

**Saying no to funding yer grans
cancer medicines.....**

**a form of Hell it pays to be well
prepared for**

What is an Individual Funding Request?

NHS England

“An individual funding request can be made by your clinician (doctor or other health professional) if they believe that a particular treatment or service that is not routinely offered by the NHS is the best treatment for you given your individual clinical circumstances”

Or in other terms.....

- Mechanism to fund treatment for someone who has “exceptional circumstances” when population policy = not funded.
- Mechanism for commissioning where there IS no policy
- NOT a mechanism to introduce new treatments one patient at a time

But.....

- Clash of values
- Saying “we wont fund” when patient may benefit, clinician thinks is right thing.
- Personal v population value?

25 year history

- Rationing & NHS reforms in the 90s
- Budget black holes. Hospital block contracts
- Multiple legal cases and establishment of case law.
- Over abundance of mega ££££ medicines
- NICE
- Patient expectations and media hype

Process

- 1200 “cases” a year.
- 70% surgical – mainly xxxxxxaplasty
- 20% drugs – mainly xxxxamab
- 10% other
- 80% dealt with outside formal committee
- “no” = answer for 85%.

IFR Policy – the process and rule book

- Have one. Use it!
- Know it inside out - a judge/lawyer will
- What are issues from your perspective as funder?
- Should social factors be included?
- Does it provide clarity to clinicians, patients, the public and CCG?

Process of decision is all

- Your **decision** is not being challenged (well it is.....)
- **Process** = basis of challenge and appeal
- Show two things:
 1. Your policy is being followed to the letter
 2. You have explored all relevant clinical (and social???) aspects. And disregarded irrelevant
- Have a robust appeals process outlined in your policy – practice it

It's a process laden with value judgments

- Resource allocation decisions in health care are rife with moral disagreements
- ***Scientific value judgements*** are about interpreting the quality and significance of the evidence available;
- ***Social value judgements*** relate to society rather than science.
- NICE social value principles helpful
- value judgements neither good nor bad?

Exceptionality – is a value judgement!

NHS Confed

*“.....essentially an equity issue that is best expressed by: **On what grounds can the PCT justify funding this patient when others from the same patient group are not being funded?**”*

Ford 2012 – The Concept of Exceptionality – A Legal Farce?

Exceptionality in Practice

- Significantly different to reference population (that policy based on) **AND** greater capacity to benefit
- Know your definition & apply it
- Refer to it explicitly in your discussions and minutes
- Demonstrate that you have done so
- If needs be record the criteria as a tick box exercise

**But if your panel says “no”
someone wont be happy.....there
will be an “appeal” and maybe a
court case**

***"PCT managers are acting way outside
their expertise and making clinical
judgments on patients when it's not their
job to do so at all. The level of ignorance
is shocking"***

Here's what happened next.....