

## ICB Primary Care Commissioning Committee

Date of meeting	12 October 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	6
Confidential	No

### Executive summary

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 have been collated into a local delegated services assurance framework.

### Advise, Assure or Alert

The purpose of the report is to **Assure** the Committee of:  
The local approach to ensuring compliance with the assurance requirements NHS England expects from the ICB in relation to the commissioning of delegated primary care services. The paper contains the completed section of the assurance framework for Dental, Pharmaceutical, Optometric and Medical services for Quarter ending September 2023 for approval by the Primary Care Commissioning Committee.

### Recommendations

Members of the Primary Care Commissioning Committee are requested to note the contents of the report and:

- Note the local delegated services assurance framework and reporting process
- Approve the content of the local delegated services assurance framework for Quarter ending September 2023.

Which Strategic Objective/s does the report contribute to		Tick
1	Improve quality, including safety, clinical outcomes, and patient experience	√
2	To equalise opportunities and clinical outcomes across the area	
3	Make working in Lancashire and South Cumbria an attractive and desirable option for existing and potential employees	
4	Meet financial targets and deliver improved productivity	

5	Meet national and locally determined performance standards and targets	
6	To develop and implement ambitious, deliverable strategies	

### Implications

	Yes	No	N/A	Comments
Associated risks		x		
Are associated risks detailed on the ICB Risk Register?		x		
Financial Implications		x		

### Where paper has been discussed (list other committees/forums that have discussed this paper)

Meeting	Date	Outcomes
Primary Medical Services Group	21/09/2023	Approved return for submission to Primary Care Commissioning Committee
Primary Dental Services Group	28/09/2023	Approved return for submission to Primary Care Commissioning Committee
Primary Optometric Services Group	Virtual	Approved granted by Chairs action to return for submission to Primary Care Commissioning Committee
Pharmaceutical Services Group	20/09/2023	Approved return for submission to Primary Care Commissioning Committee

### Conflicts of interest associated with this report

Not applicable

### Impact assessments

	Yes	No	N/A	Comments
Quality impact assessment completed		x		
Equality impact assessment completed		x		
Data privacy impact assessment completed		x		

### Report authorised by:

Craig Harris, Chief of Strategy, Commissioning and Integration

# ICB Primary Care Commissioning Committee

## 12 October 2023

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### Delegated Services Assurance Framework

#### 1. Introduction

- 1.1 This paper provides the Primary Care Commissioning Committee with completed assurance frameworks for the four delegated primary care services for the period July to September 2023.
- 1.2 It also reiterates the local approach to ensuring compliance with the NHS England requirements which was agreed at the meeting of the Primary Care Commissioning Committee on 8 June 2023.

#### 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 is required to complete a retrospective annual self-declaration to confirm compliance with the four domains. This declaration has been highlighted in previous reports to the Committee. The ICB is required to have internal audit processes in place and to submit the return to NHS England on an annual basis. Internal audit services are provided by Mersey Internal Audit Agency.
- 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 was approved at the meeting of the Primary Care Committee on 8 June 2023.
- 3.2 The relevant groups covering the four independent contractor groups will be required to 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 have been reviewed by the Associate Director for Primary Care 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- compliant with some risks identified
  - Red- non-compliant
- 3.4 A copy of the completed section of the assurance framework for the Quarter ending September 2023 is attached as Appendix One.
- 3.5 Only one domain has been rated as amber- Dental, *Mapping tool in place, highlighting access rates*. The primary care team have access to the required data to understand access rates, however the dashboard that will allow for more sophisticated manipulation will not be ready until October 2023.

### **4. Recommendations**

- 4.1 The Primary Care Commissioning Committee is requested to:
1. Note the local delegated services assurance framework and reporting process.
  2. Approve the completed assurance frameworks for the four delegated primary care services for Quarter ending September 2023.

**Amy Lepiorz**

**October 2023**

	Assessment				
General	Q1	Q2	Q3	Q4	Evidence/Comments/File pathways
<b>Compliance with the Delegation Agreement</b>					
Has the ICB complied with the terms and associated responsibilities and measures required to ensure the effective and efficient exercise of the Delegated Functions?	G	G			All processes followed in quarter two have been inline with National Policy
<b>Governance structures</b>					
Does the ICB have the appropriate governance structures for the delegated functions in place to enable the commissioning and delivery of high quality care	G	G			All processes followed in quarter two have been inline with National Policy

	Assessment				
Dental	Q1	Q2	Q3	Q4	Evidence/Comments/File pathways
<b>Compliance with mandated guidance issued by NHS England</b>					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Policy Book for Primary Dental Services)?	G	G			
<i>Number of risks and issues managed by the group?</i>	9	10			There are ten issues included on the dental issues log which is reviewed on a monthly basis at the ICB Primary Care Dental Services Group

<i>Number of risks and issues escalated?</i>	1	1			Patients access to routine dental care has been escalated to the ICB's Risk Register. A Lancashire & South Cumbria wide review is currently being developed to support an integrated approach to improving & increasing access.
<b>Service provision and planning</b>					
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision.	A	A			
<i>Mapping tool in place, highlighting access rates</i>	Under Development	Under Development			A Dental Dashboard is under development to share access metrics across the ICB System - this is due for completion in October 2023. Information is currently available to the team via other sources
<i>Number of new contracts awarded</i>	0	0			
<i>Number of Oral Health Needs Assessments undertaken</i>	0	0			
<i>Number of relocation/practice merger requests which include patient engagement</i>	0	0			
<i>Number of new non recurrent contracts awarded</i>	9	12			The ICB has three commissioned pathways to support patients who required:- Pathway 1 - Urgent Care Pathway 2 - Follow-up treatment to finalise an urgent intervention Pathway 3 - Comprehensive care for patients where their oral health impacts on wider health or where there is a significant risk of oral health deterioration for a specific cohort of high priority patients.  Three additional Pathway 1 providers and nine Pathway 3 providers commissioned in Q2

<i>Has there been a review of waiting lists, i.e. Minor Oral Surgery and General Anaesthesia</i>	<b>No</b>	<b>Yes</b>			A review was undertaken in July 2023. Additional funding has been secured to remove activity caps from MOS Providers with the aim of reducing waiting list pressures. A further review is scheduled for October 2023.
<b>Contracting</b>					
Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently.	<b>G</b>	<b>G</b>			
<i>Number of contracts where activity levels have been reviewed</i>	<b>12</b>	<b>12</b>			Dental access and contractual performance is routinely reviewed on a quarterly basis and any issues reported to the Primary Care Dental Services Group. Formal reviews are undertaken against all contracts at the mid year point and year end, in line with the national dental policy handbook.
<i>Total number of contracts held</i>	<b>246</b>	<b>242</b>			In Q2 4 contracts held by BUPA have closed, one in Barrow, one in Blackpool and two operating from the same location in Cleveleys.
<i>Value of contract handbacks (notified)</i>	<b>£945,688</b>	<b>£802,410</b>			Reported Handbacks in Q2:- Recurrent handback £617,302, from a practice closure in Thornton Cleveleys from 01/12/2023 - 23/24 Part Year effect is £205,768. Non Recurrent handback of £185,108 from a specialist orthodontic contract in Barrow.

					The ICB has 3 commissioned pathways to support patients who require:- Pathway 1 : urgent care Pathway 2 : follow up treatment to finalise an urgent intervention Pathway 3 : comprehensive care for patients where their oral health impacts on wider health or where there is a significant risk of oral health deterioration (priority groups) 3 additional Pathway 1 providers and 9 Pathway 3 providers were commissioned in Q2
<i>Value of contract handbacks re-invested</i>	<b>£245,550</b>	<b>£66,300</b>			
<i>Commissioned Units of Dental Activity level (total annual number)</i>	<b>2,546,509</b>	<b>2,536,337</b>			
<i>Commissioned Units of Orthodontic Activity level</i>	<b>164,221</b>	<b>143,169</b>			
<i>Number of flexible commissioned schemes in place (total annual number)</i>	<b>2</b>	<b>2</b>			Enhanced Paediatric Care and Blackpool Together Scheme
<i>Number of providers that have received Discretionary Payments or Support</i>	<b>0</b>	<b>1</b>			Funding Provided for 1 provider as a recruitment and retention pilot in Barrow
<i>Number of contractual discussions around Units of Dental Activity underperformance</i>	<b>0</b>	<b>0</b>			
<i>Number of breach notices issued for under performance</i>	<b>0</b>	<b>0</b>			This will be reported in Q3 once the end of the year review process is completed
<i>Number of non recurrent reductions of Units of Dental Activity</i>	<b>1,870</b>	<b>0</b>			0 UDAs but non recurrent reduction in Barrow of 3000 UOA's in Q2
<i>Number of recurrent reductions of Units of Dental Activity</i>	<b>30,107</b>	<b>0</b>			Recurrent reduction associated with 1 contract hand back in Thornton Cleveleys will be reported in Q3 as effective date is 01/12/2023



Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?	N/A	Yes			Regular monitoring of progress against recruitment and retention pilot in Barrow , prior to release of the approved
<b>Contractor/provider compliance and performance</b>					
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.	G	G			
<i>Number of remedial/breach notices/satisfaction letters issued</i>	0	0			
<i>Number of contractors where NHS Business Services Authority have raised concerns</i>	0	0			
<i>Number of complaints shared with CQC</i>	0	0			
<i>Number of Care Quality Commission inspection with compliance concerns</i>	0	0			
<i>Number of contracts where activity is below 30% at mid year</i>	N/A	N/A			The mid year process doesn't take place until Q3
<i>Number of contracts where activity is below 30% at mid year</i>	N/A	N/A			The mid year process doesn't take place until Q3
<i>Value of discretionary payments issued</i>	0	0			

	Assessment				
Pharmaceutical	Q1	Q2	Q3	Q4	Evidence/Comments/File pathways
<b>Compliance with mandated guidance issued by NHS England</b>					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Pharmacy Manual)?	G	G			The ICB has adopted processes to follow guidance detailed in the NHS England Pharmacy Manual 2023.

<i>Number of risks and issues managed by the group?</i>	<b>9</b>	<b>7</b>			There are 7 risks/ issues identified for management by the group. The issues log is being reviewed.
<i>Number of risks and issues escalated?</i>	<b>0</b>	<b>0</b>			No risks have been escalated
<b>Service provision and planning</b>					
Has the ICB been actively involved with all Pharmaceutical Needs Assessments (PNA) in their area, as undertaken by HWBs in year?	<b>G</b>	<b>G</b>			<a href="#">Pharmaceutical needs assessment - Lancashire County Council Cumbria PNA 2022</a>
<i>List of PNAs engaged with</i>	<b>N/A</b>	<b>1</b>			Response written for Cumberland Council and Westmorland and Furness Council.
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?	<b>G</b>	<b>G</b>			The Delivery Assurance team link with each Health and Wellbeing Board as stakeholders involved in the production of the PNA Work is ongoing within the Delivery and Assurance Team to map closures and opening hours and if required develop local hours plans.
<i>Number of market entry applications received</i>	<b>0</b>	<b>19</b>			
<i>Number of market exit notifications received</i>	<b>1</b>	<b>2</b>			
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 NHS Business Services Authority custom and practice or are made within other formal contractual routes (e.g. Local Pharmaceutical Services contracts or NHS Standard Contract)?	<b>G</b>	<b>G</b>			Payment processes are in place to ensure all contractors are paid in line with NHSBSA custom and practice.

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?	G	G			
<i>Number of enhanced services commissioned</i>	6	7			New: COVID Medicines Supply Service
Has the ICB obtained written consent of NHS England prior to making any new Local Pharmaceutical Services schemes?	G	G			
<i>Number of new LPS schemes approved</i>	0	0			
<i>Number of FtP decisions made for LPS superintendents</i>	0	0			
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.	G	G			All contracts use the NHS standard contract template
<i>Number of applications not processed within the regulatory timescale</i>	0	0			
<i>Number of appeals decisions upheld</i>	0	0			
<i>Number of appeals decisions overturned</i>	0	0			
<b>Contractor/provider compliance and performance</b>					
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.	G	G			

<i>Number of Community Pharmacy Assurance Framework visits undertaken (1-3% of contractors to be visited per year)</i>	<b>9</b>	<b>0</b>			
<i>Number of new pharmacies/change of ownerships that received Community Pharmacy Assurance Framework visit in first 12 months of opening</i>	<b>0</b>	<b>0</b>			None scheduled for this quarter
Can the ICB confirm that contractors have completed the Community Pharmacy Assurance Framework and it has taken appropriate action where this is not the case?	<b>G</b>	<b>G</b>			The ICB has adopted processes to follow guidance detailed in the NHS England Pharmacy Manual. Where contractors have not completed the CPAF questionnaire , CPAF visits have taken place. The submission window to complete the 2023/24 CPAF screening questionnaire started on 3rd July and closed on 30th July. Pharmacies have been requested to complete the short questionnaire. Those who have not completed the short questionnaire will be requested to complete the full questionnaire.
<i>Number of pharmacies where action has been taken due to non-compliance</i>	<b>2</b>	<b>2</b>			
<i>Number of unscheduled closures</i>	<b>31</b>	<b>7</b>			
<i>Number of contractual sanctions issued</i>	<b>0</b>	<b>0</b>			

	Assessment				
Medical	Q1	Q2	Q3	Q4	Evidence/Comments/File pathways
<b>Compliance with mandated guidance issued by NHS England</b>					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Primary Medical Care Policy and Guidance Manual)?	<b>G</b>	<b>G</b>			NHS England Policy & Guidance Manual The National Health Service (General Medical Services Contracts and Personal Medical Services Agreements) Regulations 2021

<i>Number of risks and issues managed by the sub-group?</i>	17	7			Risk and issues log has been collated for the Medical Services Group for review
<i>Number of risks and issues escalated?</i>	0	0			No risks have been escalated to date for inclusion onto the corporate ICB risk register
<b>Service provision and planning</b>					
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision	G	G			The ICB has in place processes to follow guidance outlined in the NHS England Policy and Guidance Manual for list dispersals, contract mergers, contract awards and new and varied commissioning arrangements. Processes in place to commission services (e.g. Local Incentive Schemes)
<i>Number of LIS commissioned</i>	35	35			Qtr1 - rolled over from previous organisations
<i>Number of list closures</i>	0	1			Qtr1 - One application but this was not approved. Qtr2 - A82077 Liverpool House Surgery
<i>Number of patient list dispersals</i>	2	0			Qtr1 - Old Links Surgery, Leyland Qtr1 - Liverpool House Surgery, Barrow-in-Furness
<i>Number of times legal advice was sought</i>	1	0			Qtr1 - linked to an agreed incorporation
<i>Number of live procurements</i>	2	0			
<b>Contracting</b>					
Does the ICB have local process mechanisms in place for the collection of data relating to decisions on Discretionary Payments or Support?	G	G			Any applications for discretionary payments and support will be approved via the Medical Group. No approvals for discretionary support and funding have been approved for Q2
<i>Number of providers that have received Discretionary Payments or Support</i>	0	0			
Does the ICB have processes to implement Premises Costs Directions Functions?	G	G			The ICB currently commissions a service from the Midlands and Lancashire CSU to implement the Premises Costs Directions Functions.
<b>Contractor/provider compliance and performance</b>					

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.	G	G			Processes being implemented to review quality and performance of providers including the implementation of dashboards and escalation processes where contractual action needs to be considered
<i>Number of remedial/breach notices/satisfaction letters issued</i>	0	0			
<i>Number of CQC inspections and ratings</i>	0	0			CQC visits currently on hold so there have been no visits/ratings in Q1/Q2

	Assessment				
Ophthalmic	Q1	Q2	Q3	Q4	Evidence/Comments/File pathways
<b>Compliance with mandated guidance issued by NHS England</b>					
Has the ICB understood and complied with all nationally set operating procedures and policies (e.g. the Eye Health Policy Book)?	G	G			The ICB has processes in place to follow the requirements of the Eye Health Policy Book and national guidance and regulations
<i>Number of risks and issues managed by the sub-group?</i>	4	4			There are four issues included on the Ophthalmic issues log which is reviewed by the group on a regular basis
<i>Number of risks and issues escalated?</i>	0	0			No issues currently require escalation
<b>Service provision and planning</b>					
Can the ICB confirm that it has the necessary processes in place to plan and manage service provision	G	G			The ICB has processes in place to follow guidance outlined in the NHS England Eye Health Policy Book. Quality visits, remedial and breach notices, processing new applications, disputes, contractual issues and more are outlined in the guidance to manage the provision of services.
<i>Number of needs assessments undertaken</i>	0	0			No Assessments have been undertaken to date
<i>Number of new contracts</i>	3	0			

<i>Number of contract closures</i>	4	3			Q2 - 1 Mandatory and 2 Domiciliary contracts
<i>Number of enhanced services in place</i>					
<i>Number of patient access concerns</i>	0	0			
<b>Contracting</b>					
Can the ICB confirm that it is managing the processes involved for new, varied and terminated contracts effectively and efficiently	G	G			Business Services Authority (BAS) undertake checks in line with Regulations and Eye Health policy book. LSC team counter check all documentation prior to contracts or CV's being issued.
<i>Number of contract variations issued</i>	3	0			
<b>Contractor/provider compliance and performance</b>					
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	G	G			Business Services Authority (BSA) undertake PPV on behalf of the ICB. ICB can request PPV where concerns are raised. QIO undertaken by ICB, process enable compliance issues to be identified
<i>Number of Post Payment Verification samples undertaken</i>	0	0			No LSC Contractors have been identified for PPV during this quarter
<i>% of contractors undertaking Quality in Optometry</i>	3	0			2 x Mandatory Service contracts 1 x Additional Service contract No concerns identified
<i>Number of Compliant received (by contractors- annual declaration)</i>	27	N/A			Business Services Authority (BSA) request information on annual basis. This process is currently being undertaken. To date data indicated 27 complaints. Contractors have been reminded and the Delivery Assurance team are chasing non-responders
<i>Number of remedial / breach notices / satisfaction letters issued</i>	0	0			