

Northumberland CCG will adopt the following approach to address concerns/disputes raised by member practices in either of the following areas:

- The CCG's approach to delivery of its commissioning responsibilities
- The CCG's approach to delivery of its duty to support the NHS Commissioning. Board in continuously improving the quality of primary care medical services.

It is expected that dispute will be the route of last resort. The CCG, localities and practices will make all efforts to resolve issues locally in conjunction with the LMC (as appropriate), and demonstrate effective processes have been engaged at all levels in the CCG. This may include the following:

- Escalating the seniority of the review process, for example by involving the Locality Director during the review process
- Involving third parties to ensure that acceptable standards are met, who could also act as advisors, conciliators or arbitrators.
- Externalising all or part of the review process, and using staff from another CCG

Where agreement cannot be reached using informal resolution processes it will be necessary to invoke the local CCG resolution process outlined below.

### **Stage 1 Informal Local Process:**

- Individual member practice concerns should be raised in the first instance with the Locality Director. This should be in writing clearly stating the basis of the dispute, including where applicable, the concerns and the rationale behind the dispute.
- The Locality Director should endeavour to find an informal resolution to the problem through discussion and mediation, involving others as necessary. The Locality Director will review concerns/evidence relative to the dispute and will try to find a resolution within 14 days.
- The member practice may submit evidence in support of the dispute or the CCG may request further evidence/clarification from them.
- If no resolution is found within 14 days the matter is to be referred by either party for consideration by the Local Dispute Resolution Panel.

***At this stage the formal process will commence***

### **Stage 2 The Formal Local Process:**

- If a member practice is not satisfied that their issues have been satisfactorily addressed through the informal process they may lodge a request for "Formal Local Dispute Resolution" in writing, including the grounds for the request, to the Chief Operating Officer of the CCG.



- Under these circumstances the CCG will set up a Local Dispute Resolution Panel (LDRP) to hear the dispute and resolve the dispute where possible.
- The local dispute resolution panel should consist of:
  - Governing Body lay member (Chair)
  - Locality Director from a different locality from the practice
  - Chief Finance Officer OR Transformation Director
  - LMC Representative
  - Independent Practice representative
- The panel may also seek advice from external bodies such as the Local Area Team of the NHS Commissioning Board.
- Should any members of the LDRP find it necessary to declare an interest in a dispute that is being considered, the Chair will seek to approach another CCG/LMC/Practice nominated representative to nominate alternative panel members.
- If a member practice requests a formal dispute resolution, the CCG shall acknowledge receipt of the request in writing within 2 working days. The acknowledgement will explain the procedure to be carried out by the CCG.

### **The Hearing**

- The Chair of the LDRP, on being satisfied that all attempts at local resolution have been exhausted will arrange a meeting of the LDRP to hear the dispute as soon is practically possible.
- All parties shall be notified of the date and time of the LDRP meeting. The hearing shall be held within 25 working days of the request being lodged (where possible) by the member practice to the CCG.
- The Chair of the LDRP will ensure that at least 10 working days notice of the date of the hearing will be given to all participants.

### **Documentation**

- All the relevant documentation, including the request for Formal Local Dispute Resolution will be passed to the chair and then to panel members before the hearing.
- The Chair will, where necessary seek relevant documentation from the parties involved at least 5 working days before the hearing. Documentation that is received late will not be considered. Any documentation will be shared with all relevant panel members.

### **Procedure at LDRP Meeting**

- The Discussions of the panel shall remain confidential
- The Chair of the panel will ensure written record/minutes are kept of the meeting
- All written and verbal evidence will be considered.
- Should the member practice choose to attend the LDRP they and the CCG presenting officer (generally the Locality Director) will be asked to present their cases and may call witnesses. Members of the panel will be given the opportunity to ask any questions relevant to the case.
- Following the presentation of their case the member practice and CCG presenting officer shall withdraw and the panel will deliberate.



- The panel will reach a decision on the case before them and notify the member practice in writing, including any recommendations within 7 working days of the hearing.
- Where appropriate the decision will be reported to a meeting of the CCG Executive Team/Governing Body for information.

### **Stage 3 Appeal Panel**

The Appeals panel will be convened when necessary to consider appeals against LDRP decisions. The Appeals panel should consist of the following (none of whom should have been previously involved in the case)

- Chair of CCG Governing Body (or Lay member as nominated deputy)
- Accountable Officer (or nominated deputy)
- A Clinical member of the Governing Body

### **Process**

- The member practice wishing to appeal against a LDRP decision must notify the Chief Clinical Officer of their intention, in writing, within one month of their receipt of the decision.
- The Appeals Panel will consider whether the original decision of the LDRP followed due process.
- The Appeals Panel will only consider written evidence.
- The Appeals Panel will consider if:
  - The CCG correctly followed its own procedures (all received documentation was available and considered within a reasonable timescale) and/or
  - All important facts were taken into account when the decision was made
- If these criteria are met the Panel will dismiss the appeal.
- If the criteria are not met then the following actions are available:
  - If the Panel finds that some aspect of the procedure was not followed, they will assess the significance of the procedural breach and decide on the appropriate action.
  - If the Panel finds that important facts were not taken into account, they shall refer the case back to the original LDRP for re-consideration.
- If the case is referred back to the LDRP following re-consideration of the case, the LDRP decision will then be final.
- The Chair of the Appeal Panel will write to the member practice within five working days of the hearing setting out the Appeal Panel's decision.

