

ICB Primary Care Commissioning Committee

Date of meeting	8 June 2023
Title of paper	Delegated Services Assurance Framework
Presented by	Amy Lepiorz, Associate Director Primary Care
Author	Amy Lepiorz, Associate Director Primary Care
Agenda item	2.4
Confidential	No

Purpose of the paper		
<p>This paper is to inform the Primary Care Commissioning Committee of the assurance requirements NHS England will expect from the ICB in relation to the commissioning of delegated primary care services.</p> <p>It is also proposes a local approach to ensuring compliance with the NHS England requirements.</p>		
Executive summary		
<p>The ICB holds a Delegation Agreement with NHS England which requires the ICB to make primary care commissioning decisions in line with relevant legislation, national policy and agreed processes. NHS England has published an assurance framework which focuses on the responsibilities that have been delegated to the ICB. The ICB will be required to complete a retrospective annual self-declaration to confirm compliance. To support ICBs in the completion of the return, NHS England have developed a suite of proposed evidence which can be gathered to provide assurance against each domain. The four domains, associated assurance questions and suggested evidence has been collated into a local delegated services assurance framework.</p>		
Recommendations		
<p>The Primary Care Commissioning Committee is requested to:</p> <ol style="list-style-type: none"> 1. Note the assurance requirements from NHS England with respect to delegated primary care services 2. Approve the local delegated services assurance framework and reporting process. 		
Governance and reporting		
Meeting	Date	Outcomes
N/A		
Conflicts of interest identified		
No identified conflicts		

Implications				
<i>If yes, please provide a brief risk description and reference number</i>	Yes	No	N/A	Comments
Quality impact assessment completed			X	
Equality impact assessment completed			X	
Data privacy impact assessment completed			X	
Financial impact assessment completed			X	
Associated risks		X		By the implementation of the delegated services assurance framework, any associated risks will be highlighted and added to the Risk Register
Are associated risks detailed on the ICB Risk Register?			X	

Report authorised by:	David Levy, Chief Medical Officer
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ICB Primary Care Commissioning Committee

Delegated Services Assurance Framework

1. Introduction

- 1.1 This paper is to inform the Primary Care Commissioning Committee of the assurance requirements NHS England will expect from the ICB in relation to the commissioning of delegated primary care services.
- 1.2 It is also proposes a local approach to ensuring compliance with the NHS England requirements.

2. Background

- 2.1 The ICB has delegated responsibility from NHS England for the commissioning of primary care services. These are:
 - Primary Medical Care Services (GP practices)
 - Primary Dental and Prescribed Dental Services (Dental practices)
 - Primary Ophthalmic Services (Optometry practices)
 - Pharmaceutical Services and Local Pharmaceutical Services (Pharmacies)
- 2.2 The ICB holds a Delegation Agreement with NHS England which requires the ICB to make primary care commissioning decisions in line with relevant legislation, national policy and agreed processes.
- 2.3 NHS England has published an assurance framework which focuses on the responsibilities that have been delegated to the ICB, structured around four domains:
 - Compliance with mandated guidance issued by NHS England
 - Service provision and planning
 - Contracting
 - Contractor/provider compliance and performance
- 2.4 The ICB will be required to complete a retrospective annual self-declaration to confirm compliance with the four domains. A copy of the return can be found in **Appendix One**. The ICB is required to have internal audit processes in place and to submit the return to NHS England on an annual basis.
- 2.5 To support ICBs in the completion of the return, NHS England have developed a suite of proposed evidence which can be gathered to provide assurance against each domain. This evidence will not be routinely requested by NHS England but should be available if required.

3. Delegated Services Assurance Framework

- 3.1 The four domains, associated assurance questions and suggested evidence have been collated into a local delegated services assurance framework which can be found in **Appendix Two**.
- 3.2 The relevant groups will complete their section of the assurance framework at the end of each quarter, based on the activity that took place during that quarter. The sections will be reviewed by the Head of Delivery Assurance to ensure consistency in approach before combining into one document which will be submitted to the Committee the following month.
- 3.3 The framework uses a RAG rating with the following key:
- Green- compliant
 - Amber- complaint with some risks identified
 - Red- non-compliant

4. Recommendations

- 4.1 The Primary Care Commissioning Committee is requested to:
1. Note the assurance requirements from NHS England with respect to delegated primary care services
 2. Approve the local delegated services assurance framework and reporting process.

Amy Lepiorz

June 2023

Appendix One- NHS England Assurance Framework

ICB Assurance Framework

Delegated Primary Care Functions - Self-certification

For each question, please rate your response following the key provided below. Full details of what assurance is required for each domain is set out in Table 1 of the Framework.

Red	Non-compliant
Amber	Compliant but some risks identified
Green	Fully compliant

ICB Name	
Year to which certification applies	

General		
	R/A/G Rating	Comments
Compliance with the Delegation Agreement		
Has the ICB complied with the terms and associated responsibilities and measures required to ensure the effective and efficient exercise of the Delegated Functions?		If Red or Amber, please provide further details
Governance structures		
Does the ICB have the appropriate governance structures for the delegated functions in place to enable the commissioning and delivery of high quality care		If Red or Amber, please provide further details
Pharmaceutical Services		
	R/A/G Rating	Comments
Compliance with mandated Guidance issued by NHS England		
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Pharmacy Manual)?		If Red or Amber, please provide further details
Service provision and planning		

Has the ICB been actively involved with all Pharmaceutical Needs Assessments (PNA) in their area, as undertaken by HWBs in year?		If Red or Amber, please provide further details
Has the ICB assured itself that there are no material gaps (as defined by the PNA) in pharmaceutical provision and has it taken action to address any gaps identified?		If Red or Amber, please provide further details
Can the ICB confirm that all payments made to community pharmacy contractors, dispensing appliance contractors and dispensing doctors are as outlined in the Drug Tariff, in line with usual NHSBSA custom and practice or are made within other formal contractual routes (e.g. LPS contracts or NHS Standard Contract)?		If Red or Amber, please provide further details
Can the ICB confirm that all contracts put in place for local enhanced services are in line with <u>The Pharmaceutical Services (Advanced and Enhanced Services) (England) Directions 2013</u> ?		If Red or Amber, please provide further details
Has the ICB obtained written consent of NHS England prior to making any new LPS schemes?		If Red or Amber, please provide further details
Can the ICB confirm that all applications for the Pharmaceutical List received by the ICB related to community pharmacy contractors, dispensing appliance contractors and dispensing doctors have been decided within their regulatory timescales? Reasons should be provided where this is not the case.		If Red or Amber, please provide further details
Contractor/ Provider compliance and performance		
Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.		If Red or Amber, please provide further details
Can the ICB confirm that contractors have completed the Community Pharmacy Assurance Framework (CPAF) and it has taken appropriate action where this is not the case?		If Red or Amber, please provide further details

Primary Ophthalmic Services		
	R/A/G Rating	Comments
Compliance with mandated Guidance issued by NHS England		
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Eye Health Policy Book)?		If Red or Amber, please provide further details
Service provision and planning		
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision.		If Red or Amber, please provide further details
Contracting		
Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently.		If Red or Amber, please provide further details
Contractor/ Provider compliance and performance		
Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.		If Red or Amber, please provide further details
Dental Services		
	R/A/G Rating	Comments
Compliance with mandated Guidance issued by NHS England		
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Policy Book for Primary Dental Services)?		If Red or Amber, please provide further details
Service provision and planning		
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision.		If Red or Amber, please provide further details
Contracting		

Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently.		If Red or Amber, please provide further details
Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?		If Red or Amber, please provide further details
Contractor/ Provider compliance and performance		
Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.		If Red or Amber, please provide further details
Primary Medical Services		
	R/A/G Rating	
Compliance with mandated Guidance issued by NHS England		
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Primary Medical Care Policy and Guidance Manual)?		If Red or Amber, please provide further details
Service provision and planning		
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision		If Red or Amber, please provide further details
Contracting		
Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?		If Red or Amber, please provide further details
Does the ICB have processes to implement Premises Costs Directions Functions?		If Red or Amber, please provide further details
Contractor/ Provider compliance and performance		
Has the ICB got the appropriate systems and processes in place to manage quality and performance of providers? Has the ICB taken appropriate action where necessary.		If Red or Amber, please provide further details

Appendix Two- Delegated Services Assurance Framework

	Assessment				
General	Q1	Q2	Q3	Q4	Evidence/Comments/File pathway
Compliance with the Delegation Agreement					
Has the ICB complied with the terms and associated responsibilities and measures required to ensure the effective and efficient exercise of the Delegated Functions?	RAG				
Governance structures					
Does the ICB have the appropriate governance structures for the delegated functions in place to enable the commissioning and delivery of high quality care					

	Assessment				
Dental	Q1	Q2	Q3	Q4	Evidence/Comments/File pathway
Compliance with mandated guidance issued by NHS England					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Policy Book for Primary Dental Services)?	RAG				
<i>Number of risks and issues managed by the sub-group?</i>					
<i>Number of risks and issues escalated?</i>					
Service provision and planning					

Can the ICB confirm that it has the necessary processes in place to plan and manage service provision.					
<i>Mapping tool in place, highlighting access rates</i>					
<i>Number of new contracts awarded</i>					
<i>Number of Oral Health Needs Assessments undertaken</i>					
<i>Number of relocation/practice merger requests which include patient engagement</i>					
<i>Number of non recurrent contracts awarded</i>					
<i>Has there been a review of waiting lists, ie MOS and GA</i>					
Contracting					
Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently.					
<i>Number of contracts where activity levels have been reviewed</i>					
<i>Total number of contracts held</i>					
<i>Value of contract handbacks</i>					
<i>Value of contract handbacks re-invested</i>					
<i>Commissioned UDA level</i>					
<i>Commissioned UOA level</i>					
<i>Number of flexible commissioned schemes in place</i>					

<i>Number of providers that have received Discretionary Payments or Support</i>					
<i>Number of contractual discussions around UDA underperformance</i>					
<i>Number of breach notices issued for under performance</i>					
<i>Number of non recurrent reductions of UDAs</i>					
<i>Number of recurrent reductions of UDAs</i>					
Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?					
Contractor/provider compliance and performance					
Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.					
<i>Number of remedial/breach notices/satisfaction letters issued</i>					
<i>Number of contractors where NHSBSA have raised concerns</i>					
<i>Number of complaints shared with CQC</i>					
<i>Number of CQC inspection with compliance concerns</i>					

<i>Number of contracts where activity is below 30% at mid year</i>					
<i>Number of contracts where activity is below 30% at mid year</i>					
<i>Value of discretionary payments issued</i>					

	Assessment				
Pharmaceutical	Q1	Q2	Q3	Q4	Evidence/Comments/File pathway
Compliance with mandated guidance issued by NHS England					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Pharmacy Manual)?	RAG				
<i>Number of risks and issues managed by the sub-group?</i>					
<i>Number of risks and issues escalated?</i>					
Service provision and planning					
Has the ICB been actively involved with all Pharmaceutical Needs Assessments (PNA) in their area, as undertaken by HWBs in year?					
<i>List of PNAs engaged with</i>					
Has the ICB assured itself that there are no material gaps (as defined by the PNA) in pharmaceutical provision and has it taken action to address any gaps identified?					
<i>Number of market entry applications received</i>					
<i>Number of market exit notifications received</i>					

Can the ICB confirm that all payments made to community pharmacy contractors, dispensing appliance contractors and dispensing doctors are as outlined in the Drug Tariff, in line with usual NHSBSA custom and practice or are made within other formal contractual routes (e.g. LPS contracts or NHS Standard Contract)?					
Can the ICB confirm that all contracts put in place for local enhanced services are in line with The Pharmaceutical Services (Advanced and Enhanced Services) (England) Directions 2013?					
<i>Number of enhanced services commissioned</i>					
Has the ICB obtained written consent of NHS England prior to making any new LPS schemes?					
<i>Number of new LPS schemes approved</i>					
<i>Number of FtP decisions made for LPS superintendents</i>					
Can the ICB confirm that all applications for the Pharmaceutical List received by the ICB related to community pharmacy contractors, dispensing appliance contractors and dispensing doctors have been decided within their regulatory timescales? Reasons should be provided where this is not the case.					
<i>Number of applications not processed within the regulatory timescale</i>					
<i>Number of appeals decisions upheld</i>					

<i>Number of appeals decisions overturned</i>					
Contractor/provider compliance and performance					
Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.					
<i>Number of CPAF visits undertaken (1-3% of contractors to be visited per year)</i>					
<i>Number of new pharmacies/change of ownerships that received CPAF visit in first 12 months of opening</i>					
Can the ICB confirm that contractors have completed the Community Pharmacy Assurance Framework (CPAF) and it has taken appropriate action where this is not the case?					
<i>Number of pharmacies where action has been taken due to non-compliance</i>					
<i>Number of unscheduled closures</i>					
<i>Number of contractual sanctions issued</i>					

	Assessment				
Ophthalmic	Q1	Q2	Q3	Q4	Evidence/Comments/File pathway
Compliance with mandated guidance issued by NHS England					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Eye Health Policy Book)?	RAG				

<i>Number of risks and issues managed by the sub-group?</i>					
<i>Number of risks and issues escalated?</i>					
Service provision and planning					
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision.					
<i>Number of needs assessments undertaken</i>					
<i>Number of new contracts</i>					
<i>Number of contract closures</i>					
<i>Number of enhanced services in place</i>					
<i>Number of patient access concerns</i>					
Contracting					
Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently.					
<i>Number of contract variations issued</i>					
Contractor/provider compliance and performance					

Can the ICB confirm that it has the necessary processes in place to comply with all guidance/regulations for contractor compliance and has taken appropriate action where necessary.					
<i>Number of PPV samples undertaken</i>					
<i>% of contractors undertaking QiO</i>					
<i>Number of complaints received</i>					
<i>Number of remedial/breach notices/satisfaction letters issued</i>					

	Assessment				
Medical	Q1	Q2	Q3	Q4	Evidence/Comments/File pathway
Compliance with mandated guidance issued by NHS England					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Primary Medical Care Policy and Guidance Manual)?					
<i>Number of risks and issues managed by the sub-group?</i>					
<i>Number of risks and issues escalated?</i>					
Service provision and planning					

Can the ICB confirm that it has the necessary processes in place to plan and manage service provision					
<i>Number of LIS commissioned</i>					
<i>Number of list closures</i>					
<i>Number of patient list dispersals</i>					
<i>Number of times legal advice was sought</i>					
<i>Number of live procurements</i>					
Contracting					
Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?					
<i>Number of providers that have received Discretionary Payments or Support</i>					
Does the ICB have processes to implement Premises Costs Directions Functions?					
Contractor/provider compliance and performance					
Has the ICB got the appropriate systems and processes in place to manage quality and performance of providers? Has the ICB taken appropriate action where necessary.					
<i>Number of remedial/breach notices/satisfaction letters issued</i>					
<i>Number of CQC inspections and ratings</i>					