



Health and Social Care Reforms: Transition Programme Scheme for Publication

8 May 2012

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Introduction

The Government has pledged to undertake its work and functions as openly and transparently as possible. It is in this context that this document, which sets out the proposals for future publication of project / programme material from the Department of Health Transition programme, is published.

Background

Routine publication of datasets

The Public Sector Transparency Board was established by the Prime Minister in June 2010, and is driving forward the Government's transparency agenda, making it a core part of all government business and ensuring that all Whitehall departments meet the new deadlines for releasing key public datasets. Data.gov.uk is already home to a number of Government publications and datasets, including material from the Department of Health. In addition, the Department has committed to publishing [information](#) systematically where it will be of interest to others.

The Department of Health Freedom of Information Publication Scheme

This [guide](#) explains what information the Department of Health makes available routinely, how it can be accessed and whether or not a charge will be made for it. It also explains how the public can access information that is not available on the website.

The Health and Social Care Reform Programme

Background

Shortly after the formation of the coalition Government in May 2010, the White Paper "[Equity and excellence: Liberating the NHS](#)" set out the Government's long-term vision for the provision of healthcare services in England and the Department set up a "Transition Programme" to develop and manage the implementation of the proposed reforms. A three-month consultation followed.

"[Liberating the NHS: Legislative framework and next steps](#)" then set out the Government's response to the consultation on the implementation of the White Paper, supported by its accompanying consultation documents – "[Increasing democratic legitimacy in health](#)", "[Commissioning for patients](#)", and "[Regulating healthcare providers](#)". The Legislative Framework document also gave further detail on the NHS reforms and a timetable for implementation and these formed the basis of the Health and Social Care Bill which entered Parliament in January 2011.

In April 2011, the Department paused the passage of the Health and Social Care Bill to conduct a [Listening Exercise](#). A number of changes to the Health Bill were made as a result of this exercise, demonstrating the Department's commitment to, and the value of, openness and engagement.

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The final proposals are now set out in law in the [Health and Social Care Act 2012](#), which received Royal Assent on 27 March 2012.

Publication of documentation to date

There is already much information about the reforms, including the risks and issues associated with the programme, in the public domain. Sources of information include:

- the [latest annual Operating Frameworks](#), issued in December 2010 and November 2011;
- the [Government response to the NHS Listening Exercise](#) (undertaken by the NHS Future Forum), June 2011
- Publication of [Impact Assessments accompanying the Health and Social Care Bill](#) in January 2011 – these were revised in September that year;
- Letters sent by David Nicholson (Chief Executive of the NHS) to the NHS on [10 September 2010](#), [15 December 2010](#), [17 February 2011](#) and [after Royal Assent](#);
- Oral and written evidence given to the [Health Select Committee](#) and [Public Accounts Committee](#).

Transition Programme Scheme for Publication

As is usual with a programme of this size, there is a lot of programme management and governance information underpinning its implementation. The Department acknowledges that, in the spirit of transparency, it should constantly review whether this information can be placed in the public domain.

Following a review of the current documentation, the Department has decided that there is scope to release programme-related information after a designated period of time. However, the Department – and the Government in general – believes it is necessary to preserve the right to deliberate early sensitive policy, without the freedom for officials to be frank about risks and issues being prejudiced by being subject to disclosure. This is protected by [section 35 of the Freedom of Information Act](#), which contains exemptions for material relating to policy development, and which has informed the arrangements for the release of programme documentation.

An agreed schedule for the publication of information – or information review with a view to possible publication – will provide greater clarity for members of the public and other interested parties wanting to know what will be available, and when. This is set out below. The documents will be posted on the [Transparency](#) section of the DH website. The scheme does not apply to documentation that falls outside the scope of the Transition programme.

Board minutes

Summary minutes of meetings of the following transition programme boards will be posted on the Transparency section of the DH website three months after each meeting:

(a) [DH, Social Care and Public Health Transition Board](#)

(b) [NHS Transition Executive Forum](#)

(c) [Transition Board for Cross Cutting Functions](#)

This publication of summary minutes is in line with the Department's policy in relation to the main [Departmental Boards](#)

Transition Programme Plan

The Transition Programme Board on 30 September 2011 agreed that the Transition Programme Plan would be published in April 2013, and this decision was recorded in the web summary version of the [minutes](#).

Transition Business Case

The Transition Programme Board on 25 May 2011 agreed that the Transition Programme Business Case would be published following the abolition of SHAs and PCTs (currently April 2013) and this decision was recorded in the web summary version of the [minutes](#).

Risk

(i) Risk Management Strategy

As is usual with programmes of significant size, the Transition programme includes a specific risk management strategy. The [Transition risk management strategy](#) is published on the DH website.

The Transition risk management strategy sets out:

- the processes in place for the management of risks and issues across the programme;
- how any risks or issues that fall into the criteria for escalation will be escalated, managed and controlled;
- the role and responsibility of the Integrated Programme Office (IPO) in maintaining and updating the programme-wide risk and issues registers.

(ii) Transition Risks

The risks associated with the Transition Programme are captured in a Risk Register. Risk registers are a key tool in risk management, informing the advice given to Ministers at critical and sensitive times in the formulation and development of policy and setting out proposals for mitigation. Each risk is given a RAG (Red, Amber, Green) rating and assigned to an owner with responsibility for its management. The Department has recently been involved in an appeal to the Information Tribunal in relation to the disclosure, under the FOI Act, of the November 2010 Transition Risk Register.

The Department's position on disclosure, agreed by Cabinet, is that it is not appropriate for the Risk Register to be revealed at this stage. The disclosure of Risk Registers while policy is still

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under development would jeopardise the “safe space” required to advise Ministers effectively. This was the basis of the Department’s appeal against the release of the Transition Risk Register.

However, information relating to areas of risks contained in the register has been released in a document setting out context for the initial assessment of each risk and the mitigating actions undertaken and planned in future. See [Transition Programme Risks: Review](#).

Reviewing risk information

In the future, the Department proposes to review the risks described in its Transition Risk Register with a view to releasing information relating to areas of risk at appropriate stages during the programme. In order to do this in a systematic, cost-efficient and transparent way, the Department will review the risks in the Transition Risk Register at pre-determined points during the implementation of the reforms.

The review dates have been set according to key decision and implementation points in the Programme. When it is considered appropriate for designated risk information to be released at particular stages, the information about those particular risks will be published on the Transparency section of the DH website.

The review dates are:

- [Spring 2012](#)
- Spring 2013
- Spring 2014
- Spring 2015