

## Appendix 4

### Terms of Reference

#### **Investigation into concerns raised regarding NHS Wirral Clinical Commissioning Group - Care Homes Locally Commissioned Service**

The terms of reference seek to establish, from 1 January 2017:

1. Whether practices were approaching nursing home management with inducements to register patients from other practices. If established, identify which practices and practice personnel were involved, which nursing homes were involved and the nature of the inducements being offered.
2. Whether nursing homes are being advised by practices that unless they switch patients to their practice they would not receive patient care from their existing practice. If established, identify which practices (and practice personnel) were involved, which nursing homes were involved and whether this has impacted on the care afforded to any patients.
3. Whether there has been an unexplained change of registration after patients had been registered with a practice for a long time. If established, identify which practices and nursing homes were involved and the details of all patients affected.
4. Whether patients, without capacity, have had their registration changed with no agreement from relatives. If established, identify which practices and nursing homes were involved and the details of all patients affected.
5. Whether there has been a material change in nursing home registrations in the 12 months.
6. Whether there has been any infringement of human dignity. If established, identify the nature of the infringement and all patients affected.
7. Whether patient's choice of GP has been removed. If established, identify which nursing homes this has affected and all patients affected.

8. Whether there has been discrimination against patients based on age and incapacity. If established, identify the nature of the discrimination and all patients affected.
9. Whether any concerns which may be identified call into question the actions of any performer (s) at any practice and would warrant further consideration under the NHS England Medical Performer's List procedures.
10. Whether it may be necessary or expedient for NHS England North (Cheshire and Merseyside) in discussion with NHS Wirral Clinical Commissioning Group to take any action under the terms of its contract with any practice.
11. Whether any concerns which may be identified call into question the actions of any individual at the practice and would warrant further consideration (and referral to) any other regulator or organisation for example, NMC, Police, CQC.

NHS England and Public Health England have a statutory duty as commissioners of Primary Care (Medical, Dental, Pharmacy and Optometry), Public Health Section 7a services and Public Health England Screening and Immunisations programmes, to monitor the quality of commissioned service provision.

NHS England and Public Health England currently monitor the performance and quality provision of its commissioned services against agreed service standards and expects our patients to consistently receive high quality care.

Whilst commissioned providers are individually accountable for the quality of services and required to have their own quality monitoring processes in place, NHS England and Public Health England as commissioners have a shared responsibility for quality assurance. Currently commissioners monitor the performance and quality provision of its commissioned services against agreed service standards.

The principle is to be supportive, enhance quality and prevent harm to patients. Through the duty of candour and contractual relationship with commissioners, service providers are required to provide information and assurance to commissioners and engage in system wide approaches to improving quality.

NHS England (North) Cheshire & Merseyside (C&M) internal Quality and Safety Assurance group (QSAG) will have oversight of this investigation, will receive updates and a final report into this investigation and will consider any further action that is required.