### **RCN Policy Unit**

### Policy Briefing 14/2008



#### Introduction

In June 2008 the Government announced a major review of their policy on whether people should be able to top up their NHS care with privately purchased drugs not available on the NHS. The Government's previous policy, which prohibited individuals from funding prescribed drugs themselves while continuing a course of NHS care, had been subject to strong criticism following a number of high-profile cases in which terminally ill patients had to either forego purchasing the drugs or to pay for the care that they would otherwise have received free on the NHS. The Government asked Professor Mike Richards, National Clinical Director for Cancer, to undertake this important review.

On 4<sup>th</sup> November Professor Richards reported back to the Secretary of State for Health setting out a series of recommendations on improving access to medicines for NHS patients. Professor Richards presented his report to the Secretary of State for Health; who accepted the recommendations in full.

As part of his announcement on 4<sup>th</sup> November the Secretary of State made it clear that patients can retain their entitlement to NHS treatment as well as paying for private care. This change of policy came into effect immediately.

The Secretary of State also emphasised that under **a new principle of separate care**, private treatment should take place in a private facility away from NHS wards and must not be subsidised by the NHS.

The purpose of this briefing is to provide a short introduction to the 'draft guidance on NHS patients who wish to pay for additional private care' that was issued on 4<sup>th</sup> November and is now the subject of a further consultation. This draft guidance constitutes part of the Government's response to the review and the consultation on this will close on 27<sup>th</sup> January 2009.

## What are the main recommendations of this consultation?

Professor Richards recommended that:

• The Department of Health should make clear that no patients should lose their entitlement to NHS care they would have otherwise received, simply because they opt to purchase additional care for their condition;



- Revised guidance should be issued as soon as possible to make this clear and to promote greater consistency across the NHS in England; and
- The guidance should set out mechanisms to ensure that these cases are handled in a way that supports good clinical practice and is fully consistent with the fundamental principles of the NHS.

This draft guidance refers to the fundamental principles of the NHS and any decisions about a course of action under the guidance should be taken in accordance with those principles. The fact that some NHS patients also receive private care separately should never be used as a means of downgrading the level of service that the NHS offers.

In accordance with the statement by the Secretary of State the guidance makes it clear that patients may pay for additional private healthcare while continuing to receive care from the NHS. However, in order to ensure that there is no risk of the NHS subsidising private care:

• It should always be clear whether an individual procedure or





multifocal lens and therefore



# How can nurses influence the RCN response to this consultation?

This important consultation presents the opportunity for the nursing profession to actively engage and participate in how the Government's change of position on 'top up' payments can be implemented in a practical and effective manner. The following six questions have been included to gain feedback from members during this consultation. Please note that this is not a comprehensive guide to the issues raised in the consultation:

- Does this guidance offer a practical way of balancing the rights of individual patients with the values of equality on which the NHS is based?
- Are sufficient safeguards in place to prevent the principle of NHS care being compromised?



#### RCN policy development- your Policy Debate

The RCN is seeking views from members about the consultation. Members are encouraged to send their thoughts and views to the RCN by emailing them to <u>policycontacts@rcn.org.uk</u>

Your comments and the issues raised will be used to inform RCN position statements and influence wider RCN policy in the area of top-up payments.