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Our Ref: SWH.NHS457641.387

22 February 2019

Your Ref: 1030118.0001/PJT/PJTT

By email only: ptodd@hja.net

Dear Sirs

Your client: Mr Jeremy Thomas-Peter
Our client: NHS England

We refer to your letter dated 15 February 2019.

NHS England has instructed us to represent it in this matter and respond to your correspondence. Please direct all future correspondence to this firm.

We note that your letter challenges a decision made on 8 January 2019, some 6 weeks ago, and yet states that the matter is so urgent as to require a response within 7 days. We set out below our client's initial response to the proposed challenge. In light of the next steps proposed by our client, we do not propose to prepare a full response to the points raised by you at this stage, but reserve the right to detail full arguments at a later date should your client pursue his alleged claim.

Whilst our client does not have any updated evidence from your client's clinician (the Individual Funding Request ("IFR") having been made in November 2018 and stated to be "not urgent" at this time), we note that your letter states that your client's condition has deteriorated such that this matter is now urgent.

Our client has reviewed the decision made by the IFR Screening group on 8 January 2019 and maintains that the decision made is soundly based and in keeping with the IFR Commissioning Policy and Standard Operating Procedure. Our client does not believe that you have any valid grounds to challenge the decision made on 8 January. However, our client has no wish to become embroiled in expensive legal arguments over the merits of the Screening Group's decision at this time, especially when it is likely that any legal proceedings would need to be expedited if your assessment of your client's condition is correct.

Next steps

In view of the stated urgency of the situation, and in order to provide your client with further assurance that the IFR has been fully considered, our client proposes to refer this matter to an IFR Panel at the earliest opportunity. This will be done without prejudice to our client's position that the decision of the IFR Screening Group is not flawed, as alleged by your client.

The Panel members will not be told that a legal challenge has been threatened and will consider this matter afresh.

Panel members require papers one week prior to meeting to fully consider the evidence. The next panel meeting is scheduled for 6 March and our client will send papers relating to your client's IFR to the panel members in time for them to consider it on this date.

Yours faithfully

A handwritten signature in cursive script that reads "Blake Morgan" followed by a flourish.

BLAKE MORGAN