

Individual Funding Case

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Individual Funding Requests

- ▶ They will always exist!
- ▶ Perception that IFRs are replete with risk
- ▶ High profile cases
- ▶ Media Scrutiny
- ▶ Tight finances
- ▶ Judicial Review

Jean Murphy - Cancer Gran



- 62 years old
- Salford resident & GP registered
- Renal cancer
- First line treatment failure
- Treated at Christie Hospital in Manchester

Sutent - Sunitinib



- ▶ Kinase Inhibitor
- ▶ £3,500 per month
- ▶ Evidence at the time 25 - 36% of patients responded to the drug for between 27 - 54 weeks
- ▶ Fell below the NICE threshold, advised not to commission
- ▶ Separate opinion for Greater Manchester PCTs supported NICE ruling
- ▶ Position inconsistent across the country (e.g. neighbouring Cheshire & Merseyside PCTs funded)

Exceptional Funding Review Panel

- ▶ Clinically led, managerially advised
- ▶ Health economic expert input
- ▶ Tightly defined terms of reference
- ▶ Tightly defined criteria
 - 1) family circumstances
 - 2) unresponsive to first line treatment & therapies
 - a) Intolerance
 - b) Genetic predisposition



Manchester Evening News

Mystery donor to gran's rescue

BY: AMANDA CROOK 19:47, 19 APR 2010

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High Court to rule on Sutent access

4 July, 2008 02:08 PM

Jean Murphy, a 62-year-old grandmother from Galford, UK

A bank account for a mystery donor goes to court

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News Greater Manchester News

Gran's cancer drug plea

A GRANDMOTHER is fighting for a drug which could give her cancer and doctors say the only treatment which could help her and Cheshire but rarely prescribed on the NHS in Greater Man

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BY MANCHESTER EVENING NEWS
08:22, 19 APR 2010 | UPDATED 22:05, 12 JAN 2013



Manchester Evening News

Gran takes drug battle to court

BY: CHRIS OSUH 08:15, 19 APR 2010

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Related articles

Media Coverage

- ▶ Salford Advertiser
 - ▶ Manchester Evening News
 - ▶ Daily Mail
 - ▶ Daily Telegraph
 - ▶ Guardian
 - ▶ Times
 - ▶ Channel M
 - ▶ BBC Regional News
 - ▶ ITV Regional News
 - ▶ ITN National News
 - ▶ Etc
-
- ▶ How to manage this?



Timeline

- ▶ Media coverage from the outset
- ▶ Exceptional funding request
- ▶ Panel considered and rejected
- ▶ Judicial review
- ▶ Adjudged that there was a flaw in process
- ▶ Panel reconvened & reconsidered & rejected a second time
- ▶ Mystery donor stepped forward & funded
- ▶ 5 months treatment - patient responded very well
- ▶ Executive decision to fund
- ▶ Patient died shortly afterwards

Judicial Review

- ▶ One day process
- ▶ Media presence
- ▶ A range of issues rapidly dismissed
- ▶ Process review
 - ▶ Was process sound?
 - ▶ Application of criteria



Judicial Review

- ▶ Court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body
- ▶ A challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached
- ▶ The court will not substitute what it thinks is the 'correct' decision
- ▶ ***This may mean that the public body will be able to make the same decision again, so long as it does so in a lawful way***
- ▶ Process Process Process

The Role of the Courts

These principles were summarised in *R (on the application of Murphy) v Salford Primary Care Trust* [2008] EWHC 1908 (Admin): “(a) When an NHS body makes a decision about whether to fund a treatment in an individual patient’s case it is entitled to take into account the financial restraints on its budget as well as the patient’s circumstances...(b) Decisions about how to allocate scarce resources between patients are ones with which the courts will not usually intervene absent irrationality on the part of the decision-maker...There are severe limits on the ability of the court to intervene...(c) The court’s role is not to express opinions as to the effectiveness of medical treatment or the merits of medical judgment...(d) It is lawful for an NHS body to decide to decline to fund treatment save in exceptional circumstances, provided that it is possible to envisage such circumstances...”.

Fan Mail

Due to the disgusting and flawed policy which yourself and your vile organisation use as an excuse to deny people access to treatment they desperately need, my mother was left without any treatment for a whole 5 months. Had you allowed Professor Hawkins to prescribe Sutent for my mother when he wanted to, I feel the chances of her being in complete remission by now would have been very high and she would have more than likely still been here with us.

My mother fought your vile organisation and she won in the High court of London, yet you still saw fit to continue to deny her the treatment. I miss my Mother more than you'll ever know, but it gives me so much joy when I think of the endless public humiliation yourself and your dept suffered because quite rightly my Mother wouldn't give in, and due to my Mother's actions, you have all become a national laughing stock. I have absolutely no idea how you sleep at night, and in my opinion it would be real justice for my Mother if you or a member of your family were to become a victim of your own disgraceful system.

My Mother will always be remembered as 'A fighter to the very end'

You and your panel will always be remembered as 'scum', because I'll make sure of it.