

To: ICB chief executive designates
ICB chair designates
NHS England and NHS Improvement
regional directors and directors of
commissioning

NHS England and NHS Improvement
Skipton House
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cc. NHS trust and foundation trust chief
executive officers
CCG accountable officers

31 May 2022

Dear colleague

Delegation of NHS England's direct commissioning functions to integrated care boards

Thank you for your ongoing work in preparing for the implementation of statutory arrangements for integrated care systems (ICSs). This letter outlines the next steps for the delegation of our direct commissioning functions to integrated care boards (ICBs).

As you will be aware, the Health and Care Act received Royal Assent on 28 April 2022 and as a result ICBs will become legally and operationally established on 1 July 2022. This fulfils our long-term policy ambition of giving systems responsibility for managing local population health needs, tackling inequalities and addressing fragmented pathways of care. A key enabler to realising this ambition is the delegation of direct commissioning functions to ICBs. By giving ICBs responsibility for a broader range of functions, they will be able to design services and pathways of care that better meet local priorities. They will also have greater flexibility to integrate services across care pathways, ensuring continuity for patients and improved health outcomes for the local population.

Delegation of direct commissioning functions in 2022

We have previously set out our intentions for the delegation of certain direct commissioning functions to ICBs as soon as operationally feasible from April 2022. In line with legislation, on 1 July 2022 all ICBs will assume delegated responsibility for primary medical services (currently delegated to all CCGs) and 9 ICBs will also take on delegated responsibility for one or more pharmaceutical services, general ophthalmic services and dental services (primary, secondary and community).

To support delegation, a new standard delegation agreement has been developed that covers pharmaceutical services, general ophthalmic services, and dental services, while continuing the current delegated arrangements for primary medical care. To enable the

delegated arrangements for these functions to take effect all 42 ICBs will be required to sign the agreement. The delegation agreement received formal approval by the NHS England and NHS Improvement board on 19 May 2022. It will be signed by the relevant NHS England Regional Director by 17 June 2022 and by each ICB (chief executive officer or other duly authorised signatory) on 1 July 2022.

Delegation of direct commissioning functions in 2023

From 1 April 2023:

- We plan to delegate responsibility to all ICBs for all pharmaceutical, general ophthalmic and dental services.
- We will delegate responsibility to all ICBs/multi-ICBs for specialised services that have been identified as suitable and ready for further integration subject to system readiness. The roadmap for integration and the list of specialised services for greater ICB leadership are included as an [addendum](#) to this letter.

As part of our ongoing commitment to ensure the safe and effective delegation of these functions, we will work closely with systems to strengthen involvement in decisions during 2022/23 and to support ICBs' development and readiness to take on delegated responsibility from April 2023.

Prior to delegation, we will undertake a pre-delegation assessment of each ICB to determine its readiness to assume responsibility for these services in April 2023. The assessment will be based on two nationally agreed frameworks: one for the primary care functions to be delegated (pharmaceutical, general ophthalmic and dental services) and one for specialised services. Both frameworks will set out the minimum criteria that ICBs will be expected to meet prior to delegation and the assessments against these will be considered by NHS England. For more information about this process and the key dates for delegation, please visit: <https://future.nhs.uk/NHSEICSDelegatedFunctions>. We will share further details of the assessment documentation and the delegation agreement with ICBs shortly.

Responsibility for complaints will shift to ICBs when the relevant functions are delegated. We have established a Task and Finish Group to propose the most suitable model for handling complaints. If your ICB is not already a member but would like to join, or if you would like further information, please email mlcsu.complaintstaskandfinish@nhs.net. We will work with ICBs to share information about complaints in your area by 1 July 2022 and to bring about changes in the operating model for complaints by 1 April 2023.

Expectations for other direct commissioning functions

For other direct commissioning functions, we have begun work to determine potential future commissioning models and timescales from April 2023:

- Commissioning responsibility for health and justice, sexual assault and abuse service (SAAS) functions will remain with NHS England. However, the ambition is to work towards a model of joint working, with full involvement of systems from 1 April 2023. Over the course of 2022/23, national and regional NHS England teams will support progress towards this joint working.
- For Section 7A NHS public health functions (Screening (cancer and non-cancer), Immunisations including COVID-19 and flu, and Child Health Information Systems) commissioning responsibility will remain with NHS England. We still have detailed work to do due to the complexity of the S7A pathways. Over the course of 2022/23, national and regional NHS England teams will support progress towards joint working, and we will continue to collaborate to determine which services can be delegated and how, with a view to potential delegation from April 2024.
- As outlined to ICSs in July 2021, commissioning healthcare for serving members of the Armed Forces and their families registered with defence medical services, veterans' mental health and prosthetic services will remain with NHS England and we currently have no aim to delegate these.

I wanted to thank you and your teams again for all the work that has already been done to establish ICSs and we look forward to continuing to work with you over the coming months.

Yours sincerely



Mark Cubbon
Chief Delivery Officer
NHS England and NHS Improvement