

To: CCG Clinical Leads
CCG Accountable Officers
NHS England Area Directors
Chief Executives of NHS Trusts

cc: NHS England Regional Directors
NHS TDA Directors of Delivery and Development

6 March 2014

Dear Colleague

Dispute Resolution Process between Commissioners and Providers for the 2014/15 Contracting Process

As outlined in the joint planning letter published in November 2013 and the planning guidance published in December 2013 by NHS England and the NHS Trust Development Authority (NHS TDA), there is a clear expectation that providers and commissioners will have signed contracts in place for the provision of NHS services by 28 February 2014.

Where this has not been achieved and a contract between a provider and a commissioner remains unsigned both parties will now automatically trigger the dispute resolution process.

The detailed guidance titled 'Dispute Resolution Process between Commissioners and Providers for the 2014/15 Contracting Process' outlines the process that will be jointly run by NHS England and NHS TDA.

This guidance confirms:

- the scope of the dispute resolution process;
- the arbitration process for contracting disputes that occur during service-level agreement negotiations;
- the key milestones and timescales that must be met by those commissioners and providers that have unsigned contracts;
- the expected costs of entering into the dispute resolution process;
- the templates that must be used by any party that has triggered the dispute resolution process. This is the only paperwork that will be considered by the panel.

All providers and commissioners that have unsigned contracts at the date of this letter should now complete appendix 1 and 2 of the dispute resolution process with immediate effect. This paperwork will facilitate a common understanding of the outstanding issues and help avoid going into formal arbitration on the 14 March 2014.

The dispute resolution process is a last resort: organisations should do all they can to avoid disputes and, if they occur, to resolve them swiftly. We would expect negotiations to occur at a Chief Executive and Chief Officer level. The inability to resolve disputes locally will be seen as failure by both parties involved.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Baumann', with a long horizontal line extending from the end of the signature.

Paul Baumann
Chief Financial Officer
NHS England

A handwritten signature in black ink, appearing to read 'R Alexander', with a long horizontal line extending from the end of the signature.

Bob Alexander
Director of Finance
NHS Trust Development Authority