



Department  
of Health



# 2013/14 Choice Framework

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**Prepared by the Department of Health**

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## My NHS care: what choices do I have?

The NHS now gives you more choices about your healthcare.

This is a guide to your choices about your NHS care and treatment. It explains:

- when you have choices about your healthcare
- where to get more information to help you choose
- how to complain if you are not offered a choice

For some healthcare services, you have the legal right to choose. You must be given these choices by law.

For other healthcare services, you do not have a legal right to choose but you should be offered these choices, depending on what's available locally. This is what the Government has asked healthcare professionals to do.

### **This guide covers:**

- Choosing your care and treatment:
  - your GP practice
  - where to go for your first appointment as an outpatient
  - which consultant or mental health professional will be in charge of your treatment
  - asking to change hospital if you have to wait longer than the maximum waiting times (18 weeks, or two weeks to see a specialist for cancer)
  - who carries out a specialist test if you need one
  - maternity services
  - services provided in the community
  - to take part in health research
  - to have a personal health budget
- Where can I get more information to help me choose?
- What can I do if I am not offered these choices?
- How do I get in touch with my local Clinical Commissioning Group?

## Choosing your care and treatment

Choosing your GP practice	
What choices do I have?	<p>You have a right to:</p> <ul style="list-style-type: none"> <li>• choose which GP practice you register with</li> <li>• ask to see a particular doctor or nurse at the GP practice. Your practice must try to make sure this happens</li> </ul>
Is this a legal right?	Yes, but there are times when you cannot choose to do this. These are set out next.
When am I not able to make a choice?	A GP practice must accept you unless it has reasonable grounds for not doing so. For example, you might live outside its catchment area or it may not be taking on any new patients.
Who is responsible for offering me this choice?	<p>First, contact the GP practice where you want to register.</p> <p>If you are having difficulty registering with a GP practice, contact your NHS England Local Area Team or local HealthWatch who can provide advice and support.</p> <p>Healthwatch is an independent consumer champion for health and social care in England.</p> <p>It operates as <a href="#">Healthwatch England</a> at national level and <a href="#">local Healthwatch</a> at local level : <a href="http://www.healthwatch.co.uk">www.healthwatch.co.uk</a></p>
Where can I get information and support to help me choose?	You can find information on 'NHS Choices'. This is a national website for patients: <a href="http://www.nhs.uk">www.nhs.uk</a>

## Choosing where to go for your first appointment as an outpatient

<p>What choices do I have?</p>	<p>If you need to see a consultant or specialist as an outpatient, you can choose to go to any hospital or clinic in England that offers NHS services for your first appointment. (An 'outpatient' appointment means you do not need to stay overnight)</p> <p>This choice is being extended to include mental health services.</p>
<p>Is this a legal right?</p>	<p>Yes.</p>
<p>When am I not able to make a choice?</p>	<p>You can only choose a hospital or clinic that offers the right treatment and care for your condition.</p> <p>If you need urgent or emergency treatment, you cannot choose who you see.</p> <p>You do not have the right to choose if you are:</p> <ul style="list-style-type: none"> <li>• a prisoner</li> <li>• a serving member of the Armed Forces</li> <li>• detained under the Mental Health Act 1983</li> <li>• using mental health services (until 1<sup>st</sup> April 2014)</li> <li>• using maternity services (see: <i>Choosing maternity services</i>)</li> </ul>
<p>Who is responsible for offering me this choice?</p>	<p>First, speak to your GP or to the dentist or optometrist who is referring you.</p> <p>If they do not offer you a choice, contact your Clinical Commissioning Group to discuss what choices you have. Your Clinical Commissioning Group must make sure that you have this choice.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can find out more information about the hospitals and clinics you can choose from 'NHS Choices'. This is a national website for patients: <a href="http://www.nhs.uk">www.nhs.uk</a></p> <p>See also page 18 of this framework: <i>Where can I get more information to help me choose?</i></p>

<p><b>Choosing which consultant or mental health professional will be in charge of your treatment</b></p>	
<p>What choices do I have?</p>	<p>If you need to see a consultant as an outpatient, you can choose which consultant will be in charge of your treatment. You will be seen either by the consultant or by a doctor who works with the consultant in their team.</p> <p>If you need to see a mental health professional as an outpatient you can choose which professional (including consultants) will be in charge of your treatment.</p>
<p>Is this a legal right?</p>	<p>Yes, but there are times when you cannot choose. These are set out next.</p>
<p>When am I not able to make a choice?</p>	<p>You can only choose a consultant whose team deals with your condition.</p> <p>If you need urgent or emergency treatment, you cannot choose who you see.</p> <p>You do not have the right to choose if you are:</p> <ul style="list-style-type: none"> <li>• a prisoner</li> <li>• a serving member of the Armed Forces</li> <li>• detained under the Mental Health Act 1983</li> <li>• using maternity services (see: <i>Choosing maternity services</i>)</li> </ul>
<p>Who is responsible for offering me this choice?</p>	<p>First, speak to your GP or to the dentist or optometrist who is referring you.</p> <p>If they do not offer you a choice, contact your Clinical Commissioning Group to discuss what choices you have. Your Clinical Commissioning Group must make sure that you have this choice.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can talk to your GP or you can find out information about consultants at a hospital by visiting the hospital website.</p> <p>See also page 18 of this framework: <i>Where can I get more information to help me choose?</i></p>

**Asking to change hospital if you have to wait longer than the maximum waiting times (18 weeks, or two weeks to see a specialist for cancer)**

<p>What choices do I have?</p>	<p>If you need to see a consultant, you will be given an appointment to see the consultant or a doctor who works with that consultant in his or her team. You can ask to be referred to a different hospital if you:</p> <ul style="list-style-type: none"> <li>• have to wait more than 18 weeks before starting treatment, if your treatment is not urgent</li> <li>• have to wait more than two weeks before seeing a specialist, if your GP thinks it is possible you have cancer</li> </ul>
<p>Is this a legal right?</p>	<p>Yes, but there are times when you cannot choose to do this. These are set out next.</p>
<p>When am I not able to ask to change hospital?</p>	<p>You do not have these rights if:</p> <ul style="list-style-type: none"> <li>• you choose to wait longer for your treatment to start</li> <li>• you choose to wait longer for your appointment with a specialist after being urgently referred with suspected cancer</li> <li>• delaying the start of your treatment is in your best interests. For example, this might be if you need to lose weight or stop smoking before starting treatment</li> <li>• there are medical reasons which means it is better for you to wait</li> <li>• you fail to attend appointments which you had chosen from a set of reasonable options</li> <li>• you are on the national transplant list</li> <li>• you are using maternity services (see: <i>Choosing maternity services</i>)</li> <li>• you refuse treatment</li> <li>• a doctor has decided that it is appropriate to monitor you for a time without treatment</li> <li>• you cannot start treatment for reasons not related to the hospital. (For example, you are a reservist posted abroad while waiting to start treatment.)</li> <li>• your treatment is no longer necessary</li> </ul>

<p>Who is responsible for offering me this choice?</p>	<p>The organisation responsible for arranging your treatment.</p> <p>This will usually be your Clinical Commissioning Group, but if you have been referred to a specialised service it may be NHS England.</p> <p>They must take all reasonable steps to offer you a choice of other hospitals which can see or treat you more quickly.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can contact the hospital or clinic providing your treatment, or the organisation arranging your treatment (this is usually your Clinical Commissioning Group).</p> <p>Clinical Commissioning Groups must provide advice or assistance to patients who have waited or will wait longer than 18 weeks, or two weeks if your GP thinks it is possible you have cancer.</p> <p>See also page 18 of this framework: <i>Where can I get more information to help me choose?</i></p>

## Choosing who carries out a specialist test if you need one

<p>What choices do I have?</p>	<p>If your GP decides you need a specialist test, you can choose to have this done by anyone providing that NHS service in England.</p>
<p>Is this a legal right?</p>	<p>Yes, if:</p> <ul style="list-style-type: none"><li>• the test has been ordered by your GP, and</li><li>• will be your first appointment as an outpatient with a consultant or a doctor in the consultant's team</li></ul> <p>No, if:</p> <ul style="list-style-type: none"><li>• the test is not part of a first appointment as an outpatient with a consultant or a doctor in the consultant's team</li></ul> <p>If you are already at your first appointment as an outpatient, your doctor may decide you need a test. You may be offered a choice about who carries out that test. But you do not have a legal right to choose once you are being seen as an outpatient.</p>
<p>When am I not able to make a choice?</p>	<p>You can only choose from organisations which carry out the test you need in a proper and safe way.</p> <p>You cannot choose who carries out the test if:</p> <ul style="list-style-type: none"><li>• you need a test urgently</li><li>• you have been admitted to hospital</li></ul>
<p>Where can I get information and support to help me choose?</p>	<p>Speak to your GP or the doctor who has asked for your test.</p> <p>You can find out information about the hospitals and clinics you can choose from on 'NHS Choices'. This is a national website for patients: <a href="http://www.nhs.uk">www.nhs.uk</a></p> <p>See also page 18 of this framework: <i>Where can I get more information to help me choose?</i></p>

<p><b>Choosing maternity services</b></p>	
<p>What choices do I have?</p>	<p>You can expect a range of choices over maternity services, although these depend on what is best for you and your baby, and what is available locally:</p> <p><i>When you find out you are pregnant</i> You can:</p> <ul style="list-style-type: none"> <li>• go to your GP and ask them to refer you to a midwifery service of your choice</li> <li>• go directly to a midwifery service of your choice. You do not have to ask your GP to refer you first</li> </ul> <p><i>While you are pregnant</i> You can choose to receive ‘antenatal’ care from:</p> <ul style="list-style-type: none"> <li>• a midwife</li> <li>• a team of maternity health professionals, including midwives and obstetricians. (This will be safer for some women and their babies)</li> </ul> <p><i>When you give birth</i> You can choose to give birth:</p> <ul style="list-style-type: none"> <li>• at home, with the support of a midwife</li> <li>• in a local midwifery facility (for example, a local midwifery unit or birth centre), with the support of a midwife</li> <li>• in any available hospital in England, with the support of a maternity team. This type of care will be the safest option for some women and their babies. If this is the case for you, you should still have a choice of hospital</li> </ul> <p><i>After going home</i> After you go home, you can choose to get ‘postnatal’ care:</p> <ul style="list-style-type: none"> <li>• at home</li> <li>• in a community setting, such as a Sure Start Children’s Centre</li> </ul> <p>Depending where you live, you may have other choices about your maternity care. Contact your midwife or local Clinical Commissioning Group for information.</p>

<p>Is this a legal right?</p>	<p>No. It depends what is best for you and your baby, and what is available locally. Every pregnancy is different.</p>
<p>When am I not able to make a choice?</p>	<p>You can choose where to give birth, but this may mean you cannot have some kinds of pain relief during the birth. Some kinds of pain relief are only available in hospitals.</p> <p>If you need urgent or emergency treatment, you cannot choose who you see and may not be able to choose where you give birth.</p>
<p>Who is responsible for offering me this choice?</p>	<p>Your midwife will tell you about the choices available locally.</p> <p>You can also contact your Clinical Commissioning Group to discuss what choices you have.</p>
<p>Where can I get information and support to help me choose?</p>	<p>Your midwife will be able to give you information, advice and support to help you decide.</p> <p>A number of charitable and voluntary organisations can also help you decide what to do. These include:</p> <ul style="list-style-type: none"> <li>• NCT - National Childcare Trust, the UK's largest charity for parents. Visit <a href="http://www.nct.org.uk">www.nct.org.uk</a> or call their Helpline: 0300 330 0700</li> <li>• Birth Choice UK, helping women choose maternity care. Visit <a href="http://www.birthchoiceuk.com">www.birthchoiceuk.com</a></li> <li>• AIMS - Association for Improvements in the Maternity Services. Visit <a href="http://www.aims.org.uk">www.aims.org.uk</a>, or email <a href="mailto:helpline@aims.org.uk">helpline@aims.org.uk</a> or call the Helpline: 0300 365 0663 for advice from volunteers</li> <li>• Information Service for Parents. Visit <a href="http://www.nhs.uk/InformationServiceForParents">www.nhs.uk/InformationServiceForParents</a> for information and advice right for your baby's age</li> </ul>

<b>Choosing services provided in the community</b>	
<p>What choices do I have?</p>	<p>The choices you have will depend on where you live.</p> <p>You may be able to choose who you see for services provided in the community, such as:</p> <ul style="list-style-type: none"> <li>• physical therapy such as physiotherapy</li> <li>• adult hearing assessment services</li> <li>• psychological therapies such as counselling</li> <li>• podiatry (foot) services</li> </ul> <p>Different choices are available in different areas. In future, the number of services where this choice is available is expected to increase.</p>
<p>Is this a legal right?</p>	<p>No.</p>
<p>When am I not able to make a choice?</p>	<p>Your choice of services will depend on what your local Clinical Commissioning Groups, GP practices and patients think are priorities for your community.</p>
<p>Who is responsible for offering me this choice?</p>	<p>The GP or the health professional who referred you to the service.</p>
<p>Where can I get information and support to help me choose?</p>	<p>You can find out which services there is a choice for in your area by:</p> <ul style="list-style-type: none"> <li>• asking at your GP practice</li> <li>• contacting your Clinical Commissioning Group. They will also provide information to help you make decisions</li> <li>• looking at the 'Any Qualified Provider' online map: <a href="https://www.supply2health.nhs.uk/AQPResourceCentre/AQPMap/">https://www.supply2health.nhs.uk/AQPResourceCentre/AQPMap/</a></li> </ul>

## Choosing to take part in health research

<p>What choices do I have?</p>	<p>You can take part in approved health research (for example, clinical trials of medicines) relating to your circumstances or care.</p> <p>You are free to choose whether you take part in any research. You do not have to take part if you do not want to.</p>
<p>When am I not able to make a choice?</p>	<p>You cannot take part in research if:</p> <ul style="list-style-type: none"><li>• there is currently no research relating to your circumstances or care</li><li>• you do not meet the requirements for a particular study</li></ul>
<p>Who is responsible for giving me choice?</p>	<p>The health professional who is providing your care, for example, your hospital doctor, your GP or nurse.</p> <p>Clinical Commissioning Groups are required to promote patients' recruitment to and participation in research.</p>
<p>Where can I get information and support to help me choose?</p>	<p>For information to help you decide whether or not to take part in research:</p> <ul style="list-style-type: none"><li>• NHS Choices explains why the NHS carries out research and the different types of research there are. Visit <a href="http://www.nhs.uk">www.nhs.uk</a> and search for 'Getting involved in research'</li><li>• Healthtalkonline explains what clinical trials are and why we need them. Visit <a href="http://www.healthtalkonline.org">www.healthtalkonline.org</a> and search for 'clinical trials'</li><li>• National Institute for Health Research explains how patients can help with research. Visit <a href="http://www.crncc.nihr.ac.uk">www.crncc.nihr.ac.uk</a> and click on 'Patients and public'</li></ul> <p>For information on what research is currently under way:</p> <ul style="list-style-type: none"><li>• Visit the UK Clinical Trials Gateway: <a href="http://www.ukctg.nihr.ac.uk">www.ukctg.nihr.ac.uk</a></li></ul>

	<ul style="list-style-type: none"> <li>• Download iPhone, iPad and Android apps for the UK Clinical Trials Gateway</li> <li>• Search for 'clinical trials' in the iTunes and Android stores</li> </ul>
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### Choosing to have a personal health budget

<p>What choices do I have?</p>	<p>For some NHS services, you can choose to have personal health budget if you want one.</p> <p>A personal health budget is an amount of money and a plan to use it. The plan is agreed between a patient and their healthcare professional or Clinical Commissioning Group. It sets out the patient's health needs, the amount of money available to meet those needs and how this money will be spent.</p> <p>With a personal health budget, you (or your representative) can:</p> <ul style="list-style-type: none"> <li>• agree with a health professional what health and wellbeing outcomes you want to achieve</li> <li>• know how much money you have for this health care and support</li> <li>• create your own care plan if you wish, with the help of your health professional or others</li> <li>• choose how to manage your personal health budget</li> <li>• spend the money in ways and at times that makes sense to you, in line with your care plan</li> </ul> <p>Once you have a care plan agreed, you can manage your personal health budget in three ways, or a combination of these:</p> <ul style="list-style-type: none"> <li>• <b>a 'notional budget'</b>. Here, the money is held by your Clinical Commissioning Group or other NHS organisation who arrange the care and support you have agreed, on your behalf</li> <li>• <b>a 'third party budget'</b>. Here, the money is paid to an organisation which holds the money on your behalf (such as an Independent User Trust) and organises the care and support you have agreed</li> </ul>
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	<ul style="list-style-type: none"> <li>• <b>direct payment for health care.</b> Here, the money is paid to you or your representative. You, or your representative, buy and manage the care and services as agreed in your care plan</li> </ul> <p>In each case there will be regular reviews to ensure that the personal health budget is meeting your needs. If you have a direct payment there will be a review of how the money was spent.</p> <p>You do not have to have a personal health budget if you do not want one.</p>
<p>Is this a legal right?</p>	<p>It will become a legal right to ask for a Personal Health Budget from April 2014 for:</p> <ul style="list-style-type: none"> <li>• people receiving NHS Continuing Healthcare (including children)</li> </ul> <p>Clinical Commissioning Groups will be able to give Personal Health Budgets to other groups of patients, for example people who have a chronic or long-term health need who access the NHS a lot.</p> <p>NHS Continuing Healthcare is a package of care arranged and funded solely by the NHS and provided free to the patient. This care can be provided in any setting – including an individual’s own home. An assessment is carried out by the Clinical Commissioning Group using a multi-disciplinary team of health and social care professionals.</p> <p>You can find more about NHS Continuing Healthcare from: NHS Choices: <a href="http://www.nhs.uk">www.nhs.uk</a></p>
<p>When am I not able to make a choice?</p>	<p>You will not be able to have a personal health budget for all NHS services (for example, acute or emergency care or visiting your GP).</p> <p>A few groups of people may not be eligible for a personal health budget or a direct payment (for example, people who have been ordered by the Court to have drug rehabilitation treatment).</p>

<p>Who is responsible for giving me choice?</p>	<p>Your Clinical Commissioning Group.</p>
<p>Where can I get information and support to help me choose?</p>	<p>If you would like to manage your own personal health budget:</p> <ul style="list-style-type: none"><li>• talk to your GP or health professional</li><li>• contact your local Clinical Commissioning Group</li></ul> <p>You can find out more about personal health budgets from:</p> <ul style="list-style-type: none"><li>• NHS Choices: <a href="http://www.nhs.uk">www.nhs.uk</a></li><li>• Personal health budget learning network <a href="http://www.dh.gov.uk/health/category/policy-areas/nhs/personal-budgets">www.dh.gov.uk/health/category/policy-areas/nhs/personal-budgets</a></li></ul>

## Choosing to access required treatment in another European Economic Area country

What choices do I have?

You have the right to choose, subject to certain conditions, to receive treatment which is normally available to you on the NHS in other countries within the European Economic Area (EEA).\*

This is a legal right set out in the NHS Constitution and in EU law.

Under a new EU Directive on patients' rights in cross-border healthcare, you have the right to access any healthcare service in another Member State that is the same as or equivalent to a service that would have been provided to you in the circumstances of your case. This means that your treatment must be one that is available through the NHS.

You then have a right to claim reimbursement up to the amount the treatment would have cost under the NHS - or the actual amount if this is lower. This means that you will normally have to pay for the full cost of your treatment upfront (though other arrangements may be available via your Clinical Commissioning Group or NHS England).

The Directive covers treatment provided in state-run hospitals and services provided by private clinics and clinicians.

\* The Member states of the European Union, plus Iceland, Liechtenstein and Norway.

When is choice not available?

The Directive does not cover:

- Long-term (i.e. social) care;
- Access to and allocation of organs (for transplantation);
- Public vaccination programmes against infectious diseases

In some cases, prior authorisation may be required before you access treatment in another EEA country. This will enable you to confirm that you are entitled to the treatment requested, as well as the level of reimbursement that will apply.

The process of prior authorisation will also ensure that you are aware of all of the possible treatment options within the NHS, which may be more convenient to you than going abroad.

	<p>If you are unable to access treatment on the NHS without undue delay in your particular case, you must be granted authorisation.</p>
<p>Who is responsible for giving me choice?</p>	<p>If you wish to have your treatment in another EEA country, your GP, dentist or local commissioner must outline the choices that are available to you.</p>
<p>Where can I find information to support my choice?</p>	<p>Please see:</p> <ul style="list-style-type: none"><li>▪ NHS Choices: <a href="http://www.nhs.uk">www.nhs.uk</a></li><li>▪ NHS England <a href="http://www.England.nhs.uk">www.England.nhs.uk</a></li></ul>
<p>What organisations can I approach for support in making decisions?</p>	<p>Contact Clinical Commissioning Group or NHS England to discuss the choices available.</p> <p>To find your local Clinical Commissioning Group, please look at NHS Choices <a href="http://www.nhs.uk">www.nhs.uk</a></p>

## Where can I get more information to help me choose?

You can find advice on how to get information for particular health services in each section of this guide.

There are also lots of ways to get general information to help you make the right choice.

Visit **NHS Choices**: [www.nhs.uk](http://www.nhs.uk) This website can help you make important health decisions, including which GP surgery you register with and which hospital you attend for treatment. It provides tools and resources that help you look at your options and make the right decision.

The **Care Quality Commission** checks all hospitals in England to ensure they are meeting national standards. They share their findings with the public. Visit [www.cqc.org.uk](http://www.cqc.org.uk) or call their National Customer Service Centre: Tel: 03000 616161 (Mon to Fri, 8.30am - 5:30pm).

The **NHS Constitution** tells you what you can and should expect when using the NHS. Visit [www.nhs.uk](http://www.nhs.uk) and search for 'NHS Constitution'. The NHS Constitution is also available in an EasyRead version for download. Audio and Braille versions are available on request.

## What can I do if I am not offered these choices?

**First**, you can speak to your GP or the health professional who is referring you, as set out in the boxes above. In the case of maternity services, speak to your GP, midwife or Head of Midwifery.

If you are still unhappy that you have not been offered these choices, you can make a complaint. You can complain to the organisation that you have been dealing with or you can make a complaint to your local Clinical Commissioning Group. Clinical Commissioning Groups must publish their complaints procedure. If they agree with your complaint, the Clinical Commissioning Group must make sure that you are offered a choice for that health service.

There are two occasions when you would not complain to your Clinical Commissioning Group. If your complaint is about not being offered a choice of GP practice or about health research you should complain to NHS England. It is the responsibility of NHS England to ensure Clinical Commissioning Groups are working properly. To contact NHS England:

- visit [www.England.nhs.uk](http://www.England.nhs.uk)
- call the Customer Service Centre: 0845371337 (Mon to Fri, 8.00am – 6.00pm)

If you are unhappy with the decision from the Clinical Commissioning Group or NHS England, you have the right to complain to the independent Parliamentary and Health Service Ombudsman. To contact the Ombudsman:

- visit [www.ombudsman.org.uk](http://www.ombudsman.org.uk)
- call the Helpline: 0345 015 4033
- Use the Textphone (Minicom): 0300 061 4298

- Text 'call back' with your name and your mobile number to 07624 813 005; you will be called back within one working day during office hours (Mon to Fri, 8.30am - 5:30pm)

### How do I get in touch with my local Clinical Commissioning Group?

Your local Clinical Commissioning Group is a group of local GPs, working with other local healthcare professionals. Together, they decide what local health services your community needs. They are responsible for making sure these services are available to patients in their area. They must also make sure patients have the best possible choice of services.

- Ask your GP practice; they can tell you how to contact your local Clinical Commissioning Group
- Visit NHS Choices, [www.nhs.uk](http://www.nhs.uk) click on the 'Health services near you' section on the homepage. You can search for your Clinical Commissioning Group by your postcode or location

## NHS England

Formerly established as the NHS Commissioning Board on 1 October 2012, NHS England is an independent body, at arm's length to the Government.

NHS England will play a key role in the Government's vision to modernise the health service with the key aim of securing the best possible health outcomes for patients by prioritising them in every decision it makes.

For more information visit: [www.England.nhs.uk](http://www.England.nhs.uk)

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