PROCEDURE

TACKLING VIOLENCE IN GENERAL PRACTICE - APPEALS PROCESS

Issued by:

Corporate Governance and Support
1. INTRODUCTION

This document outlines the process that will be followed in the event that a patient wishes to appeal against a decision to retain them on the Violent Patient Scheme (VPS). It is important to note that this appeals process sits outside the routine 6 monthly review of the VPS caseload undertaken within the Practice commissioned to deliver this service.

1.1 Review Process

As outlined in Section 6 of the Directed Enhanced Service (DES) a patient’s inclusion in the scheme will be reviewed at least annually by a panel which will include a PCT representative, an LMC representative and the practice. Patients that are assessed as presenting no further risk will be given the choice of registering elsewhere and the medical record will be amended to record this.

Where a patient moves to another area and is on Category A or B and deemed a danger to others, it may be necessary for the contractor providing the service under the terms of this DES to make a risk assessment and inform the Violent Patient Review Committee who will decide what level of warning should be notified to the new practice.

1.2 Review Panel

The 6 monthly reviews of all patients on the VPS is undertaken by the following key individuals

- VPS GP Lead
- PCT Manager
- An LMC Representative
- Lay Individual

2. SCOPE OF THE APPEALS PROCEDURE

This procedure applies to all patients who have been subject to a review as part of the routine review process outlined above, and wish to appeal against a decision for them to remain on the Violent Patient Scheme.

3. RESPONSIBILITIES

The PCT Manager accountable for the day to day management of the VPS at Borough level will be responsible for the development, implementation and review of this procedure. This will involve overseeing the practical application and evaluation of this procedure.
4. ORGANISATIONAL ARRANGEMENTS

The Borough Director together with the Director of Corporate Governance will report the outcomes of the Appeals to the Clinical Executive Committee.

5. APPEAL PROCEDURE

- Patients placed onto the VPS Special Allocation Scheme may request an Appeal review within 3 months of the review decision.
- Depending on where they live Patients must request the appeal in writing, to the
  - Borough Director, Ealing Primary Care Trust; or
  - Borough Director, Hillingdon Primary Care Trust; or
  - Borough Director, Hounslow Primary Care Trust.

  outlining the reason they believe the PCT’s decision to either place them on the scheme or retain them on the scheme is incorrect. (Advocacy/Support services should be identified if assistance in requesting the review is required.)

- The PCT will acknowledge receipt of the written request within 5 working days to include letter of explanation, copy of the Review Procedure and Terms of Reference, Appendix 1

6. APPEAL PANEL

6.1 Membership and Timescales

Review Panel will be convened to consider all relevant evidence and will include the following members:

- Deputy Director for Quality Assurance and Corporate Governance Support
- A Local Medical Committee GP
- A Lay representative – such
- A PCT manager it on routine review
- The VPS GP (with whom the patient is registered) may be asked to contribute, but will not be present.
- The Review Panel will meet within 20 working days to:
  - Review evidence received
  - Decide to uphold or not uphold the decision. The panel chair will have the casting vote
  - Notify the patient of the outcome
7. NOTIFICATION OF APPEAL OUTCOME

- If the decision to place the patient on the Violent Patient Scheme is upheld the patient will be advised that their continuance on the Scheme will be reviewed 12 months from their placement on the Scheme.
- If the decision is not upheld the patient will be removed from the Scheme and advised how to go about registering with a GP.
- Until such a time as the review process has been completed the patient will remain within the scheme.

6. CONSENT TO ACCESS AND REVIEW PATIENT RECORDS

The review panel will be required to examine a number of records as part of the process of review. This may involve the VPS GP having to reveal information from the medical records as part of the review process.

- All patients requesting a review are therefore required to sign a consent form whereby the Panel members may access records relating to the case.
- The access to medical records would be monitored by the GP leads and access would be limited to those areas that would be relevant to the case.
- The GP would in the first instance review the records with a view to advising the panel which, if any elements of the patient records would need to be reviewed as part of the appeals process may involve accessing medical records patient requesting to have

7. REFERENCES AND LEGISLATIVE FRAMEWORK

- The Trust’s policy and practices include compliance with the provision of the following and any subsequent amendments or re-enactments or relevant associated statutory instruments:
- The nGMS contract 2003
- “Confidentiality – NHS Code of Practice” Department of Health 2003
- “Confidentiality and Disclosure of Information: General Medical Services (GMS), Personal Medical Services (PMS), and Alternative Provider Medical Services (APMS) Code of Practice” Department of Health 2004
- Data Protection Act HMSO 1998
APPENDIX 1: REVIEW PANEL TERMS OF REFERENCE

The Terms of Reference for the Appeals Panel are:

- To review the events surrounding the removal of the patient from a GP Practice.
- To review the patient’s written request for reconsideration of the decision to place or retain them on the Special Allocation Scheme. The patient will not be interviewed by the panel unless the Chair believes this is necessary.
- To review the outcome of the Review Panel, liaising with the GP lead where necessary. This will involve the GP presenting the
- To request any additional information/evidence from the patient, the GP who requested removal of the patient, or the allocated Scheme GP that would inform the review.
- To identify any action that could have been taken to avoid placement of the patient onto the Scheme.
- To review all evidence presented.
- To determine whether to uphold or challenge the decision of the Review Panel to place the patient on the scheme.
- To feedback the outcome of the Appeal to the patient together with an explanation of that decision.
APPENDIX 2

Patients name/address

Dear

RE: SPECIAL ALLOCATION SCHEME

At the recent VPS Appeal Panel it was agreed a decision was taken not to uphold the Review Panel’s decision to retain you on the Violent Patient Scheme As such you can be removed from the Special Allocation Scheme with immediate effect.

You may now seek to register with a local GP practice, a list of National Health Service doctors who practice in your area is enclosed. If, however, you experience difficulty in registering with another doctor please contact us on ..........to be inserted and inform us of the names of the doctors who have declined to accept you, and we will endeavor to assist you further.

If you require medical attention before you have registered with a new doctor, you may apply for an appointment with any NHS GP practicing in your area to be seen as an ‘Immediate and Necessary’ patient.

Yours sincerely
APPENDIX 2

Date

Patients name/address

Dear

RE: SPECIAL ALLOCATION SCHEME

I am writing to advise you of the outcome of the Violent Patient Scheme Appeal Panel. The Panel agreed to uphold the decision of the Review Panel, which is that you are to remain on the Special Allocation Scheme.

Please find attached a summary of the panel’s findings and outcome.

We will review the situation after one year, and your name will stay on the Special Allocation Scheme until such time as the PCT can be confident that the safety of NHS staff is no longer in question.

Yours sincerely

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