

**NHS North Central London
Integrated Care Board
Individual Funding Request 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 Integrated Care Board ('ICB'). It is a sub-committee of the Strategy and Development Committee.
- 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:
- a) Consider and decide on appeals against decisions taken by the Panel;
 - b) Give proper consideration to appeals when determining the outcome;
 - c) Act within the delegated authority from the Board of Members;
 - d) 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:
- a) To reject the appeal;
 - b) To defer decision on the appeal pending further information;
 - c) 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:
- a) Has acted beyond its lawful powers;
 - b) Reached a decision that no other reasonable ICB could have reached;
 - c) Acted unfairly;
 - d) Failed to follow proper procedures;

- e) Placed undue weight on irrelevant matters and this made a material difference to the IFR decision;
- f) Breached the patient's human rights;
- g) Breached the Equality Act 2010.

7. Membership

- 7.1 The Appeals Panel shall comprise of the following voting members:
 - a) An Independent Member;
 - b) Three clinicians;
 - c) Commissioning representative;
 - d) Medicines Management Representative.
- 4.2 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.
- 4.3 In accordance with the ICB's Constitution all voting members of the Appeals Panel must be approved by the ICB's Chair.
- 4.4 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.
- 4.5 Voting members may nominate deputies to represent them in their absence.

5. Participants and Observers

- 5.1 The following people shall attend Appeals Panel meetings as standing participants:
 - a) An IFR Specialist.
- 5.2 Participants at Appeals Panel meetings are non-voting.
- 5.3 The roles referred to in the list of standing participants above describe the substantive roles and any equivalent successor roles and not the individual title or titles.
- 5.4 The list of standing participants 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.
- 5.5 Standing participants may nominate deputies to represent them in their absence.
- 5.6 The Appeals Panel may invite or allow additional people to attend meetings as participants. Participants may present at meetings and contribute to the relevant discussions but are not allowed to participate in any formal vote.
- 5.7 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.
- 5.8 The Appeals Panel may call additional experts to attend meetings on a case by case basis to inform discussion.

6. Chair

- 6.1 The Appeals Panel Chair shall be the Independent Member or a clinician. The Chair may nominate a deputy to represent them in their absence.

7. Voting

- 7.1 The ICB has agreed to use a collective model of decision making that seeks to find consensus between system partners and make decisions based on unanimity as the norm. This includes working through difficult issues where appropriate. If it is not possible to achieve unanimity a vote will be required. Voting shall be as per clause 7.2 below.
- 7.2 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.

8. Quorum

- 8.1 The Appeals Panel will be considered quorate when at least three voting members are present which must include:
- a) Chair;
 - b) A clinician or where the Chair is a clinician an Independent Member;
 - c) An officer.
- 8.2 Notwithstanding section 8.1 above, for drugs cases the Medicines Management Representative must be present
- 8.3 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.
- 8.4 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.

9. Secretariat

- 9.1 The Secretariat to the Appeals Panel shall be provided by the IFR Administrator.

10. Frequency of Appeals Panel Meetings

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

11. Notice of Meetings

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

12. Agendas and Circulation of Papers

- 12.1 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.

12.2 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.

12.3 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.

13. Minutes of Meetings

13.1 The minutes of the proceedings of a meeting shall be prepared by the Secretariat and submitted for agreement at the following meeting.

14. Authority

14.1 The Appeals Panel is accountable to the Strategy and Development Committee and will operate as one of its sub-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.

14.2 The Appeals Panel is authorised by the Board of Members to obtain at the ICB's expense outside legal or other professional advice on any matters within the Appeals Panel's Terms of Reference.

15. Reporting Responsibilities

15.1 The Appeals Panel will report to the Strategy and Development Committee on all matters within its duties and responsibilities.

15.2 The Appeals Panel may make recommendations to the Board of Members, Strategy and Development Committee and/or any other committee it considers appropriate on any area within its remit.

16. Delegated Authority

16.1 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 a Appeals Panel meeting at its absolute discretion on a case by case basis.

17. Virtual Meetings and Decision Making

17.1 Appeals Panel meetings may be held in person or virtually.

17.2 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 (either in person or virtually) in sufficient time. In these circumstances decisions may be made virtually using the protocol for virtual decision making.

18. Sub-Committees

18.1 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.

19. Conflicts of Interest

- 19.1 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.
- 19.2 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

20. Gifts and Hospitality

- 20.1 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.
- 20.2 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

21. Standards of Business Conduct

- 21.1 Appeals Panel members and any attendees or observers must maintain the highest standards of personal conduct and in this regard must comply with:
- a) The law of England and Wales;
 - b) The NHS Constitution;
 - c) The Nolan Principles;
 - d) The standards of behaviour set out in the ICB's Constitution;
 - e) The Standards of Business Conduct Policy;
 - f) The Conflicts of Interest Policy;
 - g) The Counter Fraud, Bribery and Corruption Policy;
 - h) Any additional regulations or codes of practice relevant to the Appeals Panel.
- 21.2 The Appeals Panel will have access to sufficient resources to carry out its duties and Appeals Panel members will be provided with appropriate and timely training.

22. Review of Terms of Reference

- 22.1 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 ICB.
- 22.2 These Terms of Reference will be formally reviewed annually. These Terms of Reference may be varied or amended by the Board of Members.

Date Approved by Board of Members: 4th July 2022.

Date of Next Review: 3rd July 2023.

**Schedule 1
List of Members**

The voting members of the Appeals Panel are:

Position	Name
Independent Member	
Clinician	
Clinician	
Clinician	
Commissioning Representative	
Medicines Management Representative	

Appeals Panel Chair:

Position	Name

The standing participants are:

Position	Name
IFR Specialist	