

Provision of Services Agreement Update

Author: Martin Orton

Date: 20 March 2015

Contents

Contents	2
Background	3
Current Position	3
<hr/>	
NHS England POSA	3
DH POSA	4
Other Organisations	4
<hr/>	
Actions Required of the Board	4

Background

The following provides an update on the approach to put in place structured agreements for all our funded work with national partners. You will recall that we are in process of agreeing an overarching MOU called the Provision of Services Agreement (POSA) so that we are using our standard terms and conditions across all our delivery agreements, and in particular the aim is to put the large number of informal agreements (previously based on verbal agreements or emails) into formal format. The overall format comprises of three main parts:

1. The main POSA with the terms and conditions – Once agreed this runs until terminated by either party.
2. A register of commissions – A table with a row for each piece of work included in the POSA, giving an overall view of the work commissioned and a summary for each including dates and funding.
3. Work Package Schedules (using a standard template) for each piece of work, providing the definition of the work including milestones, deliverables or service levels, funding and payment schedule.

Since the work package schedules effectively set the delivery agreement, these are the documents that are approved on an individual basis, in accordance with our delegated authorities. Six of these are over £2M each were approved by the board in November 2014.

Using this format the POSA can be kept up to date through adding and removing new and complete work package schedules and updating the register of commissions.

The approach was agreed and supported by senior staff in both NHS England and the DH Sponsor team.

Current Position

While both DH & NHSE supported the approach, achieving real engagement and reviewing of the documents took time.

The main POSA was reviewed and agreed with the NHSE legal team, and approved within the HSCIC by the CEO in October 2014 (via CAP).

NHS England POSA

NHS England approved the POSA through their Finance and Investment Committee and both parties signed the POSA in January 2015.

Work continues to approve the individual work packages. There are 25 work packages totalling £25M for 14/15. 10 are now approved by NHSE, 9 are waiting for NHSE final approval, 6 are in further discussion to resolve queries.

The work packages are a mix of multi-year and ones ending in March 2015. Work is underway through the business teams to produce new ones where required for 15/16 and onwards.

DH POSA

After delays in DH, a slightly modified agreement has been agreed with the DH lawyers and the sponsor team, and is expected to be approved by the Director General of Innovation, Growth and Technology next week.

There are 24 work package schedules totalling £19M. 10 are approved by the DH and the remainder are all with the DH for approval.

The work packages are a mix of multi-year and ones ending in March 2015. Work is underway through the business teams to produce new ones where required for 15/16 and onwards.

Other Organisations

PHE were supportive of the ideas and wanting to use the same version that DH approve. Now DH have agreed the POSA, PHE will be re-engaged following changes in staff and internal re-organisation.

The POSA has been used for agreements with Wales and Northern Ireland.

Actions Required of the Board

This paper is submitted for information and the board are asked to note the progress.