

## BOB ICB and Frimley ICB Priorities Committee Clinical Commissioning Policy Statement

Policy Number/ Name	BOBFPC35 Managing the Boundaries of NHS and Privately Funded Healthcare
Date of BOBFPC Recommendation	February 2024

**Key principles:** Where a patient opts to pay for private care, their entitlement to NHS services remains and may not be withdrawn. The NHS should not subsidise private care; and private and NHS care should be kept separate as clearly as is possible. The NHS will protect the principle of separation by defining its expectation of private and NHS clinical practice, in line with guidance from the Department of Health.<sup>1,2,3</sup>

**Scope:** The conditions of this policy apply to all primary, secondary and specialist or tertiary providers from whom the local clinical commissioning groups commission healthcare services, and will apply with immediate, but not retrospective, effect from the date of issue.

**Governance:** The Boards of relevant provider organisations are responsible for ensuring compliance with this policy; the Department of Health requires each NHS organisation to develop and implement its own policy to ensure their services protect the key principle stated above.

**Situation-specific details are provided in the attached Appendix to this policy statement.**

**The key points** are as follows:

- There is no obligation for the GP to prescribe treatment recommended by a private practitioner if it is contrary to local agreement or outside normal clinical practice.
- The NHS will not normally fund treatments that have been recommended by a private practitioner if that treatment is not normally commissioned within the local area.
- The fact that a patient can demonstrate they have benefited from the private treatment does not necessarily provide grounds for continuing the treatment in the NHS as an exception.
- Patients who commence care privately can request that further treatment be provided within the NHS. Their clinical needs should be reassessed for NHS treatment within the same regime of priorities applicable to NHS patients with the same condition.
- The ICB will not be responsible for retrospective funding of earlier treatment where patients who have received private treatment then transfer to the NHS.

<sup>1</sup> Department of Health (2009) Guidance on NHS Patients who wish to pay for additional private care. Gateway Reference 11512, 23 March 2009 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/404423/patients-add-priv-care.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404423/patients-add-priv-care.pdf) Accessed 10.02.16

<sup>2</sup> Department of Health (2004) A code of conduct for private practice: recommended standards of practice for NHS consultants. 31 January 2004 [http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/DH\\_085195.pdf](http://www.nhsemployers.org/~media/Employers/Documents/Pay%20and%20reward/DH_085195.pdf) Accessed 10.02.16

<sup>3</sup> Commissioning Policy: Defining the boundaries between NHS and Private Healthcare April 2013 Reference: NHSCB/CP/12 <https://webarchive.nationalarchives.gov.uk/20170504173034/https://www.england.nhs.uk/commissioning/spec-services/key-docs/> Accessed 10.02.16

This policy is in line with Commissioning Policy: Defining the boundaries between NHS and Private Healthcare April 2013. Reference: NHSCB/CP/12 <https://www.england.nhs.uk/wp-content/uploads/2013/04/cp-12.pdf> Accessed 10.02.16

#### NOTES:

- Potentially exceptional circumstances may be considered by a patient's ICB where there is evidence of significant health status impairment (e.g. inability to perform activities of daily living) and there is evidence that the intervention sought would improve the individual's health status.
- This policy was developed and recommended by Thames Valley Priorities Committee which was the predecessor of Buckinghamshire, Oxfordshire, and Berkshire West ICB and Frimley ICB Priorities Committee.
- This policy will be reviewed in the light of new evidence or new national guidance, e.g., from NICE.
- BOBFPC clinical policy statements can be viewed at [Clinical Commissioning Policy Statements & IFRs | BOB ICB](#)