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Date: 15 January 2024

### ADHD and Autism Pilot Pathway

1. YDRF is pleased that the NHS Humber and North Yorkshire Integrated Care Board's (the "ICB") has started to communicate with the neurodivergent community and we hope that the feedback the ICB have received from YDRF, Healthwatch York and their engagement events will effect changes in decisions made by the ICB going forward.
2. We write at this time to respond specifically to the ICB's position on consultation in its letter of ICB's letter of 13 November 2023.
3. In a letter dated 10 October 2023 letter the ICB wrote that "*the ICB is developing an engagement plan to ensure that its statutory duty to consult is discharged throughout the life of the pilot.*"
4. Then on 13 November 2023 the ICB stated that "*the ICB does not regard the pilot as a service change which would require full scale consultation and therefore consultation in line with the Gunning principles. The service provision for ADHD and autism assessment remains as it was before the pilot commenced*".
5. It is not accepted that the Pilot Pathway is not a service change, and the position set out in the 13 November 2023 letter is contrary to information previously provided by the ICB and the situation for people in Humber and North Yorkshire.
6. The ICB is incorrect to state that what is being offered to patients hasn't changed. Previously, anyone who met the NICE criteria would be placed on a waiting list to receive an assessment. Now, only those who meet the pilot acceptance criteria will be added to the waiting list for assessment. Those who do not can remain on a waiting list, but it is not a waiting list for an assessment for Autism or ADHD.
7. There are several documents that support this position including:
  - a. Integrated Impact Assessment for adult autism and ADHD Assessment Service York and North Yorkshire - Referral Criteria, states in its summary: "*The introduction of acceptance criteria will mean that some individual who would have previously received a referral for assessment and diagnosis will no longer receive a diagnosis*".

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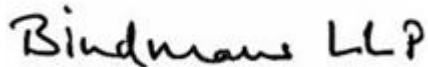
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- b. An update published on 14 July 2023, '[Adult autism and ADHD assessments York and North Yorkshire](#)', states: "*Everyone registered with the platform will be offered the opportunity to remain on a triage waiting list and based on their needs will be referred for an assessment or offered/signposted to appropriate relevant support*". It does not say, everyone will remain on the waiting list for an assessment – regardless of a change in circumstance.
  - c. The North Yorkshire and York Adult Autism and ADHD Assessment and Diagnosis Service Pathway Flowchart shows that people who do not meet the acceptance criteria (aka the pilot criteria) are categorised as Amber or Green and are managed by the ICB – which is a commissioning body and so does not have any ability to assess or diagnose itself. Only people who meet the strict acceptance criteria are categorised as Red will be referred to the Retreat, who can assess and diagnose.
  - d. On 7 December 2023, during the meeting with YDRF, the ICB confirmed that people on the Amber and Green waiting list are not currently being looked at and people will only move to the Red triage list if their circumstances change and they meet the acceptance criteria. So, you must meet the acceptance criteria otherwise you will not be moved onto the waiting list for an assessment/ diagnosis.
8. The ICB has amended the service it provides and must therefore engage in a *Gunning* compliant consultation in accordance with section 14Z45 of the NHS Act 2006.

Yours faithfully



**Bindmans LLP**