

BURGESS ROAD SURGERY

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Right to Choose Eligibility

Patients have the Right to Choose when the following conditions are met:

- the NHS practice is in England
 - Different rules apply for Scotland, Wales and Northern Ireland
- the General Practitioner has agreed to make a clinically appropriate outpatient referral
 - The decision to make a referral is the GP's responsibility and separate from Right to Choose. Right to Choose is a patient's right to decide which appropriate service provider the referral goes to.

The above is designed to be wide ranging in its application to patient choice. However, there are certain restrictions on a patient's Right to Choose that you should be aware of. Patients cannot use Right to Choose if they are:

- already receiving mental health care following an elective referral for the same condition
- referred to a service that is commissioned by a local authority, for example, a drug and alcohol service (unless commissioned under a Section 75 agreement)
- accessing urgent or emergency (crisis) care
- accessing services delivered through a primary care contract
- in high secure psychiatric services
- detained under the Mental Health Act 1983
- detained in a secure setting. This includes people in or on temporary release from prisons, courts, secure children's homes, certain secure training centres, immigration removal centres or young offender institutions
- serving as a member of the armed forces (family members in England have the same rights as other residents of England)

There are restrictions on who the patient can direct their care to. Patients cannot refer to just any provider. The provider must:

- have a commissioning contract with any Clinical Commissioning Group (CCG) or NHS England for the required service
- have the service and team led by a consultant or a mental healthcare professional

Common GP queries include:

- Does an IFR (Individual Funding Request) need to be in place?
 - It does not.
- Does the CCG need to be asked permission?
 - It does not.