



NHS Standard Contract 2017/18 and 2018/19

Summary of key changes made in response to consultation feedback

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NHS England has now published the final [NHS Standard Contract and Contract Technical Guidance for 2017-2019](#). This document summarises the key changes made in the final Contract and Guidance in response to stakeholder feedback received during the consultation process.

Topic	Change	Contract Reference
Data security	The final Contract continues to require providers to adopt and implement the new national data security standards recommended by the Caldicott review – but now includes references to doing so in accordance with the timescales to be set out in forthcoming national guidance, rather than requiring full compliance from 1 April 2017.	General Condition 21
Information governance	We have future-proofed the Contract provisions by including a new reference to the planned publication of a successor framework to the Information Governance Toolkit.	General Condition 21
Seven day services	We have simplified the reporting requirements for providers. Providers now only need to undertake the national process of self-assessment against the standards and provide a copy of this to the commissioner – rather than also providing the commissioner with a separate progress report.	Service Condition 3
Electronic Referral System (ERS)	We have clarified that, for GP referrals not made through ERS, non-payment will apply to the resulting first outpatient attendance only. We have also made clear that the provisions on referral return and non-payment will operate in the context of further guidance to be published separately – so we will be able to clarify whether there are specific exceptions to the ‘referral return and non-payment’ approach, how the return of referrals should be managed to ensure patient safety, and whether there are specific services or scenarios where use of eRS for all GP referrals would not be mandated.	Service Condition 6
Fit notes	We have made clear that providers should supply fit notes to patients only where patients are seen as part of their normal pathway – we do not expect specific clinic appointments to be booked specifically for the purpose of fit note review.	Service Condition 11 and Guidance
Outpatient prescribing and clinic letters	We have clarified the new requirement on supply of medication following a patient’s attendance at clinic – making clear that medication supplied must at least be sufficient to meet the patient’s immediate needs up to the point at which the clinic letter reaches the GP.	Service Condition 11

Topic	Change	Contract Reference
Shared care protocols	We have amended the Contract wording on shared care protocols, making clear that hospitals must only initiate shared care arrangements where the patient's GP is content to accept the transfer of responsibility.	Service Condition 11
Patient and GP queries	<p>We have further strengthened the requirements on providers to communicate properly with both patients and their GPs, making clear that</p> <ul style="list-style-type: none"> • providers must put in place prompt, efficient arrangements for handling queries <u>from GPs</u> as well as patients; and • providers must ensure that they respond properly to patient queries themselves, rather than passing them to practices to deal with. 	Service Condition 12
Sugar-sweetened beverages	Feedback to our exploratory proposals was more supportive of the vendor fee option than the levy approach, with all proceeds recycled back to the Trust for staff health and other benefits. We will now undertake further formal consultation on this, with a view to incorporating any finally agreed provisions into the Contract via a National Variation by 1 April 2017.	Service Condition 19
Health and Social Care Network	We have included a new provision requiring providers to collaborate with NHS Digital in the procurement and implementation of the Health and Social Care Network , the replacement for the existing N3 network.	Service Condition 23
Prior Approval Schemes	<p>We have introduced two specific requirements to help ensure that prior approval arrangements operate in an efficient way.</p> <ul style="list-style-type: none"> • The first is to require that a response time standard for prior approval requests must be included in the contract locally, which commissioners must then meet. • The second is an overarching requirement that prior approval arrangements must not place at risk achievement of quality or waiting times standards. 	Service Condition 29 and Guidance
Interest on late payments	The Contract contains provisions under which interest is payable on late payments. We have now updated these provisions to reflect current Department for Business, Innovation and Skills guidance. This means that a higher rate of interest is payable and makes it even more important that all payments are made promptly in line with the timescales in the Contract.	Service Condition 36