing relationships whilst forging new ones to improve choice. It will be proactive in engaging with referrers through workshops, meetings and regular communication.
- 16.6 It will bring together for patients with long term conditions their healthcare professional, information about their life, available care and treatment options and choices, and together decide on a personalised package of treatment and care.
- 16.7 Maternity services will have the four national choice guarantees available to birthing parents and their partners. They will be given the opportunity to make informed choices throughout pregnancy, birth and during the postnatal period.
- 16.8 Working in partnership, commissioners will identify events, services and local opportunities to promote choice to the wider local population.

- 16.9 The ICBs will publicise and promote awareness of, information about secondary care providers and where that information can be found to enable a person to choose a clinically appropriate secondary care provider within 18 weeks from the time of their initial referral, unless it is not clinically appropriate or they choose to wait longer
- 16.10 It will support GPs and other health professionals in promoting patient's choice from within their services through:
- Providing choice posters to GP Practices for display in their practices.
  - Distributing patient leaflets to GP Practices, Health Centres and Community Health services for display in their services.
  - Monitoring the distribution and the displaying of choice information by spot checking GP Practices, Health Centres and Community Health locations.

## 17. Duties and Responsibilities

<b>ICB Board</b>	The ICB Board has delegated responsibility to the Chief Executive for setting the strategic context in which organisational process documents are developed, and for establishing a scheme of governance for the formal review and approval of such documents.
<b>Chief Executive</b>	The Chief Executive has overall responsibility for the strategic direction and operational management, including ensuring that ICB process documents comply with all legal, statutory and good practice guidance requirements.
<b>Chief Nurse</b>	The Chief Nurse has the responsibilities to ensure the policy is kept current and is disseminated to all relevant staff via an implementation plan.
<b>All Staff</b>	All staff, including temporary and agency staff, are responsible for: <ul style="list-style-type: none"> <li>• Compliance with relevant process documents. Failure to comply may result in disciplinary action being taken.</li> <li>• Co-operating with the development and implementation of policies and procedures and as part of their normal duties and responsibilities.</li> <li>• Identifying the need for a change in policy or procedure as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and advising their line manager accordingly.</li> <li>• Identifying training needs in respect of policies and procedures and bringing them to the attention of their line manager.</li> <li>• Attending training / awareness sessions when provided.</li> </ul>

<b>CSU Staff</b>	Whilst working on behalf of the ICB, CSU staff will be expected to comply with all policies, procedures and expected standards of behaviour within the ICB, however they will continue to be governed by all policies and procedures of their employing organisation.
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## 18. Implementation

- 18.1 This policy will be available to all staff for use in relation to access and choice.
- 18.2 All managers are responsible for ensuring that relevant staff within the ICB have read and understood this document and are competent to carry out their duties in accordance with the procedures described.

## 19. Training Implications

It has been determined that there are no specific training requirements associated with this policy/procedure.

## 20. Documentation

- 20.1 Choice at referral, supporting information for 2008/09 published on 18 March 2008.
- 20.2 The Primary Care Trust Choice of Secondary Care Provider Directions 2009, published 21 January 2009.
- 20.3 NHS Choices;  
<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Yourrightstochoice.aspx>
- 20.4 [Government White Paper](#); Equity and excellence: liberating the NHS' July 2010
- 20.5 Liberating the NHS: Greater Choice and Control: October 2010
- 20.6 NHS: Extending Patient Choice of Provider: July 2011
- 20.7 Health and Social Care Act 2012
- 20.8 National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013.
- 20.9 Department of Health; Choice Framework for 2015/2016
- 20.10 The National Childcare Trust; [www.nct.org.uk](http://www.nct.org.uk)
- 20.11 Birth Choice UK; [www.birthchoiceuk.com](http://www.birthchoiceuk.com);

- 20.12 Association for Improvements in the Maternity Services (AIMS); [www.aims.org.uk](http://www.aims.org.uk)
- 20.13 Start4Life at: [www.nhs.uk/InformationServiceForParents](http://www.nhs.uk/InformationServiceForParents)
- 20.14 Healthtalkonline; [www.healthtalkonline.org](http://www.healthtalkonline.org)
- 20.15 National Institute for Health Research:  
<http://www.nihr.ac.uk/awareness/Pages/default.aspx>
- 20.16 UK Clinical Trials Gateway: [www.ukctg.nihr.ac.uk](http://www.ukctg.nihr.ac.uk)
- 20.17 Personal Health Budgets: [www.personalhealthbudgets.england.nhs.uk](http://www.personalhealthbudgets.england.nhs.uk)
- 20.18 The Peer Network: [www.peoplehub.org.uk](http://www.peoplehub.org.uk);
- 20.19 Department of Health's End of Life Care Strategy (2008)
- 20.20 Securing Meaningful choice for patients: ICB planning and improvement guide: August 2016

## **21. Monitoring, Review and Archiving**

### **21.1 Monitoring**

- 21.1.1 The ICB Board will oversee a method for monitoring the dissemination and implementation of this policy.
- 21.1.2 Commissioners will follow processes to ensure patients who complain about a lack of information or a lack of choice will still be entitled to start treatment.

### **21.2 Review**

- 21.2.1 The ICB Board will ensure that this policy document is reviewed in accordance with the timescale specified at the time of approval. No policy or procedure will remain operational for a period exceeding three years without a review taking place.
- 21.2.2 Staff who become aware of any change which may affect a policy should advise their line manager as soon as possible. The Executive Committee will then consider the need to review the policy or procedure outside of the agreed timescale for revision.
- 21.2.3 For ease of reference for reviewers or approval bodies, changes should be noted in the 'document history' table on the front page of this document.

**NB:** If the review consists of a change to an appendix or procedure document, approval may be given by the Executive Director and a revised document may be issued. Review to the main body of the policy must always follow the original approval process.

### 21.3 Archiving

The ICB Board will ensure that archived copies of superseded policy documents are retained in accordance with Records Management: Code of Practice for Health and Social Care 2021.

## 22 Equality Analysis

### Equality Impact Assessment Initial Screening Assessment (STEP 1)

As a public body organisation we need to ensure that all our current and proposed strategies, policies, services and functions, have given proper consideration to equality, diversity and inclusion, do not aid barriers to access or generate discrimination against any protected groups under the Equality Act 2010 (Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion/Belief, Sex, Sexual Orientation, Marriage and Civil Partnership).

This screening determines relevance for all new and revised strategies, policies, projects, service reviews and functions.

Completed at the earliest opportunity it will help to determine:

- The relevance of proposals and decisions to equality, diversity, cohesion and integration.
- Whether or not equality and diversity is being/has already been considered for due regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED).
- Whether or not it is necessary to carry out a full Equality Impact Assessment.

#### Name(s) and role(s) of person completing this assessment:

**Name:** Eve Harrison

**Job Title:** Senior Commissioning Support Officer, Provider Management

**Organisation:** North of England Commissioning Support Unit

**Title of the service/project or policy:** Access and Choice Policy

#### Is this a;

**Strategy / Policy**

**Service Review**

**Project**

**Other**

#### What are the aim(s) and objectives of the service, project or policy:

Choice is fundamental to the delivery of a truly patient centred NHS, as it empowers people to get health services they both want and need. Making good quality information available helps the public to understand their rights and allows patients to make effective choices that are right for themselves and their families. The policy sets out the mechanisms that the ICB will adopt to fulfil its legal obligations.

## Who will the project/service /policy / decision impact?

(Consider the actual and potential impact)

- **Staff**
- **Service User / Patients**
- **Other Public Sector Organisations**
- **Voluntary / Community groups / Trade Unions**
- **Others, please specify** [Click here to enter text.](#)

Questions	Yes	No
Could there be an existing or potential negative impact on any of the protected characteristic groups?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has there been or likely to be any staff/patient/public concerns?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Could this piece of work affect how our services, commissioning or procurement activities are organised, provided, located and by whom?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Could this piece of work affect the workforce or employment practices?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the piece of work involve or have a negative impact on: <ul style="list-style-type: none"> <li>• Eliminating unlawful discrimination, victimisation and harassment</li> <li>• Advancing quality of opportunity</li> <li>• Fostering good relations between protected and non-protected groups in either the workforce or community</li> </ul>		<input checked="" type="checkbox"/>

**If you have answered no to the above and conclude that there will not be a detrimental impact on any equality group caused by the proposed policy/project/service change, please state how you have reached that conclusion below:**

The Access and Choice Policy will not have a detrimental impact on any patients that are in a protected characteristic group.

The policy will allow greater support and promote flexibility for all patients in protected groups to access NHS services that best suit their needs and individual circumstances. No part of the policy discriminates against people in protected characteristic groups.

This policy is based on the NHS Choice Framework.

**If you have answered yes to any of the above, please now complete the 'STEP 2 Equality Impact Assessment' document**

Accessible Information Standard	Yes	No
Please acknowledge you have considered the requirements of the Accessible Information Standard when communicating with staff and patients. <a href="https://www.england.nhs.uk/wp-content/uploads/2017/10/accessible-info-standard-overview-2017-18.pdf">https://www.england.nhs.uk/wp-content/uploads/2017/10/accessible-info-standard-overview-2017-18.pdf</a>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>If any of the above have not been implemented, please state the reason:</b> <a href="#">Click here to enter text.</a>		

## **Governance, ownership and approval**

Please state here who has approved the actions and outcomes of the screening		
<b>Name</b>	<b>Job title</b>	<b>Date</b>
ICB Board	Approver	July 2022

## **Publishing**

This screening document will act as evidence that due regard to the Equality Act 2010 and the Public Sector Equality Duty (PSED) has been given.