



Commissioning Board
A special health authority

**Framework Agreement
between the Department of Health and the
NHS Commissioning Board Authority**

Annex C: Public and Parliamentary Accountability

1. The Authority and the Department have agreed to put in place named contacts, adequate resources and robust processes to deal with the handling of public enquiries, correspondence, Parliamentary questions, Freedom of Information (FOI) requests and complaints that meet Parliamentary expectations and timescales (including the Whitehall deadline).
2. The accountability arrangements set out below will be reviewed at regular intervals to ensure that the Authority and the Department are adequately meeting the expectations of the public and Parliament.

Parliamentary accountability

3. This will involve responsibilities around a number of Parliamentary accountability processes, including Parliamentary questions, MPs' correspondence, debates and committee hearings.
4. As Parliamentary protocol requires Ministers to respond to debates and Parliamentary questions, the Authority has agreed to provide the Department with briefing that enables Ministers to account for the Authority. Briefing will include relevant background information, in the format requested by the Department, and be signed off by a senior member of the Authority.
5. In order to emphasise organisational responsibilities and accountabilities, Ministers will take every opportunity to explain relevant organisational responsibilities and encourage Members of Parliament to liaise directly with the Authority.
6. The Department and the Authority have agreed to give sufficient notice of requests and provide timely responses in order to meet Parliamentary deadlines. The process for this is set out in the table below.

Table 1: Parliamentary accountability

Format	Process	The Department agrees to...	The Authority agrees to...
Debates, oral questions	<ul style="list-style-type: none"> The Authority will provide accurate and timely information to enable Ministers to account to Parliament. 	<ul style="list-style-type: none"> Alert the Authority to the request on the day of receipt. 	<ul style="list-style-type: none"> Provide accurate information (and background where appropriate), in the format required, by the deadline set by Ministers.
Written questions concerning operational matters of the Authority	<ul style="list-style-type: none"> The Authority will provide accurate and timely information in response to written questions on subjects for which it is responsible. 	<ul style="list-style-type: none"> Alert Authority to the question on the day of receipt and ask the Chair to respond directly on relevant matters. Explain relevant organisational responsibilities in response to the written question. Send copy of response to Authority via the sponsor. Arrange for Authority Chair's letter to be published in Hansard. 	<ul style="list-style-type: none"> Send response from Chair to the Department to meet Parliamentary deadlines for publication in Hansard, or provide timely information to enable Ministers to reply.
Select Committee	<ul style="list-style-type: none"> Ministers and senior Authority staff to give written or oral evidence as requested. 	<ul style="list-style-type: none"> Request any necessary briefing for the Minister from the Authority on the day that it is agreed that the Minister will give evidence. 	<ul style="list-style-type: none"> Provide written or oral evidence to Select Committee or briefing to the Department within requested timescales.
Correspondence from MPs (direct to the Authority)	<ul style="list-style-type: none"> The Authority will respond to correspondence from MPs that is addressed to the Authority or named officers working there. 	<ul style="list-style-type: none"> The Department will pass on all MP correspondence addressed to the Authority but delivered to the Department's Customer Service Centre in error within 24 hours of receipt. <p>Please note – the Authority must make its own forwarding arrangements with the Department's postal services.</p>	<ul style="list-style-type: none"> Chair or appropriate officer to respond to the MP within Whitehall Standard targets. If the correspondence covers areas that should rightly be for the Department to answer, the Authority will reply explaining the independence of the Authority and signposting them to the Department.

Format	Process	The Department agrees to...	The Authority agrees to...
Correspondence from MPs to the Department about Authority responsibilities	<ul style="list-style-type: none"> The Authority will be responsible for establishing its own arrangements to answer written enquiries from MPs. The Department will expect the Authority to work collaboratively to set in place its own arrangements to enable it to carry out this function in the future. As the Authority will not be a government department, the Data Protection Act will prevent the Department from automatically forwarding correspondence. During the set up period, the Department will provide support to the Authority to ensure that it is able to respond to its MP correspondence. 	<ul style="list-style-type: none"> Work collaboratively with the Authority to support it to set in place arrangements for using its own resources to respond to queries, at an appropriate point. Once arrangements are in place, the Department will respond to the correspondence explaining the independence of the Authority and signposting them to that organisation. In instances where the correspondence covers both Department and Authority responsibilities, the Department will reply addressing the issues it is responsible for and signposting the correspondent to the Authority. In the early stages (set up), the Department will provide support to the Authority to enable it to respond to this type of correspondence in a timely manner. 	<ul style="list-style-type: none"> Work collaboratively with the Department to put in place systems, arrangements and resources so that the Authority Chair can answer correspondence received directly from MPs at an appropriate point. To comply with accepted Whitehall Standard targets.
MP meeting request (to the Department's Minister) to discuss Authority responsibilities	<ul style="list-style-type: none"> MP meeting requests to Ministers will continue to be handled within the Department. The Minister's private office will consider the request and seek policy advice from the Authority before responding. If the request is accepted, briefing and attendance of officers will be requested by the private office in advance of the meeting. 	<ul style="list-style-type: none"> Seek policy advice from the Authority. Respond to the request within the Whitehall Standard target. If appropriate, request briefing contribution and/or attendance by Authority officers on the day the meeting request is received. 	<ul style="list-style-type: none"> Provide well considered and timely policy advice on whether or not the Minister should accept the meeting request (the convention is that Ministers agree to requests for meetings with MPs). Provide detailed briefing in advance of the meeting to agreed deadlines. Provide relevant senior officer to attend meeting with the Minister.
MP meeting request direct to the Authority	<ul style="list-style-type: none"> Authority to lead. 	Not applicable	<ul style="list-style-type: none"> Authority Chair to respond within Whitehall Standard.

Public accountability

7. This will involve responding to letters and telephone calls from the public, FOI requests, complaints and media queries.
8. Where the Department receives letters from the public concerning operational matters of the Authority, in order to clarify organisational responsibilities and accountabilities the Department will respond to the correspondent advising them to contact the Authority directly.
9. The Department and the Authority have agreed that they will give sufficient notice of requests and provide timely responses in order to meet the Whitehall deadline for correspondence and legal deadline for FOI requests.
10. In the event of the Department responding to an FOI request with information that it considers to be relevant or of interest to the Authority, the Department will inform the Authority about the release of that information. The Authority will also operate to this model.
11. The associated processes are set out in the table below.

Table 2: Public accountability

Format	Process	The Department agrees to...	The Authority agrees to...
Public Enquiries (call centre)	<ul style="list-style-type: none"> The Authority will be responsible for establishing its own arrangements to answer public enquiries. The Department will expect the Authority to work collaboratively to put in place its own arrangements to take its calls directly. However, it is accepted that during the set up period, the Department will continue to take calls through its call centre on behalf of the Authority. 	<ul style="list-style-type: none"> During set up, the Department will continue to take public enquiries through its call centre. During this time, the Department will answer Authority calls received on 02072104850 in compliance with published service standards. The Department will work collaboratively with the Authority to enable it to set up its own public enquiry service at an appropriate point. 	<ul style="list-style-type: none"> Work collaboratively with the Department to put in place own arrangements to take calls directly at an appropriate point. In the short term, put in place interim arrangements for Authority staff to accept calls from the Department's call centre and respond to the enquiries it receives.
Letters and emails from members of the public to the Authority	<ul style="list-style-type: none"> The Authority will be expected to respond to correspondence from the public that is addressed to the Authority or named officers working there. 	<ul style="list-style-type: none"> The Department will pass on all public correspondence addressed to the Authority but delivered erroneously to the Department's Customer Service Centre within 24 hours of receipt. <p>Please note – the Authority must make its own forwarding arrangements with the Department's postal services.</p>	<ul style="list-style-type: none"> Put in place systems, arrangements and resources so that the Authority can answer correspondence received directly from the public from its first day of operation. To comply with accepted Whitehall Standard targets. If the correspondence covers areas that should rightly be for the Department to answer, the Authority will respond to the correspondence explaining the independence of the Authority and signposting them to the Department.

Format	Process	The Department agrees to...	The Authority agrees to...
<p>Correspondence from members of the public to the Department/ Ministers about matters that are the operational responsibility of Authority</p>	<ul style="list-style-type: none"> • The Authority will be responsible for establishing its own arrangements to answer written enquiries from the public. The Department will expect the Authority to work collaboratively to set in place its own arrangements to enable it to carry out this function in the future. • As the Authority is not a government department the Data Protection Act will prevent the Department from automatically forwarding correspondence. • During the set up period, the Department may be required to provide support to the Authority to ensure that it is able to respond to its correspondence. 	<ul style="list-style-type: none"> • Work collaboratively with the Authority to support it to set in place arrangements for using its own resources to respond to queries, at an appropriate point. • Once arrangements are in place, the Department will respond to the correspondence it receives, explaining the independence of the Authority and signposting them to that organisation. In instances where the correspondence covers both departmental and Authority responsibilities, the Department will reply with its policy lines and signpost the correspondent to the Authority for all matters pertaining to the Authority. • In the early stages (set up), the Department may be required to provide support to the Authority to enable it to respond to this type of correspondence in a timely manner. 	<ul style="list-style-type: none"> • During set up, provide named Authority sponsors in the Department with contributions / lines to take. • Work collaboratively with the Department to put in place systems, arrangements and resources so that the Authority can answer correspondence received directly from the public at an appropriate point. • To comply with accepted Whitehall Standard targets.

Format	Process	The Department agrees to...	The Authority agrees to...
FOI request direct to Authority	<ul style="list-style-type: none"> • The Authority will respond to all FOI requests submitted to it. • The Authority will have a legal obligation to provide information in response to FOI requests and will be required to have in place an approved publication scheme. Under the FOI Act, information is 'held' by a public authority if it is held by that organisation or by another person or organisation on behalf of that organisation. The Authority will also have a duty under the Act to provide advice and assistance to people who have made, or propose to make, information requests to the organisation. • Quantitative and qualitative records about FOI requests received and answered will need to be maintained by the Authority, in order to report on FOI progress to the Ministry of Justice. This information should be made available on the Authority's external website. 	<ul style="list-style-type: none"> • The Department will pass on all FOI correspondence addressed to the Authority but delivered in error to the Department's Customer Service Centre within 24 hours of receipt. • Although the Authority must independently handle FOI requests as a separate organisation, during the set up phase the Department's FOI team will provide informal, impartial advice on FOI legislation and duties. The decision as to whether a request falls under an FOI exemption or not still rests with the Authority. <p>Please note –</p> <p>The Authority will make its own forwarding arrangements with the Department's postal service.</p> <p>The Authority will make its own arrangements for receiving formal legal advice on FOI handling.</p>	<ul style="list-style-type: none"> • Meet legal requirements under FOI. • Maintain records for quarterly Ministry of Justice report (separate to the Department's report).

Format	Process	The Department agrees to...	The Authority agrees to...
FOI request about the Authority via the Department	<ul style="list-style-type: none"> FOI requests to the Department about the Authority will be assessed on the basis of whether the Department holds the information at the time of the request. The standard rules of FOI compliance will apply. 	<ul style="list-style-type: none"> If the Department holds the information and considers that it does not fall within the scope of an FOI exemption, the Department will be minded to release the information and close down the case. If the Department does not hold the information - but judges that it may be in the Authority's possession - under the FOI Act's duty to assist and advise, the Department will advise the applicant to contact the Authority (giving full contact details) and close down the case. There will be no onward referral of FOI cases to or from either organisation. 	Not applicable
Complaints and whistleblowing	<ul style="list-style-type: none"> The Authority will be expected to respond to complaints about the Authority from the public that are addressed to Authority or to named officers working there. The Authority will follow best practice in responding to complaints using the Department's existing complaints procedure as a template. 	<ul style="list-style-type: none"> If the Department receives a complaint about the Authority, it will refer the complainant to the Authority. 	<ul style="list-style-type: none"> The Authority will have robust processes in place for handling these cases and will consider its responsibilities in relation to the Parliamentary Health Service Ombudsman. If the Authority receives a complaint about NHS services, it will refer it appropriately.
Reactive media queries	<ul style="list-style-type: none"> Authority to respond. 	<ul style="list-style-type: none"> Refer queries on to Authority comms function. 	<ul style="list-style-type: none"> Authority to consider request and respond appropriately.