

Briefing for the Joint Overview and Scrutiny Committee

February 2015

This briefing is prepared by CCGs in Nottinghamshire. In addition, an overview of the perspectives of Nottingham University Hospital NHS Trust and Circle are provided. The proposed scope of the review referred to in the final paragraph of this briefing is attached at Appendix A.

1. Background

The Nottingham Treatment Centre was nationally procured 7 years ago (2007) by the Department of Health as part of the national Independent Sector Treatment Centre (ISTC) programme. The first contract was nationally held and for 5 years. In the national ISTC programme NHS staff were enabled to work in ISTC centres under a staff supply agreement.

NHS Nottinghamshire County initiated the re-procurement of the contract, although in practice this was undertaken by the CCGs as it was during the time of their establishment and authorisation. The new contract was to be let by July 2013.

The 2013 specification included services that were defined as core – in that they had been in the treatment centre for the previous five years. On this basis the majority of adult dermatology day case and outpatient and 2 week wait cancer was defined as core.

Reprocurement

The tender for, and the selection of the preferred bidder for the Nottingham Treatment Centre, was managed by an open procurement that allowed bids from both NHS and independent sector organisations, as is allowed by current national and EU procurement policy. Bids were received from organisations in both sectors. Criteria were developed for a range of factors: workforce, training and clinical criteria having high weighting in the bid assessment process. All the criteria were published to all bidders.

Guidance was sought during the procurement process regarding the continuation of the staff supply agreement. It was confirmed to the commissioners both by legal advisors and by the Department of Health that the staff supply agreement applied only to the national ISTC programme (here the 2007 procurement) and that TUPE applied to all subsequent procurements (here the 2013 procurement).

Circle was successful in the 2013 procurement. As part of the tender, and in the contract mobilisation phase, those staff to whom TUPE would apply were identified.

Following contract award to Circle and during the mobilisation phase the consultant dermatologists wrote to the commissioners to highlight their concerns about TUPE.

What any procurement process does is specify the services needed for a population. What the process does not do is evaluate the preferences of any individual employee about their employment. Although the dermatologists had worked in the treatment centre for the previous 5 years, their concerns highlighted that they did not wish to TUPE to the employment of Circle, and thus may

choose to seek posts elsewhere, and hence create a service risk. This was an unintended consequence of the procurement

2. The NUH consultant dermatologist workforce 2007 – 2015

All NUH consultants described below are UK CCT-accredited dermatologists.

At the time of the original contract award in 2007 there were 10 NUH consultant dermatologists.

Several provided sessions to Circle under a staff secondment agreement. Two consultants retired and three were appointed to NUH in the interval to the 2013 contract. At the time of the second contract award in 2013, therefore, there were 11 NUH consultant dermatologists:

Of these eleven:

One TUPEd to Circle and remains in post

Two TUPEd to Circle, and have subsequently left to work elsewhere in the NHS

Six refused to TUPE. NUH job plans were revised to legitimately maintain NUH employee status while providing sessions for Circle. Of these 6; three left to work elsewhere in the NHS, one to work abroad, one retired (now 'direct hire' at Circle), & one remains NUH employee

Two (predominantly paediatric dermatologists) did not meet criteria for TUPE. Both remain at NUH. One of these consultants has substantial academic commitments and p/t clinical commitments

In spring 2015 there will therefore be three remaining NUH consultant dermatologists, providing no more than 2.5 WTE clinical sessions.

3. The Circle consultant dermatologist workforce 2007 – 2015

There are 5 substantive consultants – 3 full time and two part time. One has recently resigned to relocate but will continue to provide teledermatology services to Circle.

There are 6 locum consultants – all with contracts of approximately a year. Some also work in other hospitals in the UK.

4. The National Consultant dermatologist workforce 2015

In the UK there are circa 1000 consultant dermatology posts. We understand circa 200 are currently vacant.

5. Current local dermatology services

NUH served notice to commissioners that with the most recent resignation from NUH they would no longer be able to offer a service to adult patients with an acute dermatological condition from 1 February 2015. An interim solution has been put in place: Circle is providing a same or next day advice/appointment service to GPs, within working hours which covers the majority of the patients

affected (estimate 7 per day). It is estimated that one patient per month may need intensive in patient dermatological care and those patients will be transferred to Leicester. These changes are being monitored

In Spring 2015, when the resignation of a further consultant becomes effective, the remaining 2.5 WTE NUH consultants will be unable to sustain a comprehensive paediatric dermatology service. NUH is exploring a scaled-back service for inpatient children, and working with partner organisations to identify options to provide the fullest practicable range of paediatric dermatology with the available specialist workforce. NHS England is the commissioner for paediatric dermatology services.

There have been two freedom of information requests to commissioners. We are not aware of any patient complaints. CQC has recently inspected (routinely) the Nottingham Treatment Centre. CQC did not inform Circle or CCG of serious concerns at the time of the visit. We anticipate publication of the report in March 2015

6. Future local dermatology services

The CCGs and NHS England are working with the East Midlands Senate to commission an independent review of the adult and children's service to recommend sustainable service and employment models for the future provision of specialist dermatology for the population on Nottingham (children and adult). The review will also include a review of training, the wider workforce, and where possible the position elsewhere in England. The review will take place in April 2015 due to the availability of the senior reviewer.