

# Implementing the Long Term Plan:

## Proposals for possible changes to legislation



# An offer from Parliament and Government



## Health and Social Care Select Committee:

*“legislation is a problem at a local level, acts as a barrier to integration in the best interest of patients, and should change.”*

May 2018

## The Prime Minister

*“legislative proposals should be led by the health and care community as recommended by the Health and Social Care Select Committee”.*

June 2018

# Targeted changes to support faster and easier integration



**Speed up implementation of Long Term Plan**

**Secure broad support of NHS and public**

**Avoid wholesale reorganisation and operational distraction**

# What we heard from clinicians and NHS leaders



Shared responsibility for population resources and healthcare

Lift restrictions on place-based NHS commissioning

Support joint decision-making between trusts and CCGs

Support the creation of NHS integrated care trusts

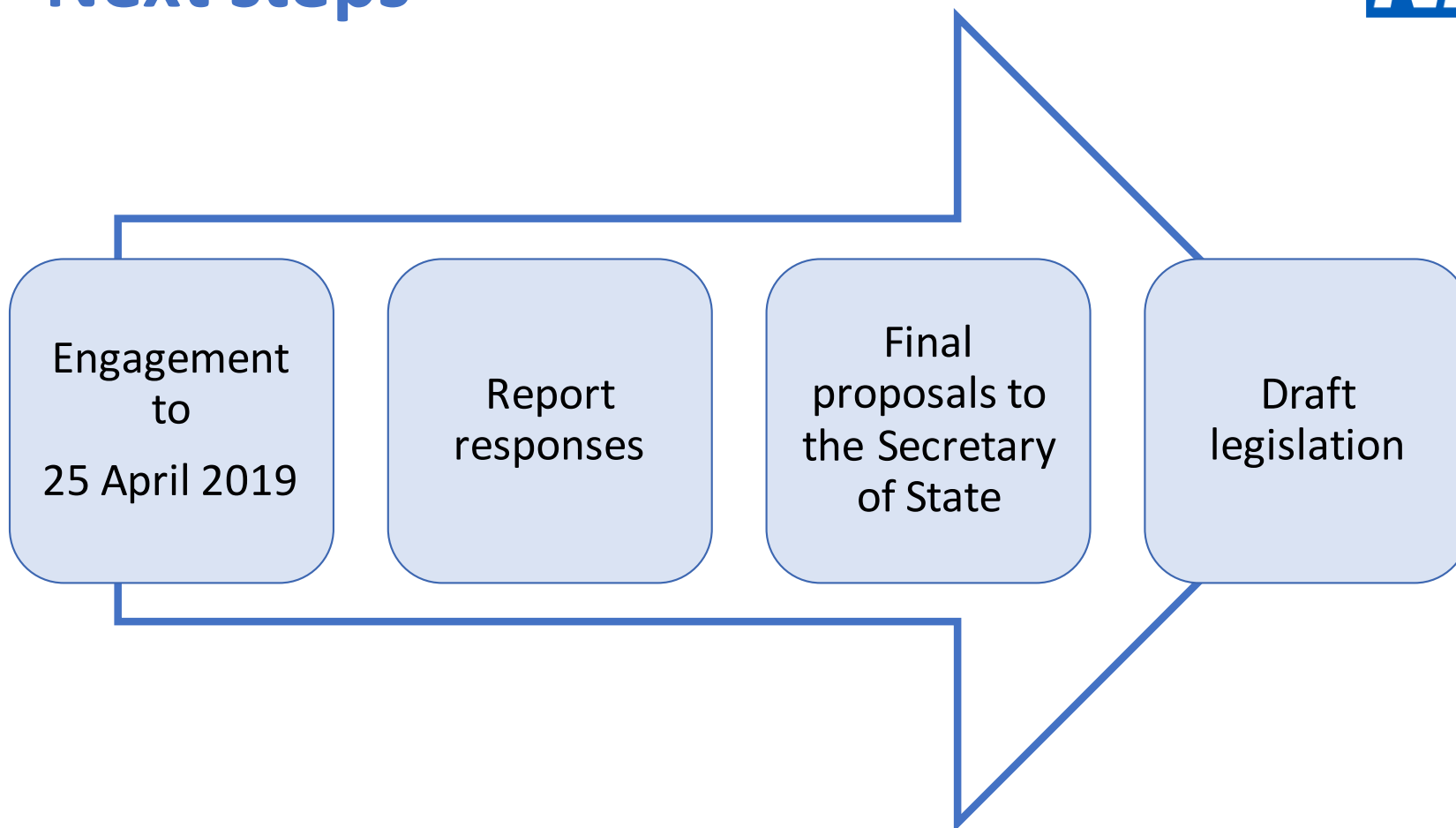
Remove competition rules that impact on integration

Reduce delays and costs of NHS procurement

Increase flexibility of NHS pricing

More joined up national leadership

# Next steps



Give us your views:

<https://www.engage.england.nhs.uk/survey/nhs-long-term-plan-legislation/>

# 1. Promoting collaboration



- Remove CMA's function to review FT mergers
- Remove NHS Improvement (Monitor) competition powers and duties
- Remove need to refer contested licence or tariff provisions to CMA

## 2. Getting better value for the NHS



- Revoke s.75 of the 2012 Act
- Take health services out of scope of Public Contracts Regulations
- New best value test, e.g.:
  - Likely impact on quality of care and outcomes
  - Best interests of patients
  - Provider's progress in tackling unwarranted variation
- Retain patient choice rights

# 3. Increasing the flexibility of national NHS payment systems



- Allow national prices to be set (where appropriate) as formula rather than fixed value
- Allow national prices to be applied only in specified circumstances, e.g. out-of-area services
- Allow adjustments to specific tariff provisions (subject to consultation) within a tariff period
- Remove power to apply to NHS Improvement (Monitor) to make local price modifications
- Allow section 7A public health services to be included in national tariff



## 4. Integrating care provision



- Powers for SofS to establish NHS trusts to provide integrated care
- Subject to local engagement and clear need for new organisation

## 5. Managing NHS resources better



- Targeted powers for NHS Improvement (Monitor) to direct mergers involving FTs
- Power for NHS Improvement (Monitor) to set annual capital spending limits for FTs

## 6. Every part of the NHS working together



- Allow NHS commissioners and providers (and potentially local authorities) to establish joint committees
- Powers to issue statutory guidance on what decisions can be delegated to joint committees
- Allow designated nurse and secondary care doctor on CCG governing bodies to be from local providers
- Greater flexibility over joint CCG/NHS provider appointments

# 7. Shared responsibility for the NHS



- New shared duty on CCGs and NHS providers to promote 'triple aim' of better health, better care and efficient use of NHS resources ...
- ... both for their local system and for the wider NHS

## 8. Planning our services together



- Greater flexibility for CCGs to work together on delegated functions
- Enable delegation or joint commissioning of section 7a public health services
- Enable joint commissioning of specialised services

# 9. Joined up national leadership



- Bring NHS England and NHS Improvement (Monitor and TDA) more closely together, either through full merger or greater flexibility to work together
- New powers for SofS to enable wider collaboration between ALBs