

10 November 2005

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To: SHA Chief Executives

Copy: IS Leads

Dear Colleague,

IS Elective and Diagnostics procurement - Patient and Public Involvement

Many SHAs have asked for advice about consulting patients and key stakeholders on the SHA-led schemes included in the Wave 2 procurements. The decision about whether to consult and, if so, the level, scope and scale of consultation must be for individual SHAs and PCTs, taken in the light of local circumstances.

To help inform local decisions on consultation, the DH will provide a summary of the legal advice that has been developed with the Patient and Public Involvement team, DH lawyers, Commercial Directorate and with additional advice from Capsticks, a legal firm which regularly advises NHS bodies on public consultation issues. Broadly speaking the advice:

- Reminds SHAs of the duties in The Health and Social Care Act 2001 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 Act, and the breadth of patient and public engagement that is required both in legislation and under the Department of Health's guidance (Strengthening Accountability – Involving Patients and the Public – Practice guidance; available on the DH website);
- Provides examples of the different types of Wave 2 schemes proposed and what levels of patient and public involvement may be required;
- Requests that the SHAs co-ordinate public and patient engagement across their PCTs.

Some SHAs, with OSCs, may decide that it is appropriate to focus consultation on elective schemes with Patient Forums, given that a key rationale is about extending choice. Nevertheless, SHAs will need to be consistent in handling consultation in relation to NHS reconfiguration and IS schemes. For diagnostics, there should usually be a less involvement of Patient Forums because:

- on the information currently available the impact on patients will be less significant ;
- at this stage of the procurement, there is limited scope for the NHS to seek the views of patients and the public, since until bids are received, most of the detail of how the schemes will be delivered (eg. locations, opening times) is unknown.

*From the Office of the
Director of Access, Margaret Edwards*

More formal consultation on some major schemes may be required on elective scheme and later in the diagnostics procurement.

To ensure the overall procurement timeframe is not affected, we would ask SHAs that (where required) consultation should commence as follows:

- For Electives consultation should begin as soon as possible if it was not started during the PQQ stage of the procurement;
- For diagnostics consultation should begin after the issue of the ITN.

We will also support SHAs to ensure that procurement law is complied with when formal consultation documents are issued. It would therefore be helpful to have prior sight of proposed consultation documents so we can ensure that bidders receive copies.

If you would like to discuss consultation about your specific scheme(s) please contact, Steve Peacock 0207 633 4014 or Jon Tomlinson 0113 254 5379 for the electives and Stephen Mitchell 0207 633 4201 for diagnostics.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Edwards', with a long horizontal flourish extending to the right.

**MARGARET EDWARDS
DIRECTOR OF ACCESS**