

SOCIAL PARTNERSHIP FORUM:



FAQ on provider assurance guidance

Q. What standard of engagement with staff and trade unions is expected in the development of 'in principle' proposals for future organisational form, given the deadline of the 31st March?

A. *Enabling new patterns of provision* (January 2009) set out the requirement for early and sustained engagement of staff. This was reinforced in *The assurance and approvals process for PCT-provided services* (February 2010) which sets an expectation of good workforce practice, including effective and early staff and union engagement and application of the Staff Passport. All proposals will be subject to detailed assurance by SHAs before they are finally agreed, including demonstrating how they meet the national tests on stakeholder engagement as set out in para 3.9 of the guidance. Approval in principle by 31 March 2010 does *not* represent final agreement, merely approval of the direction of travel of PCT proposals as being credible. As such, we would not expect the national 'tests' (including engagement) to have been met at this stage. We would, however, expect PCTs to have begun engaging with staff and their trade unions.

Q. Some PCTs have had to rethink their proposals for organisational form – what is the process if they cannot satisfy the tests set out in the guidance by 31st March?

A. Where its preferred option does not pass the assurance tests, a PCT will be required by its SHA to review its proposal(s) and resubmit to the SHA, normally within two months. If the revised proposal(s) still do not pass the tests, the PCT will be expected to consider a wider range of options. If not previously considered this should include the open competitive tendering of appropriate services. (ref Q&A 4.1 of guidance). If a PCT cannot develop a proposal(s) by 31st March we will consider – with the responsible SHA – granting a short extension to allow them to develop appropriate and robust proposals. We will still, however, expect these to have been implemented by 31 March, 2011, or substantial progress to have been made towards them.