

Accessing treatment recommended by NICE in England

Healthcare professionals in England are expected to take NICE guidance fully into account when exercising their clinical judgement. The guidance does not, however, override the individual responsibility of health professionals to make decisions appropriate to the circumstances of the individual patient, in consultation with the patient and/or guardian or carer.

The treatments and care recommended by NICE will not be suitable for every patient in every circumstance. However if you feel that you do meet the relevant criteria, and are still unable to access treatment that NICE has recommended, this leaflet explains the help and support you can get.

What are Trusts' obligations to comply with NICE guidance in England?

NHS Trusts and Primary Care Trusts are expected to conduct their business according to a number of standards. The Department of Health, in its "[Standards for Better Health](#)" document, outlines a number of these "core" and "developmental" standards for Trusts.

Core standards are those which must be met. They are not optional and form part of the performance assessment for Trusts carried out by the Healthcare Commission.

Developmental standards are those which Trusts need to demonstrate they are working towards. The Healthcare Commission will assess how well Trusts are progressing towards achieving developmental standards as part of their review criteria.

Whether or not the treatment you want to access, is part of a core or developmental standard, will depend on the type of guidance it is contained within. If you don't know which type of guidance relates to your treatment you can find out on our website, or by calling our enquiry line on 0207 067 5800.

NICE produces four types of guidance as detailed below.

Technology appraisals

Technology appraisals are a core standard. They are part of the **NHS Core Standard C5 on Clinical and Cost-Effectiveness** which states that “Health care organisations [should] ensure that they conform to NICE technology appraisals and, where it is available, take into account nationally agreed guidance when planning and delivering treatment and care”.

In addition, since January 2002, the NHS has been legally obliged to provide funding and resources in England and Wales for medicines and treatments recommended by NICE’s technology appraisal guidance.

This means that when NICE recommends a technology, the NHS must ensure it is available to those people it could help, normally within 3 months of the guidance being issued. So, if your doctor thinks a recommended technology is right for you, you should be able to get it from the NHS.

Interventional procedures

Interventional procedures are a core standard. They are part of the **NHS Core Standard C3 on Patient Safety** which states that “Health care organisations [should] protect patients by following NICE Interventional Procedures guidance.”

Many interventional procedures NICE looks at are quite new. This means that there may not be a lot of information available about how well a procedure works, how safe it is and which patients may benefit most from it. Interventional procedure guidance makes sure that new procedures are introduced safely into the NHS.

Part of the purpose of this type of guidance is to make sure doctors fully explain the procedure and any uncertainties there may be about the potential benefits and risks to patients. This discussion is essential to help patients reach a decision about whether or not to agree to the procedure.

Clinical guidelines

Clinical guidelines are a developmental standard. They are part of the **NHS Development Standard D2 on Clinical and Cost-Effectiveness** which states that “patients [should] receive effective treatment and care that: conform to nationally agreed best practice, particularly as defined in National Service Frameworks, NICE guidance, national plans and agreed national guidance on service delivery.”

In general, doctors, nurses and other healthcare professionals in the NHS are expected to follow NICE’s clinical guidelines. But there will be times when the recommendations will not be suitable for someone because of his or her specific medical condition, general health, personal wishes or a combination of these.

Public health

Public health guidance is a developmental standard. It is part of the **NHS Development Standard D13 on Public Health** which states that “health care organisations [should] implement effective programmes to improve health and reduce health inequalities, conforming to nationally agreed best practice, particularly as defined in NICE guidance and agreed national guidance on public health.”

In general, doctors, nurses and other healthcare professionals in the NHS are expected to follow NICE’s public health guidance. But there will be times when the recommendations will not be suitable for someone because of his or her specific medical condition, general health, personal wishes or a combination of these. NICE’s public health guidance is also applicable to a wider audience than the NHS, so organisations such as local government and social services departments may need to take account of the guidance too.

What can you do if you are unable to access treatment that has been recommended by NICE?

You can contact NICE for information on our guidance, and what it means for patients and carers. However, we cannot investigate individual complaints about patient care and access to treatment.

If you are unhappy about the treatment or care you are receiving from the NHS, for example, if you are not able to access treatment recommended by NICE, you should try and resolve the problem at a local level first, by making a complaint to your healthcare provider. The [Patient Advice and Liaison Service](#) (PALS) at your local NHS Trust or PCT will be able to offer advice on how to go about doing this.

You can also get independent advice and representation from your local [Independent Complaints Advocacy Service](#). They have a statutory role to support patients and carers who wish to make a complaint about their NHS treatment or care.

If you have been through the formal complaints process and received a final decision from your Trust, and are still unhappy, you can ask the [Healthcare Commission](#) to investigate the complaint.

If resolution is still not possible, ultimately, you can take your complaint to the [NHS Ombudsman](#).

You can also raise the issue with your Trust's [Patient and Public Involvement Forum](#) . Patient and Public Involvement forums can raise issues of concern directly with the Trust, and are also involved in the annual inspection carried out by the Healthcare Commission.

Further information

If you have any questions about this information you can contact the NICE enquiry line on 0207 067 5800. Please remember that NICE cannot investigate or get involved with individual complaints about patient care and access to treatment.