

NHS Standard Contract

National Variation Agreement 2015/16

RTT waiting times for non-urgent consultant-led treatment



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# Executive summary

This document provides guidance on the completion of the National Variation to existing contracts in 2015/16 form, to effect the in-year National Variation to the NHS Standard Contract in relation to the financial sanctions which apply to 18-week Referral to Treatment (RTT) standards. The National Variation is available at Appendix A below and takes effect in two stages, as set out in the National Variation.

Publication of this guidance and the National Variation follows the [consultation process](http://www.england.nhs.uk/wp-content/uploads/2015/07/rtt-cv-consultation-300615.pdf) completed in July 2015.

##

## Introduction

This guidance is relevant to commissioners and providers who are parties to an existing commissioning contract which:

* includes the 18-week Referral to Treatment (RTT) standards
* extends beyond 1 October 2015

This guidance is not relevant to contracts commencing on or after 1 October 2015 and before 1 April 2016. For such contracts, the updated Particulars (published August 2015) incorporating the RTT changes must be used. The updated Particulars are available on the NHS Standard Contract [2015/16 webpage](http://www.england.nhs.uk/nhs-standard-contract/15-16/) or via the NHS Standard Contract [eContract system.](https://2015.econtract.england.nhs.uk/Home/)

Where relevant contracts based on standard forms for earlier than 2012/13 are to continue beyond 1 October 2015, commissioners and providers should contract the NHS Standard Contract Team at nhscb.contractshelp@nhs.net.

All commissioners and providers which are parties to contracts covering services to which the 18 weeks RTT standard applies are required to vary their relevant contracts as soon as practicable, and in any event by 1 October 2015. The variation will be a National Variation as defined in the applicable NHS Standard Contract.

For further information about the process for effecting national variations, commissioners and providers should read the NHS Standard Contract 2015/16 [Technical Guidance](http://www.england.nhs.uk/wp-content/uploads/2015/03/7-nhs-contrct-tech-guid-fin.pdf) s41.

## Options

The action commissioners need to take depends on whether the contract is signed or not, as follows:

|  |  |  |
| --- | --- | --- |
|  | Is your contract … | You need to … |
| 1 | … signed? | Enact the National Variation in accordance with the process below. |
| 2a | … not signed and not yet substantially agreed? | Download the Particulars (updated in August 2015) from the NHS Standard Contract [webpage](http://www.england.nhs.uk/nhs-standard-contract/15-16/), or generate a new set using the eContract system. Populate the Particulars. |
| 2b | …. not signed but substantially agreed? | Make the changes to Schedule 4A to reflect the latest Particulars (updated in August 2015) from the NHS Standard Contract webpage. |
| 2c | …. not signed but fully agreed and ready to be signed? | Enact the National Variation (in accordance with the process below) at the same time that the contract is signed. |

## Process if you are enacting the National Variation

The table below summarises the actions necessary to complete the Variation Agreement.

|  |  |
| --- | --- |
|  | Guidance  |
| Contract/Variation Reference | Enter the contract reference and the variation reference. |
| Date of Variation Agreement | Insert the date on which the Variation Agreement is completed – ie when it has been signed by all the parties. Note that if the parties sign on different dates, the date to be inserted here is a date on or after that on which the last party signs. This is the date on which the Variation Agreement becomes legally binding.  |
| Execution page | Signatures The authorised signatory of the Provider and (each) Commissioner must execute the Variation Agreement where indicated. Insert additional signature blocks as required. **(If the contract being varied is in 2014/15 form or 2015/16 form, the Co-ordinating Commissioner may sign on behalf of all Commissioners (subject of course to the governance processes set out on the relevant Collaborative Commissioning Agreement); if the contract being varied is in earlier form, all Commissioners must sign)**The National Variation Agreement may be signed in counterpart (by each party signing separate but identical copies), or alternatively all parties can execute the same copy of the Variation Agreement. |

## Appendix A

**NATIONAL VARIATION AGREEMENT**

**RTT waiting times for non-urgent consultant-led treatment**

**Contract/Variation Reference**:

**Proposed by**: Co-ordinating Commissioner on behalf of NHS England

**Date of Variation Agreement**:

Capitalised words and phrases in this Variation Agreement have the meanings given to them in the Contract referred to above.

1. The Parties have agreed the Variation set out below:

|  |
| --- |
| **National Variation to amend Operational Standards in relation to RTT waiting times for non-urgent consultant-led treatment.**Schedule 4A (*Operational Standards*) is varied as follows:1. With effect from 1 April 2015, Operational Standards E.B.1 and E.B.2 are deleted; and
2. With effect from 1 October 2015, Operational Standard E.B.3 is varied by the deletion of the existing consequence of breach and its replacement by the following:

“*Where the number of breaches at the end of the month exceeds the tolerance permitted by the threshold,* ***£300*** *in respect of each excess breach above that threshold”* |

1. The Parties agree that the Contract is varied accordingly.
2. The Variation takes effect as set out in paragraph 1 above.

**IN WITNESS OF WHICH the Parties have signed this Variation Agreement on the date(s) shown below**

|  |  |
| --- | --- |
| **SIGNED by** | ……………………………………………..Signature |
| **[INSERT AUTHORISED****SIGNATORY’S NAME]****for and on behalf of** **the Co-ordinating Commissioner** | ………………………………………………Title………………………………………………Date |
|  |  |
| **SIGNED by****[INSERT AUTHORISED****SIGNATORY’S NAME]****for and on behalf of** **[INSERT PROVIDER NAME]** | ……………………………………………..Signature……………………………………………..Title………………………………………………Date |