

**Information Governance Department**

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Our Ref: 21630

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[request-577648-92f4ddcf@whatdotheyknow.com](#)

Dear Reverend Mark Paul

Thank you for your Freedom of Information request which was received within the Trust. In accordance with S.1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that we do hold information relevant to your request.

Please see the response to your FOI request below.

**On what basis do you ask SOME patients to prove their entitlement to NHS treatment, while letting others off the hook?**

The Overseas Charging Regulations place a legal obligation on providers of relevant services to establish whether a person is an overseas visitor to whom charges apply, or whether they are exempt from charges. Prior to 23 October 2017 this legal obligation applied only to NHS trusts, NHS foundation trusts and local authorities in the exercise of public health functions in England, but since then it also applies to any provider of relevant services including non-NHS organisations such as private and voluntary providers supplying relevant services.

Some exemptions do apply in which case we would not charge a patient. Some services are free of charge to all patients regardless of eligibility.

There is also an exhaustive list of people who are exempt from treatment costs and also those who are nationals of a country who have reciprocal health agreements with the UK.

More information can be found on <https://www.gov.uk/government/publications/overseas-nhs-visitors-implementing-the-charging-regulations>

**What criteria do you use to determine WHICH patients need to be asked to prove their entitlement?**

The NHS is a residency-based healthcare system and eligibility for relevant services without charge is based on the concept of "ordinary residence". An "overseas visitor" is any person who is not "ordinarily resident" in the UK. A person will be "ordinarily resident" in the UK when that residence is lawful, adopted voluntarily, and for settled purposes as part of the regular order of their life for the time being, whether of short or long duration.

With every new spell of treatment all patients are asked to confirm their details and the question, have you lived in the UK for the past six months.

**Do you routinely ask ALL patients for proof of residency and entitlement?**

Proof of residency and entitlement is requested if the patient has triggered a request evidence check. Triggers include answering "no" to the in UK 6 month question, lack of NHS number or the NHS number has an alert on the national healthcare system.

**Or are there specific red-flags that make you select only a few patients for this inquiry?**  
As above

**Your Overseas Visitors Team should be able to give a clear idea of what criteria are used, and what happens if the patient is offended and refuses to comply with a request from yourselves.**

If a request is made for a patient to show evidence of eligibility then the onus is on the patient to prove their eligibility for secondary care, being offended is not an exemption.

If the patient refuses to supply that evidence then we would offer a second opportunity to show evidence. If the patient still refuses then we would deem them chargeable until such time as the evidence of eligibility was produced. (We would take into consideration if exceptional circumstances meant that someone was unable to produce a particular document). We have yet to come across a single patient who is eligible for NHS care who refused to provide evidence. It would serve no purpose other than to potentially frustrate access to a service the individual wants to use.

Yours sincerely

*Sharleen Matheson*

Interim Information Governance Lead

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If you are not satisfied with the Trust's response you may ask for an independent internal review by writing to the:-

Information Governance Manager  
Kettering General Hospital NHS Foundation Trust  
Rothwell Road  
Kettering  
Northants  
NN16 8UZ

If you remain dissatisfied after this internal review of the Trust's decision you may wish to make an approach to the Information Commissioner.

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire,  
SK95 5AF

<http://www.ico.gov.uk>

Please note that the Information Commissioner is a regulator, not an ombudsman. He will make an assessment as to whether or not the provisions of the Freedom of Information Act 2000 have been complied with. He can issue an enforcement notice to the Trust ordering it to comply with your request.