

We have been highlighting the chronic failings in NHS Continuing Healthcare that we have been facing with West Hampshire CCG. Several months ago, we launched a national campaign to raise awareness of the issues we have been facing. We have a lot more information to share. All information is easily found on our website - chcinhamphshire.com

This update focuses on very recent events. Having finally been able to deal directly with members of the Board, the CCG has finally admitted that we were misinformed about the reasoning for the review process that we have been put through. They have cancelled the planned Multi-Disciplinary Team(MDT) meeting to reassess my wife's eligibility. Considering this case has been going on for two years, it is deplorable that it has taken this long. However, the CCG continues to deny other significant failings. We will be having a new review (not MDT) in January 2020. We fully accept this as it is a legitimate part of the CHC process.

It is incredulous that the reason they now give is unevidenced recollections of a 'conversation' two years ago and not having records of the care package as we described it. The latter point is maladministration. We have a copy of their records that show what the package is. So they have either lost it or are trying to hide it. Either way, it is a serious data breach. Maladministration is not a valid legal basis for a review in accordance with the National Framework. We have given the CCG a copy of the evidence but await a response.

Now that they admit that we were misinformed, it demonstrates that our consent was misinformed. (There are many other failings, including other issues around consent). We submitted a GDPR Article 17 request for the deletion of the records relating to the reviews that they undertook. This request was sent to the Chief Executive Officer, the Chair of the Board and two other Board members who are now involved in the case. They have failed to respond in the required time in accordance with the law (GDPR Article 12.3).

Below is a copy of the letter we sent to the Chief Officer and the Board members yesterday morning. We made it clear that it was an open letter and that we would share it widely unless the CCG gave us good reason not to by 5pm on Friday 18th October. We have received nothing back from them. (We have also attached the original GDPR Article 17 Request.)

With the on-going issues, it is making us consider our options under Misconduct in Public Office.

*"The Crown Prosecution Service guidelines on this offence say that the elements of the offence are when:**

- 1. A public officer acting as such.*
- 2. Wilfully neglects to perform ones duty and/or wilfully misconducts oneself.*
- 3. To such a degree as to amount to an abuse of the public's trust in the office holder.*
- 4. Without reasonable excuse or justification."*

(Wikipedia)

Yours sincerely

Phil Austen-Jones