

## Briefing paper to Lewisham Healthier Communities Select Committee January 2020

### Migrant charging

#### 1. Background

The NHS provides free healthcare to anyone who is a legal resident of the UK (defined as “ordinary residence”). NHS trusts are required by law to charge patients who are not ordinarily residents in the UK for the treatment they receive (although treatment in emergency departments is exempt from charges for everyone).

Further to a number of recent media interest and queries from members of the public in relation to the Trust’s arrangements for making charges to those not eligible for free healthcare, the Trust is establishing a short term oversight panel to review the current arrangements for doing so.

#### 2. Oversight panel

It is proposed that the review oversight panel reviews whether Lewisham and Greenwich NHS Trust is being fair and compassionate in following national requirements for charging patients who are not UK residents – taking into account Lewisham’s status as a sanctuary borough. It is proposed that the panel makes recommendations for improvements where they are needed.

It is proposed the panel has an independent chair, Peter Gluckman, and includes representation from local authorities, local campaign groups and patients. The first meeting had been scheduled for late 2019 but had to be rescheduled due to Purdah restrictions.

#### 3. Use of Experian

On 4 October 2019, the Trust published the statement below and commissioned an external review to look at all data sharing processes that are in place at the organisation.

***Statement on agreement with Experian for identifying overseas visitors***

*It is important that patients who may not be ordinarily UK residents are identified in a non-discriminatory way. As one of its ways of doing this, Lewisham and Greenwich NHS Trust has a data sharing agreement with the credit reference agency, Experian, to check whether patients who are booked for treatment are economically active in the UK. This is one of several indicators used by the Trust to help identify that patients are eligible for free care.*

*It is important to stress that:*

- *Experian do not carry out credit checks on Lewisham and Greenwich NHS Trust's patients [and have never done so]. No credit footprint is left on anyone's credit report as a result of this process.*
- *Data is transferred between Lewisham and Greenwich NHS Trust and Experian through a secure system*
- *Experian do not keep a copy of the data they are sent, and they do not use it for any purpose other than processing information for the Trust*
- *Experian use a fully automated system to process the data they are sent*

*Lewisham and Greenwich NHS Trust does have a notice on its website about sharing some information with non-NHS organisations. However, due to concerns that have been raised about the processes for notifying patients about how their data is used, the Trust has commissioned an external review to look at all data sharing processes that are in place at the organisation. The review will be carried out by independent data specialists and arrangements with Experian were suspended in October, until the independent review is completed.*

*The Trust is also seeking advice from the Information Commissioner Office on the issues that have been raised, and any further actions that we may need to take to ensure full compliance with the Data Protection Act (2018).*

#### **4. Information shared with the Home Office**

The national guidance from the Department of Health and Social Care is attached as a separate document.

## Appendix: financial context

### Activity

The table below summarises the Trust's financial transactions in last two financial years from non legal UK residents:

|  | 2017/18 | 2018/19 |
|--|---------|---------|
|  | £000    | £000    |
| A) Income recognised in year               | 4,216   | 4,148   |
| B) Cash Payments received in year          | 703     | 528     |
| C) Amounts added to provision for bad debt | 2,244   | 3,267   |
| C) Amounts written off in year             | 408     | 997     |

The table below shows the main sources of income from non legal UK residents in the last two financial years:

| Division            | 2017/18      |     | 2018/19      |     |
|---------------------|--------------|-----|--------------|-----|
|                     | £000         | %   | £000         | %   |
| Maternity           | 2,249        | 53% | 1,536        | 37% |
| Medicine            | 537          | 13% | 762          | 18% |
| Other               | 665          | 16% | 760          | 18% |
| Paediatrics         | 125          | 3%  | 242          | 6%  |
| Radiology           | 4            | 0%  | (1)          | 0%  |
| Surgery             | 86           | 2%  | 284          | 7%  |
| Women's Health      | 550          | 13% | 565          | 14% |
| <b>Total Income</b> | <b>4,216</b> |     | <b>4,148</b> |     |

In April 2015 DHSC introduced a new legislation on charging overseas patients, the two main changes were:

- Non-EEA chargeable patients would now be charged 150% of tariff, rather than 100% of tariff.
- The financial risk of treating chargeable non legal UK residents would be shared 50/50 with the lead commissioner (Lewisham CCG).

### **Risk sharing arrangement**

The risk sharing arrangement relates to unpaid debt, meaning that local CCGs will pay the Trust 50% of the amount invoiced (or 75% of tariff) to chargeable overseas patients who have not yet paid for their treatment.

This 50% will held on balance sheet by Trust and CCG organisations until one of the following happens:

| Scenario  | Result   |
|---|--|
| The patients pays for the treatment invoiced                      | LGT refunds cash to Lewisham CCG   |
| Under LGT policy the debt is deemed unrecoverable and written off | LGT Write debt off and recognise the 50% received from the CCG as income |

The below table summarises the Trust's transactions.

|  | 2017/18 | 2018/19 |
|--|---------|---------|
|  | £000    | £000    |
| Cash received from CCG held on balance sheet | 1,542   | 1,342   |
| Benefit to I&E recognised                    | -       | 272     |