

Delegation Agreement: Completion Instructions



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Additional Circulation List	NHS England Regional Directors, NHS England Directors of Commissioning Operations
Description	This document provides a summary of the key elements that should be completed in the period leading up to the CCG and NHS England signing the Delegation Agreement. It should be read in conjunction with the NHS England's Guide to the Delegation Agreement
Cross Reference	Delegation Agreement and NHS England's Guide to the Delegation Agreement
Superseded Docs (if applicable)	Replaces version issued January 2016 - revised dates
Action Required	N/A
Timing / Deadlines (if applicable)	N/A
Contact Details for further information	england.co-commissioning@nhs.net

Document Status

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The National Health Service Commissioning Board was established on 1 October 2012 as an executive non-departmental public body. Since 1 April 2013, the National Health Service Commissioning Board has used the name NHS England for operational purposes.

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2 Purpose

This note provides a summary of the key elements that should be completed in the period leading up to the CCG and NHS England signing the Delegation Agreement. It should be read in conjunction with the NHS England's ***Guide to the Delegation Agreement***.

3 Background and context

In 2014/15, NHS England agreed with CCGs and NHS Clinical Commissioners a standardised set of primary medical functions for delegated arrangements, as set out in the Delegation and Delegation Agreement. The same primary medical services functions will be delegated to CCGs in 2017/18 as 2016/17 and the same documentation used. To keep the process as simple and easy as possible, and to avoid unnecessary legal fees, CCGs applying for delegation for 2017/18 should not seek local variations to the documents.

4 The Delegation and the Delegation Agreement

There are two separate documents: the Delegation and the Delegation Agreement. The Delegation document sets out the statutory delegation of primary care commissioning functions to the CCG. A copy can be found [here](#). NHS England will issue a signed copy of the Delegation once the Delegation Agreement has been signed by both parties. CCGs are not required to sign the Delegation.

The Delegation is supplemented by the Delegation Agreement, which sets out the detailed arrangements for how the CCG will exercise its delegated functions. To ensure a consistency of approach, there is one standard form Delegation Agreement that NHS England and each relevant CCG are required to sign.

5 Definition of Terms

Where a term in the Delegation Agreement is capitalised, this means that the term is defined. Definitions are set out in Schedule 1 to the Delegation Agreement.

6 Local Terms of the Delegation Agreement

The **Particulars** and **Schedule 7 (Local Terms)** contain all the elements of the Delegation Agreement that are for local completion.

It is not intended that there will be any provisions to be inserted in Schedule 7 other than in relation to and pooled budgets with NHS England and specific workforce matters not covered by the provisions of the Delegation Agreement. These must be discussed and agreed with the Regional Office and national co-commissioning team of NHS England prior to completion and signing of the Delegation Agreement.

7 Sections for Completion

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Delegation Agreement Clause	Description of Clause	Action for Completion
1.1	Area	Enter the details of the geographical area covered by the CCG.
1.1	Clinical Commissioning Group	Enter the name of the CCG.
1.1	CCG Representative	Enter the details of the name of the individual who will manage the Delegation Agreement on behalf of the CCG.
1.1	CCG Address for Notices	Enter the main address of the CCG (this is the address where the CCG will receive notices and other correspondence relating to the Delegation Agreement).
1.1	Date of Agreement	NHS England will enter the date that the Delegation Agreement is signed by the CCG and NHS England. Please do not complete this.
1.1	NHS England Representative	NHS England will enter the details of the name of the individual who will manage the Delegation Agreement on behalf of NHS England.
1.1	Local NHS England Team	Enter the name of the local NHS England team who will be involved in the day-to-day management of the Delegation Agreement.
1.1	NHS England Address for Notices	Enter the relevant address of NHS England (this is the address where NHS England will receive notices and other correspondence from the CCG relating to the Delegation Agreement i.e., the office of your local NHS England team).
Signatures	Signatures	NHS England and the CCG must sign the Delegation Agreement. The CCG signatory must be authorised to sign the Delegation Agreement on behalf of the CCG in accordance with the CCG's internal governance procedures. No seal will be required and the process for signature should be in accordance with the CCG's usual signing

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		<p>procedures. Please do not date the signatures.</p> <p>CCGs should return the signed Delegation Agreement to NHS England in word version, to enable NHS England to add an electronic signature.</p> <p>Signatures can be added electronically as an image. However, the signature needs to be readable. If using an electronic signature, please consider the <u>following guidance</u></p>
Schedule 7	Local Terms	<p>Local Terms may only be agreed between the CCG and NHS England on an exceptional basis and must not derogate from the terms and conditions of the Delegation Agreement Any such terms must have been agreed by the relevant NHS England Regional Director and the NHS England national co-commissioning team prior to the signing and submission of the Delegation Agreement. NHS England cannot accept any amendments other than those relating to</p> <ul style="list-style-type: none"> • Details of any pooled funds of NHS England and the CCG; • Resourcing arrangements between NHS England and the CCG; and • Details of any particular services that staff assigned by NHS England to the CCG will provide. <p>If there are no Local Terms, state “There are no Local Terms” in Schedule 7.</p>

8 Completion Timeline

In order to ensure that the Delegation Agreement can be signed by both the CCG and NHS England in time for budget transfers on 1 April 2017, CCGs are requested to submit completed and signed Delegation Agreements no later than:

- **Wednesday 8 March 2017**

These should be sent to england.co-commissioning@nhs.net.

Where previously agreed local terms have been inserted into Schedule 7, please copy in the relevant NHS England colleague(s) in the Region.

NHS England will review and return a signed copy of the Delegation and the Delegation Agreement to you as soon as possible after 31 March 2017.

9 Queries

Please refer to the Delegation Agreement Summary document circulated with this note for a clause-by-clause explanation of the agreement itself.

There are also a series of frequently asked questions available on NHS England's website at: <https://www.england.nhs.uk/commissioning/pc-co-comms/apply/faqs/>

If you have further queries please email: england.co-commissioning@nhs.net or discuss these with your NHS England Region.