

*From Richard Douglas
Director-General Policy, Strategy & Finance, Department of Health
& Head of the Government Finance Profession, HM Treasury*



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By email: Karen.Didovich@rcn.org.uk

Karen Didovich
Joint Chair, HR Transition Partnership Forum
Royal College of Nursing of the United Kingdom
20 Cavendish Square
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30 April 2012

Dear Karen,

I am writing to seek the views of those you represent on the proposed abolition of the NHS Commissioning Board Authority (special health authority) (“the Authority”) and the transfer of employees to the NHS Commissioning Board (executive non-departmental public body) (“the Board”), and would welcome your response by 25th May 2012.

I wrote to you on 5th July 2011 seeking the views of those you represented on the establishment of the Authority as a preparatory vehicle to support a smooth and safe transition to the Board, the establishment of which was still subject to primary legislation. I confirmed then that staff would be directly employed by the Authority where their functions were about delivery, and that such staff would transfer to the Board when it became an executive non-departmental public body. I also undertook to carry out a further consultation on any proposed abolition of the Authority.

We plan to commence the provision in the Health and Social Care Act 2012 which establishes the Board in October 2012. Once the Board is established, it will not be necessary to retain a separate preparatory body responsible for preparing for operation of the Board and running two organisations at the same time may be confusing, so we plan to abolish the Authority at the same time as the Board is established in October. If for any reason we are unable to establish the Board in October, we will not abolish the Authority and any further proposals to abolish the Authority would be subject to a separate consultation.

We plan that, at the same time as the Authority is abolished, the contracts of employment of staff directly employed by the Authority at the time the Authority is abolished will transfer to the Board. More details on this process and the staff who may be affected are set out in the annex to this letter. The staff who will be directly employed by the Authority at the time the Authority is abolished will include a number of staff currently employed by the National Patient Safety Agency (NPSA). Some NPSA staff are expected to transfer permanently to the Authority on 1 June 2012 before the NPSA is abolished. The NPSA is carrying out a separate consultation of its employees on the changes to the organisation of the patient safety function. This will include the transfer of some NPSA employees to the Authority.

The Authority is established under section 28 of the NHS Act 2006 by the NHS Commissioning Board Authority (Establishment and Constitution) Order 2011. An order made by the Secretary of State under the same Act is required to abolish the Authority. The order must be laid before Parliament at least 28 sitting days before the date of

establishment. This means laying an abolition order in mid-June. Any consultation on abolition needs to have been conducted before the abolition order is made.

I am formally seeking your views, in accordance with section 28(7) of the NHS Act 2006, on this proposal, as representatives of those who may be transferred from the Authority to the Board. In particular, I am seeking your views on:

1. the abolition of the Authority and the transfer of employees to the Board,
2. whether we have identified the appropriate staff groups to transfer, and
3. the potential implications for those staff and others who may be affected by the transfer.

If you are aware that I have inadvertently overlooked any recognised Trade Union who represents any affected staff, could I please ask that you make me aware or forward this letter on to them. Thank you.

NHS, DH and Arm's Length Body (ALB) Unions along with the HR Transition Partnership Forum have been formally consulted about the respective HR Frameworks and the all encompassing (DH, ALB, NHS) HR Transition Framework. I know you have raised issues via these consultations, which HR colleagues have taken on board. All parties (Management Side and Union Side) have been engaged in this process on the understanding that these frameworks would govern the HR changes arising from the *Equity and Excellence; Liberating the NHS* White Paper and the Report on the ALB Review. There is a separate Assignment Framework covering the movement of NHS staff to clinical commissioning groups (CCGs).

Given these wider issues, in which you have already been engaged, I hope it is clear that this letter is seeking your views on proposals only around the abolition of the Authority and the transfer of directly employed staff to the Board and not on:

- the establishment of the Board as provided for in the Health and Social Care Act 2012;
- the People Transition Policy that will set out the detail of how staff will be appointed to the Authority and the Board throughout the transition period;
- the detail of the Board's proposed functions once established as a statutory non-departmental public body;
- which staff are to transfer from any NHS organisation (except the Authority) or DH to the Board; or
- the wider NHS reforms.

Summary

In accordance with the NHS Act 2006 and in the spirit of the partnership principles of the HR Framework, I am seeking the views of those you represent on the proposals for the abolition of the NHS Commissioning Board Authority (special health authority) and the transfer of directly employed staff to the NHS Commissioning Board (executive non-departmental public body). This detail can be found in the annex to this letter.

I would appreciate your response as soon as possible and by no later than Friday 25th May.

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If anything in this letter is not clear to you or you would like the opportunity to discuss the abolition proposal, please do not hesitate to contact stephen.anderson@dh.gsi.gov.uk (020 7210 2810).

I am copying this letter to Sarndrah Horsfall at the National Patient Safety Agency, who will ensure that NPSA staff are aware of this consultation and to John Beanland, Chair of the Department's TUS.

I look forward to hearing your thoughts with regard to these proposals.

Yours sincerely

A handwritten signature in black ink that reads "Richard Douglas". The signature is written in a cursive, slightly slanted style.

**RICHARD DOUGLAS CB
DIRECTOR-GENERAL POLICY, STRATEGY & FINANCE, DH
& HEAD of the GOVERNMENT FINANCE PROFESSION, HMT**