

NHS Providers response to the NHS Standard Contract 2024/25 consultation

On 1 December 2023, NHS England (NHSE) launched the formal consultation on proposed changes to the NHS standard contract 2023/25. The full consultation notice and all supporting material can be found [here](#).

Please find below NHS Providers' response to the consultation notice.

Core requirements to safeguard quality of care

This section sets out proposed changes to ensure that the Contract continues to include all of the core national expectations necessary to safeguard quality of care

1 Do you support the Care Quality Commission (CQC) "quality statements" proposal? Yes

Summary of proposal: *NHSE has proposed to add specific requirements for all providers to have regard to CQC's additional "quality statements".*

CQC's new quality statements reflect the commitments that providers, commissioners and system leaders should live up to in order to deliver high-quality, person-centred care. We therefore support your proposal to include a specific requirement for all providers to have regard to these quality statements in the standard contract.

2 Do you support the Fit and Proper Person Test for board members of NHS bodies proposal? Yes

Summary of proposal: *NHSE has proposed to include requirements on providers which are Trusts to comply with the FPPT.*

The Fit and Proper Persons Regulations apply to board members of NHS organisations and are aimed at ensuring their suitability and fitness for these highly responsible roles. They are intended to enhance the quality of leadership within the NHS. We are supportive of the inclusion of the statutory requirements as set out in the regulations in the standard contract as an explicit requirement for providers.

3 Do you support the supervision of the management of services by non-NHS providers proposal? NA

Summary of proposal: *NHSE has proposed to add a requirement under which the identity of the person responsible for supervising the management of the provider's services must be recorded in the Particulars.*

4 Do you support the NHS Complaint Standards proposal? NA

Summary of proposal: *NHSE has proposed to amend the Contract wording to require that each provider's complaint procedure must comply with the **Ombudsman's standards**.*

National access and waiting times standards

Specific national targets for key access and waiting times standards in 2024/25 have not yet been made available. Therefore, the only material changes that have been proposed to the access standards in Annex A relate to the changes to cancer standards announced in August 2023, reducing the number of standards from ten to three.

5 Do you support the cancer waiting times proposal? Yes

Summary of proposal: *NHS England has proposed to amend the Contract with the **announced** changes to national cancer waiting times standards.*

Trusts support the updating of the Standard Contract to incorporate the changes to national cancer waiting times announced in August 2023. We note that the specific percentage standard for trusts to achieve over the 2024/25 financial year will be confirmed in the 2024/25 operational planning guidance.

Service provision- new additions to reflect national priorities

This section sets out a limited number of new additions to the Contract which are aimed at promoting improvements in how services are delivered for patients, in line with the latest national policy direction.

6 Do you support the diagnostic imaging reporting turnaround times? Yes

Summary of proposal: *NHSE has proposed to add a new requirement to the Contract for providers of diagnostic imaging services to have regard to **the guidance** on turnaround times.*

7 Do you support the Patient and Carer Race Equality Framework proposal? Yes

Summary of proposal: *NHSE has proposed to include a new requirement into the Contract for providers of mental health services to implement the requirements of **the Framework**.*

Service provision- areas where updated Contract wording is needed

This section sets out changes which NHSE has proposed to update existing Contract requirements in order to keep the Contract consistent with published national standards and policies.

8 Do you support the maternity and neonatal services proposal? Yes

Summary of proposal: *NHSE has proposed to replace the existing wording of the Contract with an overarching requirement on providers to implement the actions set out in [the delivery plan](#) in a timely manner.*

We support the rationalisation of a number of important recommendations to improve the safety and quality of maternity services through the three year delivery plan for maternity and neonatal services and welcome the clarity this provides in updating the wording in the Standard Contract.

9 Do you support the fit notes proposal? Yes

Summary of proposal: *NHSE has proposed to update the Contract wording, removing the existing references to medical staff as the only relevant staff group and expand the Contract definition of Fit Note Guidance to include [DAPB4011](#).*

10 Do you support the antibiotic usage proposal? Yes

Summary of proposal: *NHSE has proposed to amend the Contract wording to require each Trust to use all reasonable endeavours to minimise its broad-spectrum antibiotic usage until the requirements of the new action plan are confirmed.*

11 Do you support the Emergency Preparedness, Resilience and Response (EPRR) proposal? Yes

Summary of proposal: *NHSE has proposed to update the EPRR so that providers are required to have in place an Incident Response Plan, a Business Continuity Plan, an Exercising Plan and a Commander Training Plan and provide a copy of these to the commissioner.*

Patient Safety

This section sets out proposed updates relating to patient safety issues.

12 Do you support the Patient Safety Incident Response Framework proposal? Yes

Summary of proposal: *NHSE has proposed to delete the reference to the agreement of an implementation date as the PSIRF should have been adopted by all providers by 1 April 2024.*

We welcome the updates made but note that implementation and application of the framework is still embedding, and trusts would continue to find national and peer support here helpful.

13 Do you support the Learn From Patient Safety Events Service proposal? Yes

Summary of proposal: *NHSE has proposed to amend the Contract so that the requirement from 1 April 2023 is to report via [LFPSE](#).*

Evaluation of the use of and learning from the LFPSE service will be important to understand whether it has overcome the challenges of past reporting and whether and how associated improvements to safety are being seen.

14 Do you support the Patient Safety Specialists proposal? Yes

Summary of proposal: *NHSE has proposed to strengthen the Contract requirement in response to an independent evaluation, so that it requires providers to designate a Patient Safety Specialist in accordance with their guidance.*

We welcome the role alongside the emphasis that overall accountability for the safety of healthcare services lies with the leadership of the organisation. Continued attention to the skills of leaders in this area and enabling their capacity to focus on patient safety is an important attendant consideration to the patient safety specialist role.

Workforce

This section sets out proposed updates relating to workforce issues.

15 Do you support the NHS Equality, Diversity, and Inclusion Improvement Plan? Yes

Summary of proposal: *NHSE has proposed to merge the three current separate Contract provisions (Model Employer Strategy, WRES, WDES) into one single updated requirement.*

We welcome the publication of the Equality, Diversity and Inclusion (EDI) Improvement Plan and the suggested amendment to merge existing contract provisions related to the Workforce Race Equality Standard (WRES), Workforce Disability Equality Standard (WDES) and Model Employer strategy to improve alignment. This will provide clarity for trusts and their partners, who have told us their progress has been limited by non-aligned reporting cycles and/or previous requirements to submit separate action plans. It remains imperative that initiatives to ensure equity for staff and patients remain a top priority both nationally and locally.

16 Do you support the mandatory staff training on learning disability and autism proposal? Yes

Summary of proposal: *NHSE has proposed to add a requirement to the Contract for providers to ensure that all staff receive training on learning disabilities and autism appropriate to their role, in accordance with the code of practice and regard to the "preferred and recommended" training package.*

17 Do you support the NHS Long Term Workforce Plan proposal? Yes

Summary of proposal: *NHSE has proposed to update General Condition 5.7 so that it makes specific reference to providers supporting implementation of the [NHS LTWP](#).*

Procurement of goods and services

This section sets out proposed amendments aimed at improving the value delivered through procurement and purchasing of products and services by trusts.

18 Do you support the procurement frameworks for goods and services proposal? *Yes*

Summary of proposal: *NHSE has proposed to update the Contract wording to reflect the new framework agreements with in the [Strategic Framework for NHS Commercial](#) that should be used when purchasing a particular services or product.*

Trusts recognise the continued importance of ensuring value for money in the procurement of all goods and services. We understand that designing national procurement frameworks to maximise the purchasing power of the NHS can deliver efficiency savings for NHS bodies and deliver better value for the taxpayer by extension.

However, some trusts believe that it is occasionally possible to achieve better value for money via local procurement routes. Therefore, it would be worthwhile considering whether flexibility can be built into the new strategic framework to ensure this remains a possibility for trusts.

Furthermore, mandating use of national procurement frameworks can lead to an over-reliance on a small number of supply routes. There are still clear advantages to diversifying the supply chain in order to ensure there is resilience built in across the health system.

Trusts will await the detailed guidance on the new process for accrediting NHS organisations to act as “hosts” for procurement frameworks.

19 Do you support the Nationally Contracted Products Programme/ NHS Core List proposal? *Yes*

Summary of proposal: *NHSE has proposed to update the wording of the Contract to include the list of available products being renamed as the [NHS Core List](#), and to make clear that products must be purchased via the [NHS Supply Chain](#).*

20 Do you support the agency rules proposal? *Yes*

Summary of proposal: *NHSE has proposed to include new wording in the Contract to give effect to the updated [agency rules](#).*

Trusts have relied on temporary staff to plug gaps in their workforce, meet minimum staffing criteria and ensure they do not compromise patient safety. Trusts recognise the need to reduce reliance on

more expensive agency staff and have been working hard over the course of 2023/24 to live within agency spending limits set by NHS England. Trusts have been halting the use of specific high-cost agencies and implementing stricter controls on off-framework spend.

However, we have been clear that reducing agency spending must be done sustainably and not result in trusts being forced to make difficult decisions on service provision due to insufficient numbers of staff. Trust leaders will always prioritise quality of care and patient safety. Government must work with NHS England and wider partners to ensure the commitments made in the NHS Long Term Workforce plan are upheld and there is sufficient workforce supply to meet the demand for care.

21 Do you support the duty to explain purchasing decisions proposal? Yes

Summary of proposal: *NHSE has proposed to broaden the accountability requirement so that it applies across the main areas now covered by Service Condition 39.*

Impact of the new NHS Provider Selection Regime

This section sets out changes proposed in anticipation of the intended introduction of the new [NHS Provider Selection Regime \(PSR\)](#), which will – subject to the passage of the [Health Care Services \(Provider Selection Regime\) Regulations 2023](#) – take effect on 1 January 2024.

22 Do you support the Permitted Variations proposal? Yes

Summary of proposal: *NHSE has proposed an addition to General Condition 13 to that effect by including a reference to regulations 13 and 14 of the 2023 PSR Regulations.*

23 Do you support termination proposal? Yes

Summary of proposal: *NHSE has proposed to update the Contract, in anticipation of the PSR coming into effect, to refer specifically and solely to the relevant section of the 2023 PSR regulations, regulation 22(1)(b).*

24 Do you support the recording of route through which contract was awarded proposal? Yes

Summary of proposal: *NHSE has proposed to add a section in the Particulars in which the commissioner must record how the specific contract was awarded or called off.*

In keeping with the transparency requirements set out in Annex B of the Provider Selection Regime (PSR) statutory guidance, we support changes to the Standard Contract to specify which process, under the PSR, contracts have been awarded. This will ensure proper accountability for decisions. It is worth noting the Standard Contract has to align with the new PSR regulations, which are giving rise to concerns and queries especially relating to provider to provider contracts and additional administrative burden. Supporting both trusts and integrated care boards with the new PSR regime will be welcome.

25 Do you support the extension of contract term proposal? *Yes*

Summary of proposal: *NHSE has proposed to allow multiple extensions to contracts.*

Patient choice of provider

This section sets out changes to the arrangements set out in the Contract to support patients' legal right to choose their provider.

26 Do you support the patient choice legislation and guidance proposal? *Yes*

Summary of proposal: *NHSE has proposed to strengthen the provisions of the Contract to require compliance with "Patient Choice Legislation and Guidance".*

27 Do you support the acceptance of referrals proposal? *Yes*

Summary of proposal: *NHSE has proposed to include the requirement to accept all "choice" referrals, regardless of commissioner, in the shorter-form version of the Contract.*

28 Do you support the variations for new "choice" services / locations proposal? *Yes*

Summary of proposal: *NHSE has proposed to add a new provision to General Condition 12 to make it clear that a commissioner may not refuse to agree a modification to the provider's contract.*

Contact management processes

As part of NHSE's review of the Contract for 2024/25, they have been considering whether and how they can simplify contract management provisions and minimise transactional and burdensome processes.

29 Do you support the withholding of funding for Information Breaches proposal? *Yes*

Summary of proposal: *NHSE has proposed to simplify the two withholding regimes.*

30 Do you support the activity management proposal? *Yes*

Summary of proposal: *NHSE has proposed to streamline the provisions through which parties can work together to manage demand for services and volumes of activity undertaken.*

31 Do you support the Prior Approval Schemes proposal? *Yes*

Summary of proposal: *NHSE had proposed to strengthen the Service Condition 29 which requires commissioners to have regard to the burden the PASs may have on the providers.*

Trusts support strengthening current measures to ensure commissioners must consider the administrative and financial burden on provider staff on implementing Prior Approval Schemes (PAS).

32 Do you support the invoice payment files proposal? *Yes*

Summary of proposal: *NHSE has proposed to amend the Contract wording on payment to allow for the "invoice payment file" approach for Trusts.*

33 Do you support the audit proposal? *Yes*

Summary of proposal: *NHSE has proposed to amend the arrangement in the full-length Contract so that they match the much simpler formulation in the shorter-form Contract.*