**NHS Standard Contract 2015/16**

NHS Standard Contract for 2015/16

Discussion paper for stakeholders response document

**Discussion paper for stakeholders – response document**

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**NHS Standard Contract for 2015/16**

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This document is provided for you to use when providing your comments on the NHS Standard Contract for 2015/16 discussion paper for stakeholders. Please expand the response boxes as required.

Please send your comments, by Friday 12 September 2014, to:

[england.contractsengagement@nhs.net](mailto:england.contractsengagement@nhs.net)

**Details of person completing this response document**

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| Name and job title |  |
| Organisation |  |
| Email |  |
| Phone |  |

**Key issues on which we would welcome feedback**

**Key issue 1 The Contract as a commissioning lever**

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| *Question 1*  *To what extent should the NHS Standard Contract be used to support longer term strategic changes in local health systems?*  *Would you propose any specific changes to the NHS Standard Contract to strengthen the ability of commissioners to use it to support the longer term strategic direction in local health systems?* |

**Key issue 2 Changes made to the Contract for 2014/15**

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| *Question 2*  *How are the changes we made for 2014/15 working in practice?*  *Have they delivered benefits?*  *Have they caused any problems in practical implementation?* |

**Key issue 3 Mandated use of the NHS Standard Contract**

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| *Question 3*  *Are commissioners now routinely using the NHS Standard Contract for all their commissioned healthcare services other than primary care?*  *If not, for which services are locally-designed contracts still being used?*  *Are there specific problems with the format or content of the Standard Contract which are causing this?* |

**Key issue 4 Tailoring the contract for different service types**

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| *Question 4*  *Are there conditions within the Contract which are inappropriate or redundant for particular service types?*  *Where would alternate provisions be appropriate, and where would the omission of particular provisions be appropriate, because they do not add value?* |

**Key issue 5 NHS England as direct commissioner**

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| *Question 5*  *Would it be clearer if certain national requirements of NHS England as direct commissioner of services were built into the nationally-mandated text of the NHS Standard Contract (but perhaps to be included or excluded by appropriate selection of option via the eContract system)?* |

**Key issue 6 Grant agreements**

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| *Question 6*  *Would commissioners welcome publication by NHS England of a model grant agreement template?*  *Do you have a form of grant agreement which you have used successfully with voluntary sector providers which you would be happy to share with us?* |

**Key issue 7 Contract management** [**(General Condition 9)**](http://www.england.nhs.uk/wp-content/uploads/2013/12/sec-c-gen-cond-1415.pdf) **and financial sanctions**

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| *Question 7*  *Do commissioners use the Contract Management provisions in practice?*  *Do these work effectively?*  *Do the potential financial sanctions in the Contract Management process act as an effective incentive for providers to remedy poor performance?*  *Are sanctions pitched at an appropriate level?*  *Is there a need for further non-financial levers, aligning commissioner powers under the Contract with action by regulators?* |

**Key issue 8 Never Events**

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| *Question 8*  *Would you support changing the focus of Never Event sanctions for 2015/16, to focus on dis-incentivising failure by providers to report Never Events?* |

**Key issue 9 Sub-contracting** [**(General Condition 12)**](http://www.england.nhs.uk/wp-content/uploads/2013/12/sec-c-gen-cond-1415.pdf)

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| *Question 9*  *What would constitute a proportionate approach to commissioners having oversight of provider sub-contracting arrangements?*  *Are the expectations in the current Contract on sub-contracting unreasonable or unrealistic – and, if so, why?*  *Should we review and clarify our definitions and guidance on sub-contracting?*  *We have received requests to publish a non-mandatory template for sub-contracts – would this be helpful?* |

**Key issue 10 Dispute resolution** [**(General Condition 14)**](http://www.england.nhs.uk/wp-content/uploads/2013/12/sec-c-gen-cond-1415.pdf)

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| *Question 10*  *How frequently do commissioners and providers follow the formal dispute resolution process – or are they usually able to resolve in-year differences informally?*  *Is the process of Expert Determination set out in the Contract workable in practice?*  *Is there sufficient clarity about the basis on which disputes relating to the agreement of a new contract should be handled?*  *Would further national guidance in this area be helpful?* |

**Key issue 11 Managing activity and referrals** [**(Service Condition 29)**](http://www.england.nhs.uk/wp-content/uploads/2013/12/sec-b-cond-1415.pdf)

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| *Question 11*  *Do commissioners use the activity management provisions in SC29 in practice?*  *Are there some service types for which the provisions are simply not relevant at all?*  *Do the provisions strike the right balance between commissioner and provider responsibilities and create strong enough incentives for each?* |

**Key issue 12 Information flows, payment and financial reconciliation**

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| *Question 12*  *Are any specific aspects of information, payment and reconciliation processes set out in the contract unclear?*  *Is the overall reporting burden appropriate?*  *Do the nationally-mandated Reporting Requirements in Schedule 6B cover all of the core information which commissioners require for any contract?*  *Is there a case for including a specific requirement in the Contract so that any claim for a provider for payment must be backed by datasets at individual patient level?* |

**Key issue 13 The electronic contract system**

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| *Question 13*  *What would encourage you to make greater use of the eContract system?*  *Is the key requirement to have a basic system which works reliably from the start of the contracting round?* |

**Key issue 14 Staff engagement and equality**

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| *Question 14*  *Would you support the additions and amendments to the NHS Standard Contract for 2015/16 (as detailed in s3.14 of the* [*NHS Standard Contract for 2015/16 Discussion paper for stakeholders*](http://www.england.nhs.uk/wp-content/uploads/2014/08/sc-dis-pap.pdf)*)?* |

**Key issue 15 Minimising redundancy costs when senior NHS staff are subsequently re-employed**

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| *Question 15*  *How could the NHS Standard Contract be used to create appropriate incentives for providers and commissioners, in terms of the re-hiring of senior NHS staff in receipt of redundancy pay from their previous NHS employer?* |

**Key issue 16 Contract support from NHS England**

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| *Question 16*  *How can the NHS Standard Contract team better support commissioners and providers using the Contract at local level?*  *In particular, how useful is our Contract Technical Guidance, and do you have suggestions for additional topics which need to be covered in it?* |

**Other issues**

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| *Question 17*  *We are happy to receive suggestions for improvement to any other aspects of the NHS Standard Contract. Please feel free to cover further topics here.* |
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**How to respond**

Please send the completed response document, by Friday 12 September 2014, to:

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