



Oriel House, 26 The Quadrant, Richmond, London. TW9 1DL
www.adhduk.co.uk | Charity Number: 1188365

To whom it may concern,

Right to Choose for NHS England Mental Health Services ~ Clarification for General Practitioners

We have been asked on a number of occasions to clarify Right to Choose within NHS England. We're often asked in the context where a patient has been initially declined Right to Choose by their General Practitioner and clarity is therefore needed on it.

Right to Choose within mental health is a relatively new option (since 2018) and as such, not all clinicians are aware of it and how it works. We hope this letter will go a little way to explaining this patient right. You will also find significant amounts of information via the NHS link on NHS choices below:

<https://www.nhs.uk/using-the-nhs/about-the-nhs/your-choices-in-the-nhs/>

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 clinically appropriate outpatient referral (Of note: The decision to make a referral is the GPs responsibility and separate from Right to Choose. Right to Choose is a patient's right to decide where that referral is 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**

For the avoidance of any doubt: It is our clear understanding, and we know of hundreds who have done so, that an ADHD Assessment generally falls under Right to Choose. We maintain a list of providers we know to qualify for Right to Choose referrals on our Right To Choose guidance webpage: adhduk.co.uk/right-to-choose/

As a charity we are passionate about helping those with ADHD. We are aware of many long waiting lists within the NHS and therefore will direct people to Right to Choose. If you think it would help, we are also happy to mediate and advocate for those patients where their Right to Choose is being discussed. If you would like to get in touch please call us on 020 3984 9679.

Yours Sincerely,

ADHD UK.