

**Countess of Mar** asked Her Majesty's Government:

Whether patients have the legal right to be referred to any hospital provider of their choice, no matter where the consultant is located in England, subject to the provisos listed on the NHS website under Choosing your Hospital; whether patients diagnosed with chronic fatigue syndrome/myalgic encephalopathy in Sussex and elsewhere have been denied the opportunity to do so by local clinical commissioning groups when their general practitioners request a referral; and, if so, why. HL360

**EARL HOWE**

The 2014-15 Choice Framework and the NHS Constitution, both available on .gov.uk, set out when patients have legal rights to choice.

The NHS Constitution states that patients have the right to make choices about the services commissioned by National Health Service bodies and to information to support these choices.

The 2014-15 NHS Choice Framework establishes that if a patient needs to see a consultant or specialist as an outpatient for a physical or mental health condition, they can choose the organisation that provides their NHS care and treatment anywhere in England for their first outpatient appointment. They can also choose which consultant-led team or which mental health team led by a named health care professional will be in charge of their NHS care and treatment for their first outpatient appointment.

The organisation can be any clinically appropriate health service provider with whom any clinical commissioning group or NHS England has a commissioning contract for the service required as a result of the referral, but the team must be clinically appropriate and led by a named consultant or health professional who is employed or engaged by that health service provider.

There are also times that patients are not able to make a choice, and these are outlined in the *Choice Framework* and the *Handbook to the NHS Constitution*. For example, patients can only choose a hospital or clinic that offers the right treatment and care for their condition. Furthermore, if patients need urgent or emergency treatment, they cannot choose who they see.

If a patient, who is not covered by the exemptions, has not been offered choice, or denied the opportunity to exercise choice by a clinical commissioning group, the 2014-15 Choice Framework sets out a clear complaints procedure.

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