

TCS Contracts: Are you ready for renewal?

Published 11 March 2014

TCS Contracts - Are you ready for renewal?

Community Services contracts entered into in 2011 are now coming up for renewal.

As an NHS commissioner will you be working on extending your contract with your existing provider or will you re-tender the services?

The DAC Beachcroft TCS toolkit for Commissioners

We have developed a cost effective toolkit which will help you identify and address the key issues which could arise in dealing with TCS contract extensions or a retendering process. The TCS toolkit is a practical electronic guide to the key issues you will need to consider.

Areas covered by the toolkit include:

HR issues

- What are the possible workforce implications?
- What employment risks will you be asked to provide protection for, if any?
- Will there be an impact on employees' pensions?

Commercial issues

- Can the current service contract be extended?
- Is the Business Transfer Agreement still relevant?
- What are the unwinding arrangements on termination?

Procurement issues

- Do you have to re-tender the services?
- Should you bundle services?
- Could there be challenges to the process?

Information governance issues

- Are there particular requirements you wish to impose on providers with regard to information governance?
- What will be your responsibilities for any transfers of information and records required due to a change in provider?
- How do you want providers to handle any transfer of information and records between current and new providers?

Real estate issues

- Does the service provider have the necessary premises to carry out the contract?
- Is the return of the premises from the previous contractor via the Secretary of State required?
- If a new location is proposed, are the new premises CQC compliant?

Clinical transition/patient safety issues

- Have you appropriately considered the impact on patients of any decision to retain a provider or to change provider or service specification?
- What might you need to do to ensure safety and continuity of services?

Governance issues

- Does the service still fit with the approved commissioning intentions and the local health economy strategy? Is the

service a Commissioner Requested Service?

- Does the service model or specification need to be changed?
- Should you collaborate on the renewal or re-tender of the contract? If so, what should be the governance arrangements?
- If you are a CCG, when and how should the members and the Governing Body be involved in the governance process?
- Are there any conflicts of interests to address during the process?