Annex 1

Remedial Notice Flowchart

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| The Commissioner believes that the contractor may have breached the contract | | |
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| Contact the contractor to discuss the breach and any possible action (e.g. Remedial Notice or Breach Notice) | | |
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| Investigate the breach including consideration of evidence and any contractor representations | | |
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| Breach is capable of remedy |  | Breach is not capable of remedy |
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| Consider issuing a Remedial Notice |  | Consider issuing a Breach Notice  *Refer to Annex 5* |
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| Draft Remedial Notice including all mandatory information *(Refer to paragraph 3.10)* | | |
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| Obtain sign off from appropriate person | | |
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| Serve Remedial Notice | | |
|  | | |
| Submit Notice Return to NHS England primary care inbox (england.primarycareops@nhs.net) | | |
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| Follow up Remedial Notice | | |
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| Has the contractor taken the required steps to remedy the breach by the end of the notice period? | | |
| |  |  |  | | --- | --- | --- | | Macintosh HD:Users:denisehampson:Documents:1 - Hampson Solutions:0 - Contracts:NHS England:Primary Care Documents:Performance Concerns Toolkit:pink arrown down.pngYes |  | Macintosh HD:Users:denisehampson:Documents:1 - Hampson Solutions:0 - Contracts:NHS England:Primary Care Documents:Performance Concerns Toolkit:pink arrown down.pngNo | | | |
| Issue Remedial Notice satisfaction letter (*Refer to Annex 4)* |  | Commissioner has the right to terminate the contract |
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| If the contractor repeats the breach that was the subject of the Remedial Notice or otherwise breaches the contract resulting in either a Remedial Notice or a Breach Notice, the Commissioner has the right to terminate the contract provided that the Commissioner is satisfied that the cumulative effect of the breaches is such that the Commissioner considers that to allow the contract to continue would be prejudicial to the efficiency of the services to be provided under the contract | | |