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Public health services for 0-5 year-olds

Transfer of commissioning responsibilities to local authorities

Initial contracting guidance for NHS commissioners – TEMPLATE LETTERS

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Version number: 1

First published: November 2014

Updated: NA

Prepared by: NHS Standard Contract Team

Document classification: Official

Gateway Publications Reference **02448**

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# Introduction

**Draft letters for area teams to send to providers (joint with local authorities wherever possible), giving details of future contracting intentions**

The example letters below are drafted for the most straightforward situation, where there is a simple 1-1 relationship between NHS England as the current commissioner and one local authority as future commissioner.

Local circumstances will vary widely, of course, and the letters below will need to be adapted by area teams, sometimes in discussion with local authorities, to suit the particular circumstances of each contract.

# Example joint letter where Option 1 is proposed

Joint NHS England / local authority letter to be sent where

* the existing contract expires on 31 March 2015
* the area team and local authority intend that the area team should put in place a new contract for the full year of 2015/16, which will novate mid-year to the local authority
* the local authority is therefore comfortable to state a broad intention, at this stage, to commission the service from the same provider, to use the NHS Standard Contract and to commission the same services at the same price as NHS England

*Dear [name]*

***Transfer of commissioning responsibilities for 0-5 children’s public health services***

*As you know, responsibility for commissioning of 0-5 children’s public health services will transfer from NHS England to local authorities on 1 October 2015. As the present and future commissioners, we are writing to update you on how we intend to manage the transition locally. Our underlying aim is to secure a smooth transition with continuity of service provision and clear, well-understood contractual arrangements.*

*Draft financial allocations for 0-5 services for each local authority will shortly be [have now been] published by DH, and the national mandate for 0-5 services to be commissioned by local authorities will also be available in final form. Taken together, these will give a good basis on which contracts for 2015/16 can be agreed early in 2015.*

*As you will be aware, NHS England’s contract with you expires on 31 March 2015. Our joint intention is that, in the period from December 2014 to February 2015, contracting teams from NHS England and the Council will negotiate one single separate contract with you for 0-5 services covering the whole of 2015/16. The contract will be held initially by NHS England, but will then transfer by novation to the Council with effect from 1 October 2015.*

*Our intention is that this contract will be signed, and the deed of novation approved, by the end of February 2015, thus giving you full clarity before the start of the year about funding and expected service levels for the full year. The contract will be in the form of the 2015/16 NHS Standard Contract.*

*We hope that this letter is helpful in setting out our broad intentions at this stage and gives you, and your staff, confidence that the transition of commissioning responsibilities will be managed in a way which ensures continuity of service provision. However, before making firm decisions on these issues, the Council will wish to review the final version of the NHS Standard Contract for 2015/16 (which will be published by NHS England in December) and to review both the final mandate for 0-5 services to be commissioned and the final financial allocation it receives from the Department of Health. We will therefore write to you again in January with a further update.*

*Yours sincerely*

*[Name]*

*[Job title]*

*NHS England Area Team / XXX Council*

# Example joint letter where Option 2 is proposed

Joint NHS England / local authority letter to be sent where

* the existing contract expires on 31 March 2015
* the area team and local authority have agreed to put in place two separate contracts, an NHS England contract for April to September 2015, and a local authority contract for October 2015 to March 2016.

*Dear [name]*

***Transfer of commissioning responsibilities for 0-5 children’s public health services***

*As you know, responsibility for commissioning of 0-5 children’s public health services will transfer from NHS England to local authorities on 1 October 2015. As the present and future commissioners, we are writing to update you on how we intend to manage the transition locally. Our underlying aim is to secure a smooth transition with continuity of service provision and clear, well-understood contractual arrangements.*

*Draft financial allocations for 0-5 services for each local authority will shortly be [have now been] published by DH, and the national mandate for 0-5 services to be commissioned by local authorities will also be available in final form. Taken together, these will give a good basis on which contracts for 2015/16 can be agreed early in 2015.*

*As you will be aware, NHS England’s contract with you expires on 31 March 2015. Our joint intention is that, in the period from December 2014 to February 2015, contracting teams from NHS England and the Council will negotiate two separate contracts with you for 0-5 services*

* *an NHS England contract for the period from 1 April 2015 to 30 September 2015*
* *a local authority contract for the period from 1 October 2015 to 31 March 2016.*

*[Add more detail about the form of contract to be used, if agreed.]*

*Our intention is that these two contracts will both be signed by the end of February 2015, thus giving you full clarity before the start of the year about funding and expected service levels for the full year.*

*We hope that this letter is helpful in setting out our broad intentions at this stage and gives you, and your staff, confidence that the transition of commissioning responsibilities will be managed in a way which ensures continuity of service provision. However, before making firm decisions on these issues, the Council will wish to review both the final mandate for 0-5 services to be commissioned and the final financial allocation it receives from the Department of Health. We will therefore write to you again in January with a further update.*

*Yours sincerely*

*[Name]*

*[Job title]*

*NHS England Area Team / XXX Council*

# Example NHS England letter where discussions with local authorities are not well advanced

Letter to be sent by the area team alone, where the existing contract expires on 31 March 2015, but where the local authority does not feel able to make any written commitment on its contracting intentions at this stage

*Dear [name]*

***Transfer of commissioning responsibilities for 0-5 children’s public health services***

*As you know, responsibility for commissioning of 0-5 children’s public health services will transfer from NHS England to local authorities on 1 October 2015. I am writing to update you on how we intend to manage the transition locally. Our underlying aim is to secure a smooth transition with continuity of service provision and clear, well-understood contractual arrangements.*

*Draft financial allocations for 0-5 services for each local authority will shortly be [have now been] published by DH, and the national mandate for 0-5 services to be commissioned by local authorities will also be available in final form. Taken together, these will give a good basis on which contracts for 2015/16 can be agreed early in 2015.*

*As you will be aware, NHS England’s current contract with you expires on 31 March 2015. Our statutory responsibility for commissioning 0-5 services will cease after 30 September 2015, and our intention is to place a new contract with you, separately for 0-5 services, covering at least the period from 1 April to 30 September 2015. We will aim to agree this contract with you by the end of February 2015; the contract will be in the form of the NHS standard Contract for 2015/16.*

*We are in discussion with XXX Council about its commissioning intentions. The Council is not yet in a position to make a firm statement about its plans, pending confirmation of the mandate and its financial allocation. One option we will discuss with the Council is whether we can agree one single contract with you for the full year of 2015/16, with this being held initially by NHS England and then transferring to the Council mid-year by novation.*

*We hope that this letter is helpful in setting out NHS England’s intentions at this stage, and we will continue to work with XXX Council to ensure that there is a clear process to manage the transfer of commissioning responsibilities. We will write to you again in due course with a further update.*

*Yours sincerely*

*[Name]*

*[Job title]*

*NHS England Area Team (copy to XXX Council)*