

Part six: Recommendations

Published 15 June 2016

Here are our recommendations around how to take the next steps on the road to realising the aims of the NHS Five Year Forward View.

<p>Commissioning integration</p>	<p>Good governance is vital especially where large numbers of Clinical Commissioning Groups (CCGs) want to collaborate with multiple competing voices. Managing those relationships and ensuring they have sufficient governance expertise support to deliver effective and lawful decision-making is vital. The consequences of getting it wrong, for example not consulting properly, could be a judicial review.</p>
	<p>Moving to an Accountable Care Organisation (ACO) requires a shift in the way that healthcare is commissioned from specifying inputs, to setting outcomes to be achieved by the ACO. A CCG as a commissioner can't currently delegate its commissioning function to an ACO provider, although it could in principle be possible for the ACO to manage some of the CCG's functions under a contractual framework.</p>
<p>Contracting and corporate structures</p>	<p>Form follows function when devising new models of care. The conversation should begin by thinking about the scope of services that the ACS is seeking to provide, the ultimate aims and objectives for patients, the clinical model, the resources that each provider will contribute and the appetite and ability for providers to share risk and reward. The legislative and contractual tools can then be implemented and designed to enable the collaboration to meet its objectives.</p>
<p>Procurement and competition</p>	<p>Allow time to look at different possibilities before deciding what the model of care should be. Procurement regulations state that there is no need to carry out a competitive process where there is only one 'capable provider'. Under the new models of care scenario there may be many providers who could deliver the relevant services in an area, in which case it could be very difficult to say there is only one capable provider or group of capable providers.</p> <p>Carry out a wide market assessment and engage with the market before commissioning new models of care. Do not assume that the current local providers and the incumbent are the only ones you need to talk to. Where there is this level of engagement, providers, who do not win new work, may be less likely to raise a challenge as they will have had an opportunity to be involved in the process.</p> <p>A procurement or competitive process need not be lengthy and complex. But do not rely on outdated procurement documentation pieced together from previous processes not tailored for the service in mind. Allow time for planning, assemble the right resources, and make sure the right decision-makers are involved in determining the strategy for the relevant procurement.</p>

Authors



Anne Crofts

London - Walbrook
 +44 (0)20 7894 6531
acrofts@dacbeachcroft.com



Hamza Drabu

London - Walbrook
 +44 (0)20 7894 6411
hdrabu@dacbeachcroft.com