

Clinical Policy Recommendation Committee

Appeals process

Introduction

This appeals process applies to the operation of the Clinical Policy Recommendation Committee of NHS Devon Integrated Care Board (ICB).

Grounds for appeal

An appeal may be made by the original applicant(s). An applicant is considered to be a clinician who has participated in the process leading to the original recommendation, either through submitting written evidence and clinical views at the appropriate times during the preparation of committee papers or attending the committee meeting at which the recommendation was made.

The grounds for appeals are limited to the following:

- **Ground one: whether fair process has been followed by the Clinical Policy Recommendation Committee in making their recommendation.**
The ICB is committed to following a fair process throughout local decision making. This ground relates only to the fairness of the process followed. A decision with which an appellant does not agree is not unfair for that reason.
- **Ground two: a material inaccuracy in or omission from the evidence considered by the committee that would make a substantive difference to the appraisal in relation to the medicine or treatment on which a recommendation was made.**

Appeals panel

Appeals will be considered by a panel. The panel will comprise at least 3 individuals independent of the original recommendation who will decide whether the appeal is upheld. These members will be aided in their discussion by the chair of the Clinical Policy Recommendation Committee and the Head of Clinical Effectiveness, NHS Devon ICB. The majority view of the independent members will decide the final outcome of the appeal.

The independent members of the appeals panel will elect a chairperson for the consideration of each appeal.

The administration of the appeals panel will be managed by the Clinical Policy Recommendation Committee secretariat on behalf of NHS Devon ICB.

Process

Appeals should be submitted within two months of notification of the final policy decision of NHS Devon ICB following consideration of the Clinical Policy Recommendation Committee recommendation.

Requests for appeal should be submitted to the Clinical Policy Recommendation Committee secretariat in writing.

The request for appeal should clearly state the ground(s) on which the appeal is being made, the aspect(s) of the commissioning decision or process being appealed against, and the reasons why the aspects being appealed against fall within the specified ground(s) of appeal. Enough detail should be given to demonstrate an arguable case.

The secretariat will provide appropriate documents on which to submit the appeal. Please contact the secretariat via d-icb.clinicaleffectiveness@nhs.net for an appeal submission form.

Reapplications will not be accepted within 12 months of the original decision unless the applicant can establish material changes in circumstances.

Decision of the appeals panel

If the appeal is rejected the original policy decision will stand.

If the appeal is upheld the application will be referred back to a future meeting of the Clinical Policy Recommendation Committee for reconsideration of the original application and the findings of the appeals panel.

Decisions of the appeals panel will be communicated to the appellant by the Chair of the appeals panel.

If the appellant is unhappy with the decision of the appeals panel, they will have the opportunity to make a complaint in line with the NHS Devon ICB standard complaints procedure.

Reconsideration of applications by the committee

Where an appeal is upheld and the original application referred back to the Clinical Policy Recommendation Committee for reconsideration, the appellant will be invited to:

- submit any supporting evidence or documentation to the secretariat for circulation to committee members prior to the meeting at which the appeal is scheduled
- attend the meeting at which the appeal is scheduled for the part of the meeting pertaining to the appeal
- present any data or points of argument that they wish during the meeting

In line with standard operating procedures, the appellant will be required to complete a declaration of interests form prior to attendance at the committee meeting.

The outcome of the committee's reconsideration will be communicated to the appellant and, following approval by the ICB, to the local health community as per the Clinical Policy Recommendation Committee communication framework.

Complaints

Complaints about the operation of the Clinical Policy Recommendation Committee will be dealt with in line with the standard complaints procedure of NHS Devon ICB.

An appeal decision cannot be overturned through the complaints process.

References

National Institute for Health and Clinical Excellence. Developing and updating local formularies: Good practice guidance. December 2012.

National Institute for Health and Clinical Excellence. Guide to the technology appraisal appeal process. August 2010.

NHS South West. Cancer Drugs Fund Appeals and Complaints process. 2011.

North East Treatment Advisory Group. Process for appealing recommendations made by the North East Treatment Advisory Group. June 2012.