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12 April 2018

Private & Confidential

Mr and Mrs Austen-Jones

By email: philandrachaj@gmail.com

Dear Mr and Mrs Austen-Jones

Thank you for your letters dated 22 and 27 March 2018 with regard to our response dated 21 March 2018 and your ongoing concerns about the NHS Continuing Healthcare process for Mrs Austen-Jones.

I am sorry that you are not satisfied with our previous responses of 21 December 2017 and 21 March 2018. We have reviewed these against your previous correspondence and the outcome of the complaint meeting and are of the opinion that we have responded appropriately to your complaints.

Reviews

Please be advised that West Hampshire Clinical Commissioning Group have investigated your complaints regarding this matter and have concluded that the principles of the National Framework for NHS Continuing Healthcare have been adhered to.

Data Protection

In regard to your letter of 27 March 2018, I have also sought advice from the information governance department for West Hampshire Clinical Commissioning Group. Having reviewed your concerns regarding the Data Protection Act 1998, we are of the opinion that the reviews undertaken complied with the National Framework and there are no indications of any breach of the Data Protection Act 1998. There is a legal basis to undertake reviews and the Continuing Healthcare process has been undertaken within the common law duty of confidence adhered to in the NHS to protect personal information. Furthermore the reviews have been undertaken with both of your prior knowledge and agreement.

Complaints

All complaints follow a robust investigation in line with the NHS Complaints (England) Regulations 2009. The review and approval process for your complaint investigation responses include review and approval by Ciara Rogers, Deputy Director for Continuing Healthcare and Ellen McNicholas Director of Quality and Nursing (Board Nurse). Furthermore the complaint investigations were undertaken by the operational manager, who is unrelated to the complaint.

Following the letter dated 21 December 2017 you accepted the offer of a complaint local resolution meeting that was held on 15 February 2018.

Mrs Thomas' email of 8 February 2018 confirmed the agreed plan for the meeting with you. It was agreed to address the questions from the complaint of 10 November 2017 and to include the new complaint dated 7 February 2018. This would be followed by a formal written response that incorporated all of the complaint and summarised the actions arising from the meeting. A recorded copy of the meeting was sent to you on 16 February 2018 and the formal response was sent on 21 March 2018.

I reiterate our response of 21 March 2018, which states the case coordinator advised that a new Continuing Healthcare multi-disciplinary meeting and completion of the decision support tool should progress to allow for an eligibility decision to be reached. This would allow your evidence to be reviewed as to whether the current package of care is appropriate in meeting Mrs Austen-Jones's clinical needs.

If having attended the multi-disciplinary meeting the outcome of the meeting concludes that Mrs Austen-Jones did not meet the Continuing Healthcare eligibility criteria you will have the option to appeal the decision at a local review meeting. The next step in the process if you disagree with the decision of the local review meeting is an Independent Review Panel chaired by NHS England.

The Continuing Healthcare team will be contacting you shortly to make arrangements for the multi-disciplinary meeting.

West Hampshire Clinical Commissioning Group considers the complaint to be closed. Should you wish to contact the Parliamentary and Health Service Ombudsman, the Clinical Commissioning Group will be happy to assist in any investigation they decide to undertake.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Fulford', written in a cursive style.

Mr Mike Fulford
Chief Financial Officer (Deputy Chief Officer)

For and on behalf of

Mrs Heather Hauschild
Chief Officer

cc. Leo Docherty MP

If you're not happy with our final response to your complaint, and would like to take the matter further, you can contact the Parliamentary and Health Service Ombudsman. The Ombudsman makes final decisions on complaints that have not been resolved by the NHS, government departments and some other public organisations. The service is free for everyone. To take a complaint to the Ombudsman, go to www.ombudsman.org.uk/making-complaint or call 0345 015 4033. It is important that you make your complaint to the Ombudsman as soon as you receive our final response as there are time limits for the Ombudsman to look into complaints.