

# BASW Social Work in Health (SWiH) Thematic Group



## ROLE OUTLINE FOR AN INDEPENDENT SOCIAL WORK REPRESENTATIVE ON INDEPENDENT REVIEW PANELS (IRP) IN RESPECT OF CONTINUING HEALTH CARE (CHC) FUNDING

### Who we are:

The panels are comprised of an independent Chair, independent social work representative and an independent Health representative. Sometimes there will be specialist Health representative where the patient has a particular condition requiring their knowledge. Someone from the Integrated Care Board (ICB) concerned is usually in attendance to present their case. The client/patient may attend, or their representative, usually a relative, and/or at times an informal or formal advocate can attend on their behalf. The latter can be a solicitor or one of a number of organisations set up specifically to represent such claimants.

### What we do:

These panels are set up to hear appeals from applicants and/or their representative(s) who have been refused CHC funding by their ICB. The IRP assesses the patient/client's situation from the background information provided by applicant and ICB and that gleaned during the panel meeting itself. This takes into consideration all aspects of the sort of care needed and provided and by whom and includes assessments by both social care and health professionals, it also considers issues such as safeguarding concerns. The panel decide whether to uphold the applicant's appeal or not. It does have the right to return the case to the ICB if it feels that more work needs to be done in respect of the original assessment and decision.

The panel can also make comments on whether the ICB has acted in an appropriate manner in coming to its original decision. It can make suggestions as to how similar cases should be handled by the ICB in the future. The panel's decision on eligibility is only advisory but is expected to be accepted by the ICB.

### How we work:

The panels are non-adversarial, and all information is provided via the Chair. Panel members are invited to ask questions of applicants and ICB representatives, about their respective cases. After this the panel members retire to make their decision, taking into consideration all the information, they have from the files originally submitted and the verbal presentations made to them. Since the pandemic panels have moved from face-to-face meetings to the majority being held online.

### What we know:

Training is provided by CHC Teams of NHS England, for independent Chairs and Health and Social Care panel members. It is also important to be aware of the background legislation behind the process of CHC funding, the responsibilities and workings of ICBs and the CHC National Framework 2022, which gives guidance on how eligibility for CHC funding should be assessed.

One of the decisions IRPs have to make is whether or not an applicant's needs could be met by a Social Services authority, the social work representative needs to be knowledgeable in relevant legislation such as the Care Act 2014, the Mental Health Act 1983 and the Mental Capacity Act 2005 in line with what they have to provide legally (e.g. via The Care Act).