From: Chris Hopson <[Chris.Hopson@nhsproviders.org](mailto:Chris.Hopson@nhsproviders.org)>

Date: Thursday, 4 December, 2014

Subject: Reminder: Public Rights in Service Configuration

To: 'HAPIA2013 <[HAPIA2013@aol.com](mailto:HAPIA2013@aol.com)>

Dear Malcolm,

Thank you for your email and many apologies for my delayed response.

One of the difficulties in evaluating the reconfiguration of health services within the context of a special administration is that to date there has been very little use of the regime and every experience will be unique. We are certainly very supportive of a process that does not impose excessive prescription, which could prove counterproductive at a local level, as the feedback from our members shows that different localities face different challenges and opportunities.

We don’t offer advice to individual trusts or local health economies about particular proposed reconfigurations, however we do take a keen interest in engaging with the statutory bodies (DH, Monitor etc.) to try and improve the effectiveness of the TSA process, and of service redesign processes at a national level for the benefit of all involved.  Within this we place a clear focus on the weight and value of the patient benefit case in any decision making and we would agree that local consultation has an important role to play in any planned change.

As you may already be aware, Monitor and the Department of Health are currently developing some updated guidance for trust special administrators appointed to NHS trusts and foundation trusts, following the changes in the Care Act 2014. We have had the opportunity to feed into this work and have been supportive of the detail in the guidance which sets out some direction around consultation across a local health economy and involving communities, as well as neighbouring providers and commissioners, in the development of solutions. We would also reiterate this position to our members who are pursuing service reconfiguration outside of the special administration process.

I hope that offers some reassurance about our position and the role we seek to play on behalf of our members, NHS trust and foundation trusts.

All best wishes

Chris

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