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2014/15 Choice Framework

Prepared by the Department of Health

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My NHS care: what choices do I have?

The NHS now gives you more choices about your health care.

This is a guide to your choices about your NHS care and treatment. It explains:

- when you have choices about your health care
- where to get more information to help you choose
- how to complain if you are not offered a choice

For some health care services, you have the legal right to choose and must be provided with choices by law.

For other health care services, you do not have a legal right to choose, but you should be offered choices, depending on what is available locally.

This guide covers:

- Choosing:
 - your GP and GP practice
 - which organisation you can go to for your first appointment as an outpatient for physical or mental health conditions
 - to change hospital if you have to wait longer than the maximum waiting times (18 weeks, or two weeks to see a cancer specialist)
 - who carries out a specialist test if you need one
 - maternity services
 - services provided in the community
 - to take part in health research
 - to have a personal health budget
 - to travel to another European country for treatment
- Where you can obtain more information to help you choose
- What you can do if you are not offered choice

Choosing your care and treatment

Choosing your GP and GP practice	
What choices do I have?	<p>You can:</p> <ul style="list-style-type: none"> • choose which GP practice you register with; • ask to see a particular doctor or nurse at the GP practice, and the practice must try to make sure this happens.
Is this a legal right?	<p>Yes, but there are times when you cannot choose to do this. These are set out below.</p>
When am I not able to make a choice?	<p>A GP practice must accept you, unless it has reasonable grounds for not doing so. For example: the practice may not be taking on any new patients; the practice may not be accepting patients that do not live within the usual practice boundaries; or because of your particular circumstances, it may not be appropriate for you to register with a practice that is a long way from where you live.</p>
Who is responsible for offering me these choices?	<p>Contact the GP practice where you want to register.</p> <p>The practice will be able to tell you whether they are accepting patients that do not live near the practice. If you do register with a GP practice that is not near where you live and you need a GP to visit you at home, NHS England will be responsible for providing this service.</p> <p>If you are having difficulty registering with a GP practice, contact your NHS England Local Area Team. See page 18 of this framework to find their contact details.</p>
Where can I get information and support to help me choose?	<p>You can find information on NHS Choices, the national website for patients: www.nhs.uk.</p> <p>See also page 17 of this framework: <i>Where can I get more information to help me choose?</i></p>

Choosing where to go for your first appointment as an outpatient with physical or mental health conditions

<p>What choices do I have?</p>	<p>If you need to see a consultant or specialist as an outpatient for a physical or mental health condition, you can choose the organisation that provides your NHS care and treatment anywhere in England for your first outpatient appointment. (An outpatient appointment means you do not need to stay overnight).</p> <p>You can also choose which consultant-led team or which mental health team led by a named health care professional will be in charge of your NHS care and treatment (employed by the organisation you choose) for your first outpatient appointment.</p> <p>For a physical health condition, you will be seen by the consultant or by a doctor who works with the consultant in their team.</p> <p>For a mental health condition, you will be seen by the consultant, or named professional who leads the mental health team or another health care professional on the team.</p>
<p>Is this a legal right?</p>	<p>Yes, but there are times when you cannot choose. These are set out below.</p>
<p>When am I not able to make a choice?</p>	<p>For physical health conditions you can only choose a 'consultant-led team' at an organisation that offers the right care and treatment for your condition.</p> <p>For mental health conditions, it is the same. You can only choose a consultant-led team or mental health team led by a named health care professional at an organisation that offers the right care and treatment for your condition.</p> <p>You do not have a right to choose if you need urgent or emergency treatment.</p> <p>You do not have the right to choose if you are:</p> <ul style="list-style-type: none"> • detained in or on temporary release from prison; • a serving member of the Armed Forces (family members in England have the same rights as other England residents); • detained under the Mental Health Act 1983; or • using maternity services (see: <i>Choosing maternity</i>)

	<p>services).</p> <p>You do not have the right to choose if you are referred to:</p> <ul style="list-style-type: none"> • high secure psychiatric services; or • drug and alcohol misuse services commissioned or provided by local authorities.
<p>Who is responsible for offering me this choice?</p>	<p>Speak to the GP, dentist, optometrist or other health care professional who is referring you.</p> <p>If they do not offer you a choice, contact your clinical commissioning group to discuss the choices you should be able to make and how to make them.</p> <p>Your clinical commissioning group must make sure that you have this choice. See page 17 of this framework for information on how to find your clinical commissioning group.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can talk to your GP.</p> <p>You can also find out more information about the organisations from which you can choose on NHS Choices. This is a national website for patients: www.nhs.uk.</p> <p>In some cases you may be asked to attend a clinical assessment centre or to have a telephone conversation with someone from a centre, to help decide which treatment will be best for you. At other times you might be referred directly for treatment. The organisation carrying out your assessment will usually be the one that then treats you, although this is not always the case.</p> <p>See also page 17 of this framework: <i>Where can I get more information to help me choose?</i></p>

Asking to change hospital if you have to wait longer than the maximum waiting times (18 weeks, or two weeks to see a specialist for cancer)

<p>What choices do I have?</p>	<p>If you need to see a consultant or specialist, you will be given an appointment to see the consultant or a doctor who works with that consultant in his or her team. You can ask to be referred to a different hospital if you:</p> <ul style="list-style-type: none"> • have to wait more than 18 weeks before starting treatment, if your treatment is not urgent; • have to wait more than two weeks before seeing a specialist if your GP thinks it is possible you have cancer.
<p>Is this a legal right?</p>	<p>Yes, but there are times when you cannot choose to do this. These are set out below.</p>
<p>When am I not able to ask to change hospital?</p>	<p>You do not have these rights if:</p> <ul style="list-style-type: none"> • you choose to wait longer for your treatment to start; • you choose to wait longer for your appointment with a specialist after being urgently referred with suspected cancer; • delaying the start of your treatment is in your best interests; for example, this might be if you need to lose weight or stop smoking before starting treatment; • there are medical reasons that mean it is better for you to wait; • you fail to attend appointments that you had chosen from a set of reasonable options; • you are on the national transplant list; • you are using maternity services (see: <i>Choosing maternity services</i>); • you are using services not led by a consultant or a member of their team; • you refuse treatment; • a doctor has decided that it is appropriate to monitor you for a time without treatment; • you cannot start treatment for reasons not related to the hospital; for example, you are a reservist posted abroad while waiting to start treatment; • your treatment is no longer necessary.

<p>Who is responsible for offering me this choice?</p>	<p>The organisation responsible for arranging your treatment.</p> <p>This will usually be your clinical commissioning group, but if you have been referred to a specialised service it may be NHS England.</p> <p>They must take all reasonable steps to offer you a choice of other hospitals that can see or treat you more quickly.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can contact the hospital or clinic providing your treatment or the organisation arranging your treatment - this is usually your clinical commissioning group.</p> <p>Clinical commissioning groups must provide advice or assistance to patients who have waited or will wait longer than 18 weeks, or two weeks if your GP thinks it is possible you have cancer.</p> <p>See also page 17 of this framework: <i>Where can I get more information to help me choose?</i></p>

<h2>Choosing who carries out a specialist test if you need one</h2>	
<p>What choices do I have?</p>	<p>If your GP decides you need a specialist test, you can choose to have this done by anyone providing that NHS service in England.</p>
<p>Is this a legal right?</p>	<p>Yes, if:</p> <ul style="list-style-type: none"> • the test has been ordered by your GP; and • will be your first appointment as an outpatient with a consultant or a doctor in the consultant's team. <p>No, if:</p> <ul style="list-style-type: none"> • the test is not part of a first appointment as an outpatient with a consultant or a doctor in the consultant's team. <p>If you are already at your first outpatient appointment, your doctor may decide you need a test and you may be offered a choice about who carries out that test. But you do not have a legal right to choose once you are being seen as an outpatient.</p>
<p>When am I not able to make a choice?</p>	<p>You can only choose from organisations that carry out the test you need in a proper and safe way.</p> <p>You cannot choose who carries out the test if:</p> <ul style="list-style-type: none"> • you need a test urgently; • you have been admitted to hospital.
<p>Where can I get information and support to help me choose?</p>	<p>Speak to your GP who has asked for your test.</p> <p>You can find out information about the hospitals and clinics you can choose from on NHS Choices, the national website for patients: www.nhs.uk.</p> <p>See also page 17 of this framework: <i>Where can I get more information to help me choose?</i></p>

Choosing maternity services

<p>What choices do I have?</p>	<p>You can expect a range of choices over maternity services, although these depend on what is best for you and your baby, and what is available locally:</p> <p><i>When you find out you are pregnant</i> You can:</p> <ul style="list-style-type: none"> • go to your GP and ask them to refer you to a midwifery service of your choice; or • go directly to a midwifery service of your choice - you do not have to ask your GP to refer you first. <p><i>While you are pregnant</i> You can choose to receive ‘antenatal’ care from:</p> <ul style="list-style-type: none"> • a midwife; or • a team of maternity health care professionals, including midwives and obstetricians. (This will be safer for some women and their babies). <p><i>When you give birth</i> You can choose to give birth:</p> <ul style="list-style-type: none"> • 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; or • in any available hospital in England, with the support of a maternity team. This type of care will be the safest option for some women and their babies. If this is the case for you, you should still have a choice of hospital. <p><i>After going home</i> After you go home, you can choose to get ‘postnatal’ care:</p> <ul style="list-style-type: none"> • at home; or • in a community setting, such as a Sure Start Children’s Centre. <p>Depending on where you live, you may have other choices about your maternity care. Contact your midwife or local clinical commissioning group for information.</p>
<p>Is this a legal right?</p>	<p>No, it depends on what is best for you and your baby and what is available locally.</p>

<p>When am I not able to make a choice?</p>	<p>You can choose where to give birth, but this may mean you cannot have some kinds of pain relief during the birth, as some forms of pain relief are only available in hospitals.</p> <p>If you need urgent or emergency treatment, you cannot choose who you see and may not be able to choose where you give birth.</p>
<p>Who is responsible for offering me this choice?</p>	<p>Your midwife will tell you about the choices available locally.</p> <p>You can also contact your clinical commissioning group to discuss what choices you have.</p>
<p>Where can I get information and support to help me choose?</p>	<p>Your midwife will be able to give you information, advice and support to help you decide.</p> <p>A number of charitable and voluntary organisations can also help you decide, including:</p> <ul style="list-style-type: none"> • NCT - National Childbirth Trust, at: www.nct.org.uk or call its Helpline: 0300 330 0700; • Birth Choice UK, that helps women choose maternity care, at: www.birthchoiceuk.com; • AIMS - Association for Improvements in the Maternity Services, at: www.aims.org.uk, or email helpline@aims.org.uk or call the Helpline: 0300 365 0663 for advice from volunteers; • Start4Life, at: www.nhs.uk/InformationServiceForParents for information and advice.

Choosing services provided in the community	
What choices do I have?	<p>The choices you have will depend on where you live.</p> <p>You may be able to choose who you see for services provided in the community, such as:</p> <ul style="list-style-type: none"> • physical therapy, such as, physiotherapy; • adult hearing assessment services; • psychological therapies, such as, counselling; or • podiatry services. <p>Different choices are available in different areas. In future, the number of services where this choice is available is expected to increase.</p>
Is this a legal right?	No.
When am I not able to make a choice?	Your choice of services will depend on what your local clinical commissioning groups, GP practices and patients think are priorities for your community.
Who is responsible for offering me this choice?	The GP or the health care professional who referred you to the service.
Where can I get information and support to help me choose?	<p>You can find out which services there is a choice for in your area by:</p> <ul style="list-style-type: none"> • asking at your GP practice; and/or • contacting your clinical commissioning group that will provide information to help you make decisions.

Choosing to take part in health research	
What choices do I have?	<p>You can take part in approved health research, such as, clinical trials of medicines, relating to your circumstances or care.</p> <p>You are free to choose whether you take part in any research and do not have to take part if you do not want to.</p>
When am I not able to make a choice?	<p>You cannot take part in research if:</p> <ul style="list-style-type: none"> • there is currently no research relating to your circumstances or care; or • you do not meet the requirements for a particular study.
Who is responsible for giving me choice?	<p>The health care professional who is providing your care, for example, your hospital doctor, your GP or nurse.</p> <p>Clinical commissioning groups are required to promote patients' recruitment to and participation in research.</p>
Where can I get information and support to help me choose?	<p>For information to help you decide whether or not to take part in research, you can use:</p> <ul style="list-style-type: none"> • NHS Choices, which explains why the NHS carries out research, at: www.nhs.uk; • Healthtalkonline, which explains what clinical trials are and why we need them: www.healthtalkonline.org; • The National Institute for Health Research, which explains how patients can help with research: www.crncc.nihr.ac.uk. <p>For information on what research is currently under way visit the UK Clinical Trials Gateway, at: www.ukctg.nihr.ac.uk.</p>

Choosing to have a personal health budget

What choices do I have?

For some NHS services, you can choose to have a personal health budget if you want one.

A personal health budget is an amount of money and a plan to use it. The plan is agreed between a patient and their health care professional or clinical commissioning group. It sets out the patient's health needs, the amount of money available to meet those needs and how this money will be spent.

With a personal health budget, you (or your representative) can:

- agree with a health care professional what health and wellbeing outcomes you want to achieve;
- know how much money you have for this health care and support;
- create your own care plan if you wish, with the help of your health care professional or others;
- choose how to manage your personal health budget;
- spend the money in ways and at times that makes sense to you, in line with your care plan.

Once you have a care plan agreed, you can manage your personal health budget in three ways, or a combination of these:

- **a 'notional budget'**: the money is held by your clinical commissioning group or other NHS organisation who arrange the care and support that you have agreed, on your behalf;
- **a 'third party budget'**: the money is paid to an organisation which holds the money on your behalf (such as an Independent User Trust) and organises the care and support you have agreed;
- **direct payment for health care**: the money is paid to you or your representative. You, or your representative, buy and manage the care and services as agreed in your care plan.

In each case there will be regular reviews to ensure that the personal health budget is meeting your needs. If you have a direct payment there will be a review of how the money was spent.

You do not have to have a personal health budget if you do not want one.

<p>Is this a legal right?</p>	<p>There will be a legal ‘right to ask’ for a personal health budget from April 2014, which will be extended to a legal ‘right to have’ a personal health budget (with some exceptions) from October 2014, for people receiving NHS Continuing Healthcare (including children).</p> <p>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 clinical commissioning group using a multi-disciplinary team of health and social care professionals.</p> <p>You can find more about NHS Continuing Healthcare at NHS Choices: www.nhs.uk.</p> <p>Clinical commissioning groups will also be able to provide personal health budgets to other groups of patients on a voluntary basis, if they recognise that there is a benefit to the patient and the NHS from offering packages of care in this way.</p>
<p>When am I not able to make a choice?</p>	<p>You will not be able to have a personal health budget for all NHS services (for example, acute or emergency care or visiting your GP).</p> <p>A few individuals or groups of people may not be eligible for a personal health budget or a direct payment (for example, people who have been ordered by the Court to have drug rehabilitation treatment).</p>
<p>Who is responsible for giving me choice?</p>	<p>Your local clinical commissioning group.</p>
<p>Where can I get information and support to help me choose?</p>	<p>If you would like to manage your own personal health budget:</p> <ul style="list-style-type: none"> • talk to your GP or health care professional; • contact your local clinical commissioning group. <p>You can find out more about personal health budgets from:</p> <ul style="list-style-type: none"> • NHS England ‘Personal health budget learning network’, at: http://www.personalhealthbudgets.england.nhs.uk/index.cfm • NHS Choices: www.nhs.uk <p>See also page 17 of this framework: <i>Where can I get more information to help me choose?</i></p>

<h2>Choosing to access required treatment in another European Economic Area country</h2>	
<p>What choices do I have?</p>	<p>You have the right to choose, subject to certain conditions, to receive treatment which is normally available to you on the NHS in other countries within the European Economic Area (EEA).*</p> <p>This is a legal right set out in the NHS Constitution and in EU law.</p> <p>Under a new EU Directive on patients' rights in cross-border health care, you have the right to access any health care service in another Member State that is the same as or equivalent to a service that would have been provided to you in the circumstances of your case. This means that your treatment must be one that is available through the NHS.</p> <p>You then have 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 you will normally have to pay for the full cost of your treatment upfront (though other arrangements may be available via your clinical commissioning group or NHS England).</p> <p>The Directive covers treatment provided in state-run hospitals and services provided by private clinics and clinicians.</p> <p>* The Member states of the European Union, plus Iceland, Liechtenstein and Norway.</p>
<p>When is choice not available?</p>	<p>The Directive does not cover:</p> <ul style="list-style-type: none"> • Long-term (i.e. social) care; • Access to and allocation of organs (for transplantation); • Public vaccination programmes against infectious diseases. <p>In some cases, prior authorisation may be required before you access treatment in another EEA country. This will enable you to confirm that you are entitled to the treatment requested, as well as the level of reimbursement that will apply.</p> <p>The process of prior authorisation will also ensure that you are aware of all of the possible treatment options within the NHS, which may be more convenient to you than going abroad.</p> <p>If you are unable to access treatment on the NHS without undue delay in your particular case, you must be granted authorisation.</p>

<p>Who is responsible for giving me choice?</p>	<p>If you wish to have your treatment in another EEA country, your GP, dentist or local commissioner must outline the choices that are available to you.</p>
<p>Where can I find information to support my choice?</p>	<p>Please see:</p> <ul style="list-style-type: none">▪ NHS Choices: www.nhs.uk;▪ NHS England: www.England.nhs.uk.
<p>What organisations can I approach for support in making decisions?</p>	<p>Contact your clinical commissioning group or NHS England to discuss the choices available.</p> <p>To find your local clinical commissioning group, please look at NHS Choices www.nhs.uk.</p>

Where can I get more information to help me choose?

You can find advice on how to get information for particular health services in each section of this guide.

There are also lots of ways to get general information to help you make the right choice.

- **NHS Choices:** www.nhs.uk. This website can help you make important health decisions, including which GP surgery you register with and which hospital you attend for treatment. It provides tools and resources that help you look at your options and make the right decision.
- **Care Quality Commission** checks many care organisations in England to ensure they are meeting national standards. They share their findings with the public, which can be found at: www.cqc.org.uk or call their National Customer Service Centre: Tel: 03000 616161 (Mon to Fri, 8.30am - 5:30pm).
- **The NHS Constitution** tells you what you can and should expect when using the NHS. Visit www.nhs.uk and search for 'NHS Constitution'. The Handbook to the NHS Constitution provides additional explanation about the rights and pledges set out in the NHS Constitution. s
- **Healthwatch** is an independent consumer champion for health and social care in England. It operates as [Healthwatch England](http://www.healthwatch.org.uk) at national level and [local Healthwatch](http://www.healthwatch.org.uk) at local level. Visit www.healthwatch.co.uk for more information.

What can I do if I am not offered these choices?

First, you can speak to your **GP or the health care professional who is referring you**, as set out in the boxes above. In the case of maternity services, speak to your GP, midwife or Head of Midwifery.

If you are still unhappy that you have not been offered these choices, you can make a complaint. You can complain to the **organisation that you have been dealing with** or you can make a complaint to your **local clinical commissioning group**. Clinical commissioning groups must publish their complaints procedure. If they agree with your complaint, the clinical commissioning group must make sure that you are offered a choice for that health service.

To contact your local clinical commissioning group:

- Ask your GP practice, they can tell you how to contact your local clinical commissioning group; or
- Visit NHS Choices, www.nhs.uk click on the 'Health services near you' section on the homepage. You can search for your clinical commissioning group by your postcode or location.

There are two occasions when you would not complain to your clinical commissioning group. If your complaint is about not being offered a choice of GP practice or about health research you should complain to **NHS England**. It is the responsibility of NHS England to ensure clinical commissioning groups are working properly. To contact NHS England:

- visit www.England.nhs.uk;
- call the Customer Contact Centre: 0300 311 22 33 (Mon to Fri, 8.00am – 6.00pm) or email: england.contactus@nhs.net.

If you are unhappy with the decision of a clinical commissioning group or NHS England, you can make a complaint to **Monitor**. For more information on making a complaint to Monitor on issues relating to patient choice:

- visit <http://www.monitor-nhsft.gov.uk/about-monitor/contact-us>;
- call the enquiries team: 020 3747 0000 or email enquiries@monitor.gov.uk.

If you are unhappy with the decision from the clinical commissioning group, NHS England or Monitor you have the right to complain to the independent **Parliamentary and Health Service Ombudsman**. The Ombudsman is the final stage in the complaints system. To contact the Ombudsman:

- visit www.ombudsman.org.uk;
- call the Helpline: 0345 015 4033;
- use the Textphone (Minicom): 0300 061 4298;
- text 'call back' with your name and your mobile number to 07624 813 005; you will be called back within one working day during office hours (Monday to Friday, 8.30am - 5:30pm).

You can also contact an NHS complaints advocacy service if you have concerns regarding your right to choose. Contact your local Healthwatch to find out your local advocacy service.

- visit <http://www.healthwatch.co.uk/find-local-healthwatch>.