

**NHS North Central London Clinical Commissioning Group
Individual Funding Requests Appeals Panel
Terms of Reference**

1. Introduction

- 1.1 The Individual Funding Requests Appeals Panel ('Appeals Panel') is established in accordance with the Constitution of NHS North Central London Clinical Commissioning Group ('CCG'). It is a committee of the CCG's Governing Body.
- 1.2 These Terms of Reference set out the membership, remit, responsibilities and reporting arrangements of the Appeals Panel.

2. Purpose

- 2.1 The purpose of the Appeals Panel is to consider Applicants' appeals against decisions made by the Individual Funding Requests Panel ('Panel').

3. Role

- 3.1 The Appeals Panel will:
 - 3.1.1 Consider and decide on appeals against decisions taken by the Panel;
 - 3.1.2 Give proper consideration to appeals when determining the outcome;
 - 3.1.3 Act within the delegated authority from the Governing Body;
 - 3.1.5 Follow the Individual Funding Requests ('IFR') Policy.
- 3.2 The role of the appeals process is not to consider the clinical merits of the case but whether due process has been followed in the IFR decision-making process.

4. Financial Authority Limits

- 4.1 The Appeals Panel has no authority to approve IFR requests.

5. Duty as to Affordability and to Meet Financial Control Total

- 5.1 The Appeals Panel has no authority to approve IFR requests.

6. Decisions

- 6.1 The Appeals Panel may make the following decisions:
 - 6.1.1 To reject the appeal;
 - 6.1.2 To defer decision on the appeal pending further information;
 - 6.1.3 To approve the appeal and remit the decision on the individual funding request to the Panel without conditions.
- 6.2 The Appeals Panel may approve appeals where the Panel:
 - 6.2.1 Has acted beyond its lawful powers;
 - 6.2.2 Reached a decision that no other reasonable CCG could have reached;
 - 6.2.3 Acted unfairly;
 - 6.2.4 Failed to follow proper procedures;
 - 6.2.5 Placed undue weight on irrelevant matters and this made a material difference to the IFR decision;

- 6.2.6 Breached the patient's human rights;
- 6.2.7 Breached the Equality Act 2010.

7. Membership

- 7.1 To ensure fairness, independence and objectivity in the Appeals Panel's decision making voting members of the Panel are prohibited from being a voting member of the Appeals Panel.
- 7.2 The Appeals Panel shall comprise of the following voting members:
 - 7.2.1 Two Governing Body elected Clinical Representatives;
 - 7.2.2 One Governing Body Lay Member;
 - 7.2.3 An appointed but not elected Governing Body Clinician;
 - 7.2.4 A representative from commissioning;
 - 7.2.5 A Medicines Management representative.
- 7.3 The roles referred to in the list of voting members above describe the substantive roles and any equivalent successor roles and not the individual title or titles.
- 7.4 The list of voting members is set out in Schedule 1. Schedule 1 does not form part of the Terms of Reference and may be amended without the need to formally amend these Terms of Reference.
- 7.5 Voting members may nominate deputies to represent them in their absence

8. Attendance

- 8.1 The following people shall attend Appeals Panel meetings as standing attendees:
 - 8.1.1 Deputy Director of Contracts;
 - 8.1.2 Two members from North and East London Commissioning Support Unit ('NEL CSU') IFR Team of which at least one is a senior manager;
 - 8.1.3 Head of Medicines Management from NEL CSU.
- 8.2 Attendees at Appeals Panel meetings are non-voting.
- 8.3 The roles referred to in the list of attendees above describe the substantive roles and any equivalent successor roles and not the individual title or titles.
- 8.4 The list of standing attendees is contained in Schedule 1. Schedule 1 does not form part of the Terms of Reference and may be amended without the need to formally amend these Terms of Reference.
- 8.5 Attendees may nominate deputies to represent them in their absence.
- 8.6 The Appeals Panel may invite or allow additional people to attend meetings as attendees. Attendees may present at meetings and contribute to the relevant discussions but are not allowed to participate in any formal vote.
- 8.7 The Appeals Panel may invite or allow people to attend meetings as observers. Observers may not present at meetings, contribute to any discussion or participate in any formal vote.
- 8.8 The Appeals Panel may call additional experts to attend meetings on a case by case basis to inform discussion.

9. Chair

- 9.1 The Panel Chair shall be an elected Clinical Representative or a Governing Body Lay Member. The Panel Chair may nominate a deputy to represent them in their absence.

10. Voting

- 10.1 Each voting member of the Appeals Panel shall have one vote with resolutions passing by simple majority. In the event of a tied vote the Appeals Panel Chair shall have the casting vote.

11. Quorum

- 11.1 The Panel will be considered quorate when at least four voting members or their nominated deputies are present, which must include:
- 11.1.1 The Chair;
 - 11.1.2 A clinician;
 - 11.1.3 An officer.
- 11.2 If any representative is conflicted on a particular item of business they will not count towards the quorum for that item of business. If this renders a meeting or part of a meeting inquorate a non-conflicted person may be temporarily appointed or co-opted onto the Appeals Panel to satisfy the quorum requirements.
- 11.3 If a meeting is not quorate the Appeals Panel Chair may adjourn the meeting to permit the appointment or co-option of additional members if necessary.

12. Secretariat

- 9.1 The Secretariat to the Appeals Panel shall be provided by NEL CSU IFR team.

13. Frequency of Appeals Panel Meetings

- 13.1 Appeals Panel meetings will be held as and when necessary.

14. Notice of Meetings

- 14.1 Notice of an Appeals Panel meeting shall be sent to all Appeals Panel members no less than 7 days in advance of the meeting.
- 14.2 The meeting shall contain the date, time and location of the meeting.

15. Agendas and Circulation of Papers

- 15.1 Before each Appeals Panel meeting an agenda setting out the business of the meeting will be sent to every Appeals Panel member no less than 7 days in advance of the meeting.
- 15.2 Before each Appeals Panel meeting the papers of the meeting will be sent to every Appeals Panel member no less than 7 days in advance of the meeting.
- 15.3 If an Appeals Panel member wishes to include an item on the agenda they must notify the Appeals Panel Chair via the Secretariat no later than 7 days prior to the meeting. The decision as to whether to include the agenda item is at the absolute discretion of the Appeals Panel Chair.

16. Minutes of Meetings

16.1 Due to the nature of IFR appeals decision making it is not appropriate to wait for the following Appeals Panel meeting to approve the minutes. Therefore, the minutes of the proceedings of a meeting shall be prepared by the Secretariat and submitted for approval to the Appeals Panel Chair. The minutes shall be included in the papers for the next Panel meeting for information purposes only.

17. Authority

17.1 The Appeals Panel is accountable to the Governing Body and will operate as one of its committees. The Appeals Panel must act within the remit of these terms of reference and has no executive powers other than those specifically set out in these terms of reference.

17.2 The Appeals Panel is authorised by the Governing Body to obtain at the CCG's expense outside legal or other professional advice on any matters within the Appeals Panel's Terms of Reference.

18. Reporting Responsibilities

18.1 The Appeals Panel will report to the Governing Body on all matters within its duties and responsibilities.

18.2 The Appeals Panel may make recommendations to the Governing Body it considers appropriate on any area within its remit.

19. Delegated Authority

19.1 The Appeals Panel may agree to delegate its authority to an Appeals Panel member or members to make decisions on the Appeals Panel's behalf outside of an Appeals Panel meeting at its absolute discretion on a case by case basis.

19.2 There are circumstances where time-critical decisions need to be made and it is not possible and/or reasonably practicable and/or a good use of resources to hold a physical meeting in sufficient time. In these circumstances decisions may be made virtually using the protocol for virtual decision making.

19.3 Decisions made outside of formal meetings in accordance with clause 19.2 above must be reported to the next Appeals Panel meeting.

20. Sub-Committees

20.1 The Appeals Panel may not appoint sub-committees. The Appeals Panel may not delegate any of its functions, powers or decision making authority to a sub-committee.

21. Conflicts of Interest

21.1 Conflicts of Interest shall be dealt with in accordance with the Conflicts of Interest Policy and NHS England statutory guidance for managing conflicts of interest.

21.2 The Appeals Panel shall have a Conflicts of Interest Register that will be presented as a standing item on the Appeals Panel's agenda. In addition, an opportunity to declare any new or relevant declarations of interest will be listed as a standing item on the Appeals Panel's agenda

22. Gifts and Hospitality

- 22.1 Gifts and Hospitality shall be dealt with in accordance with the Conflicts of Interest Policy and NHS England statutory guidance for managing conflicts of interest.
- 22.2 The Appeals Panel shall have a Gifts and Hospitality Register and Appeals Panel members will have an opportunity to declare any new or relevant declarations of relevant gifts and hospitality as a standing item on the Appeals Panel's agenda

23. Standards of Business Conduct

- 23.1 Appeals Panel members and any attendees or observers must maintain the highest standards of personal conduct and in this regard must comply with:
 - 23.1.1 The law of England and Wales;
 - 23.1.2 The NHS Constitution;
 - 23.1.3 The Nolan Principles;
 - 23.1.4 The standards of behaviour set out in the CCG's Constitution;
 - 23.1.5 The Standards of Business Conduct Policy;
 - 23.1.6 The Conflicts of Interest Policy
 - 23.1.7 The Counter Fraud, Bribery and Corruption Policy,
 - 23.1.8 Any additional regulations or codes of practice relevant to the Appeals Panel.
- 20.2 The Appeals Panel will have access to sufficient information and resources to carry out its duties effectively and Appeals Panel members will be provided with appropriate and timely training. The CSU IFR team will provide the training.

21. Review of Terms of Reference

- 21.1 These Terms of Reference will be reviewed from time to time, reflecting the experience of the Appeals Panel in fulfilling its functions and the wider experience of the CCG.
- 21.2 These Terms of Reference will be formally reviewed annually. These Terms of Reference may be approved, varied or amended by the Governing Body.

Date Approved by Governing Body: 18th June 2020.

Date of Next Review: 17th June 2021.

**Schedule 1
List of Members**

The voting members of the Appeals Panel are:

Position	Name

Appeals Panel Chair:

Position	Name

The standing attendees are:

Position	Name