

Item 7: NHS Transition: Background Note.

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To: Health Overview and Scrutiny Committee, 25 November 2011

Subject: NHS Transition: Update¹.

1. Introduction

- (a) The current proposals for reforming the health sector were originally set out in the NHS White Paper, *Equity and Excellence: Liberating the NHS*², and a suite of associated documents.
- (b) Following a consultation process, the Health and Social Care Bill³ began its process through Parliament to give effect to the proposals.
- (c) On April 6th the Government announced a 'pause' in the legislative process, to accommodate a two-month listening exercise. A group of patient representatives, doctors and nurses and other health professionals were brought together to conduct the listening exercise and report back to Government. The Forum reported back to the Government on 13 June 2011⁴ and a Command Paper containing the Government's response was published on 20 June 2011⁵.
- (d) The NHS Future Forum has been asked to continue its work, looking at the following four themes:
 1. Improving information for service users and professionals;
 2. Joining up services;
 3. Improving health and wellbeing; and
 4. Education and training.

¹ The Background Note supplements the one contained in the HOSC Agenda for 9 September 2011, <http://democracy.kent.gov.uk/mgConvert2PDF.aspx?ID=18818>

² The range of NHS White Paper documents can be accessed here:
<http://www.dh.gov.uk/en/Healthcare/LiberatingtheNHS/index.htm>

³ Health and Social Care Bill proceedings and documents can be accessed here:
<http://services.parliament.uk/bills/2010-11/healthandsocialcare.html>

⁴ Department of Health, *NHS Future Forum Recommendations to Government*,
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_127443

⁵ Department of Health, *Government Response to the NHS Future Forum Report*,
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_127444

- (e) The Health and Social Care Bill has subsequently recommenced its passage through Parliament. Having left the House of Commons, it is currently being considered by the House of Lords.
- (f) As with previous health legislation, the detail of a number of the Government proposals will follow Royal Assent in the form of guidance and secondary legislation. The power to bring in other changes already exists.

2. Summary Transition Timeline⁶

Planned date	Commitment
October 2011	<ul style="list-style-type: none"> NHS Commissioning Board established in shadow form as a special health authority SHA cluster arrangements in place – NHS South East Coast has clustered with NHS South Central and NHS South West to form NHS South of England⁷. By October 2011, PCT clusters are expected to identify three or more community or mental health services in which to implement patient choice of Any Qualified Provider in 2012/13
During 2012	<ul style="list-style-type: none"> Health Education England and the NHS Trust Development Authority are established as Special Health Authorities, but in shadow form, without full functions
April 2012	<ul style="list-style-type: none"> The next step in extending the choice of Any Qualified Provider, which will be phased in gradually
By October 2012	<ul style="list-style-type: none"> NHS Commissioning Board is established as an independent statutory body, but initially only carries out limited functions – in particular, establishing and authorising clinical commissioning groups
October 2012	<ul style="list-style-type: none"> Monitor starts to take on its new regulatory functions HealthWatch England and local HealthWatch are established

⁶ Adapted from Department of Health, *The Month. NHS modernisation special issue*, 20 June 2011, p.11,

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_127736.pdf with additional information from Department of Health, *Operational Guidance to the NHS Extending Patient Choice of Provider*, 19 July 2011, http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_128462.pdf

⁷ NHS South East Coast, 3 October 2011,

<http://www.southeastcoast.nhs.uk/News%20&%20Events/nhs-south-of-england-launched.htm>

Item 7: NHS Transition: Background Note.

April 2013	<ul style="list-style-type: none">• SHAs and PCTs are abolished and the NHS Commissioning Board takes on its full functions• Health Education England takes over SHAs' responsibilities for education and training• The NHS Trust Development Authority takes over SHA responsibilities for the FT pipeline and for the overall governance of NHS Trusts• Public Health England is established• A full system of clinical commissioning groups is established. But the NHS Commissioning Board will not authorise groups to take on their responsibilities until they are ready.
April 2014	<ul style="list-style-type: none">• The expectation is that the remaining NHS trusts will be authorised as foundation trusts by April 2014. But if any trust is not ready, it will continue to work towards FT status under new management arrangements.
April 2016	<ul style="list-style-type: none">• Monitor's transitional powers of oversight over foundation trusts will be reviewed (except for newly authorised FTs, where Monitor's oversight will continue until two years after the authorisation date if that is later).