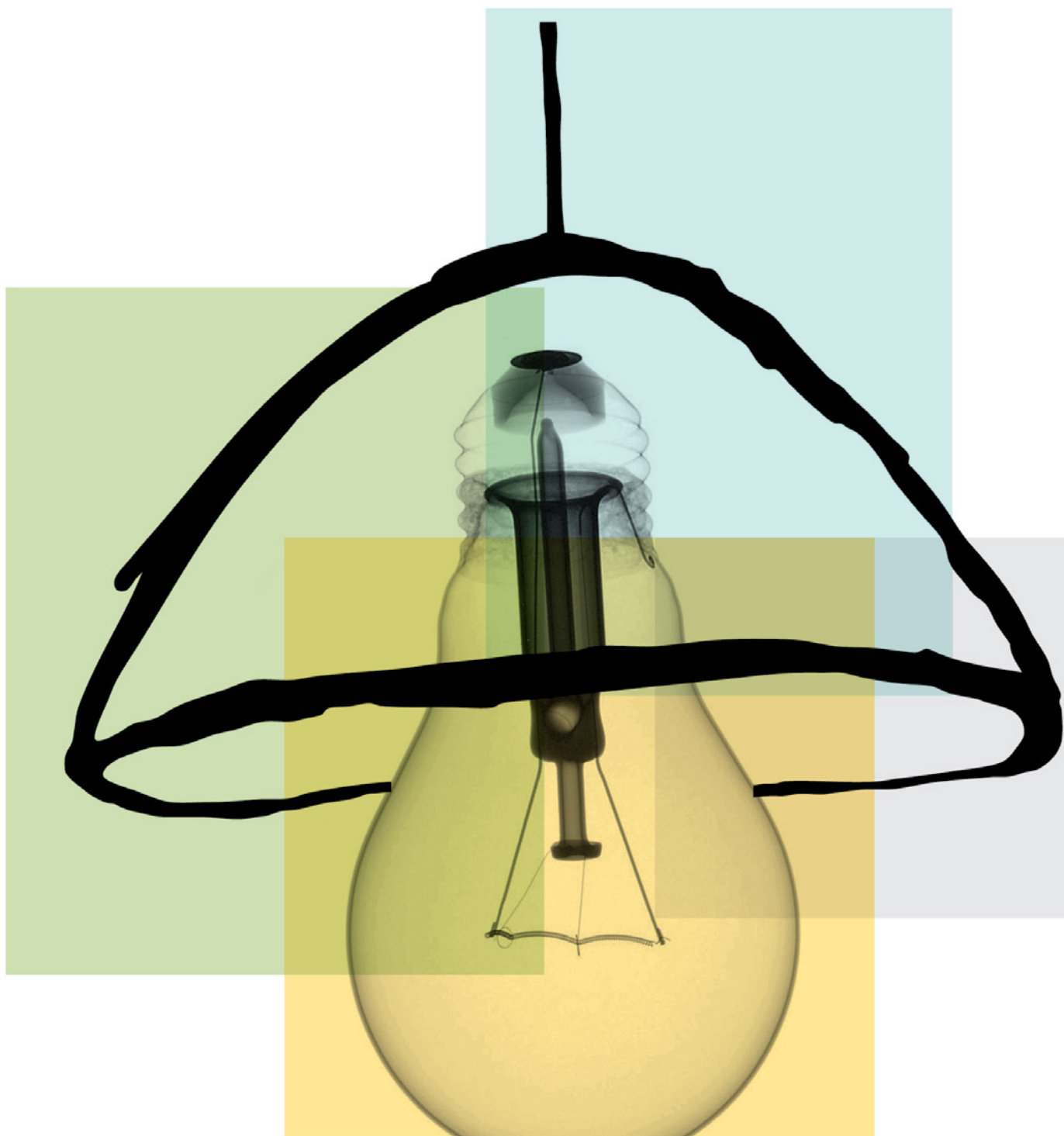
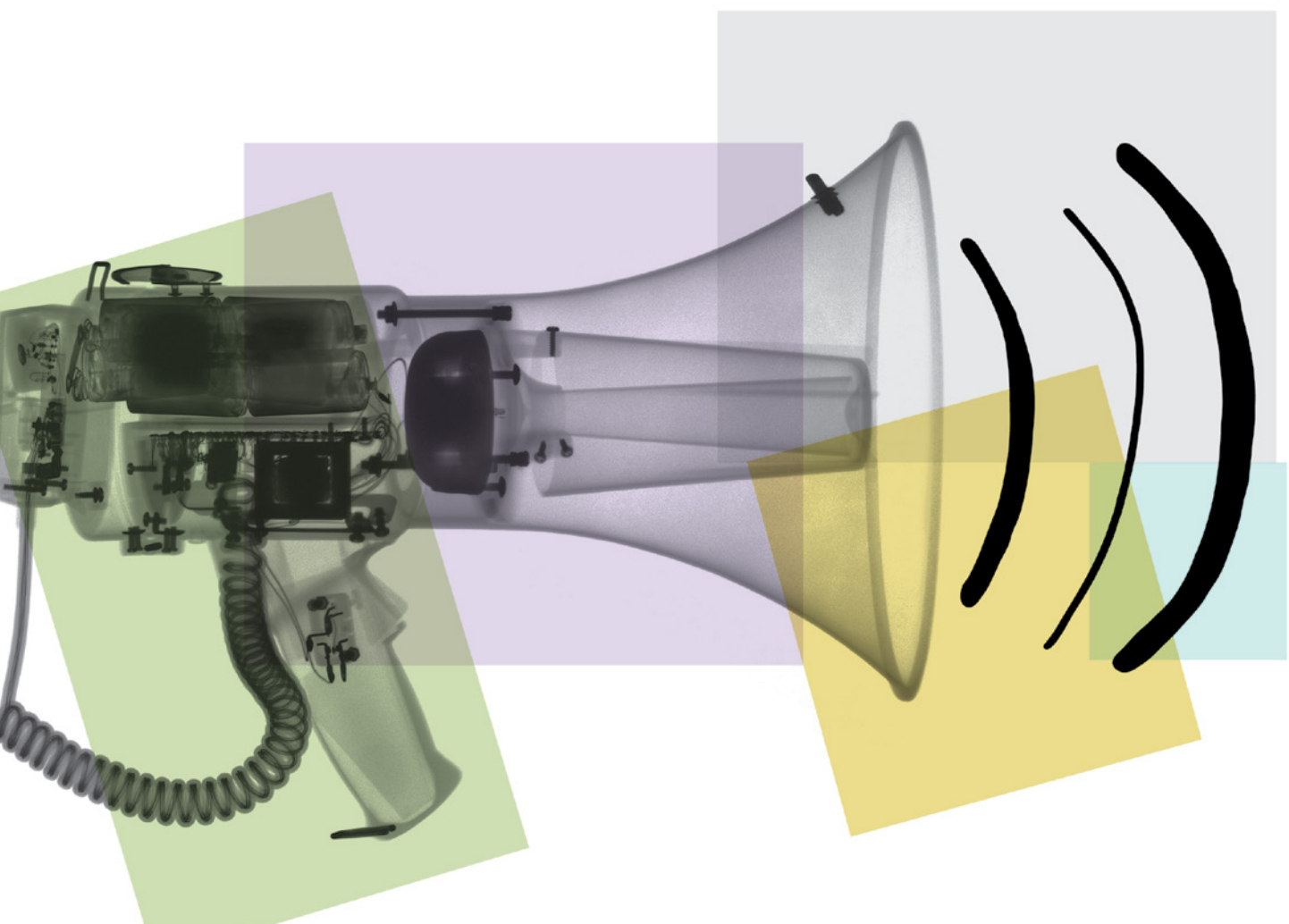


NHS Providers:  
*Working in partnership  
with your trust*





# Our support and services for your organisation and health economy

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## More than just the law

The pressure on NHS providers can sometimes feel relentless – year on year, the challenges increase. Financial targets, delivering high quality services to patients whilst planning and delivering sustainable transformation plans means NHS trusts have more to cope with than ever before.

Our role is to work alongside our clients across health economies, providing supportive and innovative advice to our clients to navigate this difficult environment. Our lawyers and consultants are acknowledged for their national expertise and understanding - more importantly, we are proud to describe ourselves as grounded, friendly and approachable. We value our people – they are dedicated to their roles because adding value to our NHS clients is rewarding.

We work alongside NHS providers every day to solve these problems and to help health economies find system-wide savings. Our focus is to provide the very best practical support to your teams and minimise the pressure you face – we do this by helping to plan transformation and strategic projects, deal with difficult challenges in a supportive way and by using our experience from across the country, working with more than 160 NHS providers to help plan efficiencies and implement change.

We're pleased to say that our work is "more than just the law" – we work to provide holistic answers that take into account wider health economy pressures.

NHS providers are increasingly looking for solutions that help them collaborate across health economies – this can include joint appointments, common decision making mechanisms and joint ventures.

We are constantly working to find efficiencies in the way we deliver legal services. We know that our NHS provider clients need to make sure they get the very best legal advice in the most efficient way. We have an ongoing system to streamline internal costs, remove duplication and systemise our knowledge – at the same time, we provide innovative fee arrangements to help you manage and reduce legal spend.

In this brochure, we have described just some of the ways that we help our NHS provider clients – from transformation, workforce, estates projects and integrated working. Please do speak to your contact at Capsticks or any of the lawyers named in this document.



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## Accountable care alliances and other new care models for providers

We are working with NHS providers across the country as they implement new care models and integrated services across a range of pathways including elderly, end of life, cancer, diabetes and elective services. We help groups of providers plan the best commercial and contracting structure and help assess prime provider, hosted joint venture, alliance, chain and separate corporate vehicle models.

We have developed a model suite of documents, which are free for our clients to use and have set out practical steps to common issues and guides to delivering integrated care projects.



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## Organisational change for NHS Providers

### M&A, special purpose vehicles and GP acquisitions

We are working with NHS providers across the country on a range of NHS trust and NHS foundation trust acquisitions and mergers including chains of services, committees in common and joint management models. As financial challenges have increased, so providers have looked for models of closer working.

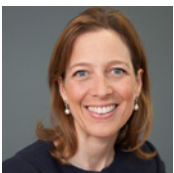
Our organisational change team has acted on more NHS transactions than any other team in the country. We have a cross-specialty team of experts in competition law, transaction structuring, staffing models, finance and capital funding and due diligence and we use that experience to find the best possible solutions for our clients.

We have also acted on various transfers of services into standalone Trust owned special purpose vehicles, such as companies and

wholly owned partnership for IT, estates, care homes, pathology, transport and pharmacy services. These business transfers are usually aimed at harnessing operational efficiencies and providing services in a tax efficient way.

In addition, we are also seeing an increase in the number of acquisitions of GP practices to allow trusts to deliver different models of care and care in homes.

A key part of all of these transactions is finding the best governance model to facilitate smooth transfers and allow for improved and efficient service delivery to patients and the public.



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## Reconfiguration and Consultation Matters

Capsticks are the leading providers of legal support to the NHS on reconfiguration and consultation matters. The depth of knowledge and experience to develop practical solutions for our clients, enabling providers and commissioners to work in partnership, is second to none and highly regarded across the sector, which is why we often advise the national bodies on policy matters. A key element of our work includes helping organisations develop effective and robust decision-making structures.

In developing any proposal to change how services are commissioned and provided, including provider site service changes, it is essential that the legal framework is understood and

applied, so that a clear Case for Change demonstrating patient benefits are at the heart of the transformation project is created. Throughout the project we can support understanding of legal risk and how to deal with the assurance processes of such as NHS England and Monitor. We fully understand the inter-relationship of public, procurement and competition law, and the aim that demonstrable patient's benefits need to be evidenced to show compliance with all the legal strands. Our experience has allowed us to develop clear processes to ensure you understand and meet the legal challenges which you face, as well as developing solutions to more difficult issues, such as complying with equality duties.



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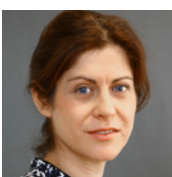
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## Procurement and Outsourcing

We understand that the efficiency challenge is pressing in daily on NHS providers. With the biggest dedicated healthcare legal team in the country, our insight into the commercial and operational imperatives for our clients is better than anyone else. Independent quality and satisfaction rates confirm our effectiveness and ability to align our work to clients' objectives. This means that we support you in achieving real efficiencies in procurement and outsourcing; e.g., maximising opportunities in IT, pharmacy and pathology, where we have identified innovative solutions (using services companies), and where our joint ventures (in pathology and MSK) lead the market. Our other strategic work – IT frameworks to replace the DH "National Programme for IT" – has released millions of pounds of savings for providers and commissioners.

Our industry-leading procurement experts are well versed in designing and executing complex, high value procurement processes including structuring transactions to fall within procurement exemptions. We develop effective working relationships with all members of our clients' teams, and ask the questions to ensure we provide the right commercial steer with the relevant legal advice.

Our team includes procurement challenge specialists; from anticipating and "designing out" risk, to responding to challenges and, where necessary, robustly defending litigation.



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## CQC and governance support services

We have supported many NHS providers through the new style CQC inspections and deliver consistently excellent results. Our services come highly recommended by Chief Executives up and down the country. We have unrivalled national experience of CQC inspection and regulation and use this to support providers in the pre and post-inspection phases. Our pre-inspection support includes staff engagement sessions, mock CQC interviews, focused

mock inspections and Board training. In the post inspection phase, we support providers through the factual accuracy process, draft rating reviews and provide advice and representations in relation to warning notices and other enforcement and regulatory action. The constructive challenges we have prepared at the factual accuracy stage have led to improved ratings in over 90% of the cases we have dealt with.



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## Claims and complaints

Effective complaints and claims handling is essential for NHS providers. Our leading healthcare team of over 70 lawyers deal with more than 500 clinical negligence cases every year on behalf of the NHS and other healthcare providers. We have been on the NHSLA's panel since its inception and place a great emphasis on obtaining the best results for our clients. We have saved millions of pounds by helping to settle justified claims quickly and defending other claims successfully. We have particular experience of dealing with complex complaint cases including those escalated

to the Ombudsman. We also provide a comprehensive claims management and complaints handling service and operate this successfully for many NHS providers. We have run the Open University accredited Diploma in Clinical Risk and Claims Management course for over 20 years and have transferred our knowledge to legal and risk managers up and down the country. Our clinical law department is consistently ranked number 1 nationally in all major legal directories.



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**Partner**

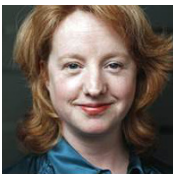
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## Employment services

As pressure on quality and finances build, relationships between teams and colleagues become strained and affect patients. We are working with organisations dealing with the fallout of these workforce issues from managing doctors in difficulty and helping trusts through complex and multi stakeholder scenarios which impact on patients and are costly, through to helping to ensure trusts have the right culture required through Freedom to Speak up and dealing with scenarios when things go wrong in an open, transparent and honest manner (without staff feeling that they are blamed so that they will be able to raise concerns again).



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Our ground-breaking work with Helene Donnelley OBE, Mid Staffordshire whistle-blower, has supported trusts to get to grips with this complex issue. In terms of the future, we have developed a number of workforce models to support integrated working and to ensure that any newly developed service can hit the ground running without any technical legal hiccup at the last minute. Our national partnership with NHS Employers also means that when the health service is hit with national issues such as industrial action we are in the right place and have the right experience to support employers.

## HRA Advisory

We know that NHS providers are facing increasing cost pressures and often to need to draw on external HR support in complex cases or investigations. We are a specialist HR Consultancy delivering a complete range of HR services to NHS Providers. From outsourced HR services through to specialist doctor investigations, we know and understand the NHS Workforce through and through. We work closely with Boards, Workforce Directors and Managers to deliver workforce solutions including that deliver extra capacity and save money through quality solutions.

Through our team of dedicated healthcare HR professionals, we can provide an outsourced employee relations service to improve

quality and reduce cost for NHS Provider Clients. We currently provide these services for over 60,000 NHS staff. Our consultancy offerings include investigations, pay and reward reviews, transition support, OD/training solutions and Freedom to Speak Up. We have delivered over 100 such projects a year for more than 70 NHS Trusts.

We work nationally in partnership with NHS Employers, helping to develop the national workforce policy agenda and have helped promote major national initiatives such as Speak Up through our partnership with Helene Donnelley OBE.

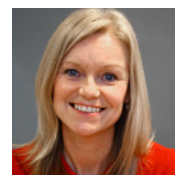


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## Maximising revenue from your estate

Many trusts are exploring opportunities for generating additional income from their estate. We're seeing lots of interest in retail concourse development projects. Trusts obtain additional income through a share of turnover rents from the retailer, whilst successful retail facilities on site are viewed positively by staff and patients. This also helps staff retention.

There are different transaction models. The trust may prefer to retain control, leading on the development and granting leases to end occupiers. Alternatively the trust could appoint a developer to undertake the development, and the developer would then enter into a lease and grant retail concessions to the end occupiers.



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We're also seeing car parking projects coming to market. These can take various forms. For example, moving from open parking to multi-level or underground parking in order to unlock space which is at a premium. Other trusts are partnering with private providers who take on the day to day management of their parking facilities.

Our lawyers are working with trusts across the country on innovative retail schemes and car parking projects. Please let us know if you'd like to hear more about how we can help you maximise revenue from your estate.



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## Strategic Estates Partnerships

NHS organisations are coming under pressure to maximise returns on their estate, by unlocking the value of their assets to fund new facilities.

There are various models on the market. A Strategic Estates Partnership (or "SEP") is one such model, comprising a corporate joint venture arrangement with a private sector partner to deliver your capital projects and other elements of estates support. This model has been promoted extensively over recent years.

Typically, a procurement process will be required to select a private sector partner to set up the SEP corporate JV and enter into longer term partnering arrangements. No exclusivity is granted and wholly

owned subsidiary companies may be set up, entering into a suite of legal documents along the lines of NHS LIFT. Third party funding can be provided on a flexible basis.

The SEP structure promotes innovation and may allow for beneficial tax treatment and off balance sheet accounting. Conversely, the relatively high set up costs may make this unattractive where trusts have no longer term pipeline of projects.

We have lots of experience in delivering these projects for our NHS clients and would be delighted to have a discussion about how we can help.



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## Innovative Fee Proposals

We know that our clients are under increasing pressure to work effectively – including through finding savings on their legal spend. As the country's largest and leading health law firm, we have identified a range of innovative fee offers to ensure that your legal spend is effective and value for money. Our clients tell us that they like to work with Capsticks because the advice our lawyers give is always of the highest quality, clear, robust and responsive. We know it is essential that our services continue to exceed the standards that clients expect. At the same time, we must ensure that our delivery models are efficient and harness our extensive know-how and technology systems.

Some of our innovative pricing solutions include fee proposals that are not always based on hourly rates but are structured to deliver savings on your annual legal spend through fixed fee retainers with guarantees of reduction of spend, secondment models and fixed fees for pieces of work. Clients have told us that they like our mixed secondment and conventional service offering because it gives clients an "in house" resource with the support and expertise of the leading healthcare law firm. We are also setting up fee proposals to cover whole health economies so that NHS bodies can look to make savings through economies of scale. We are happy to discuss the option that will work best for your trust..



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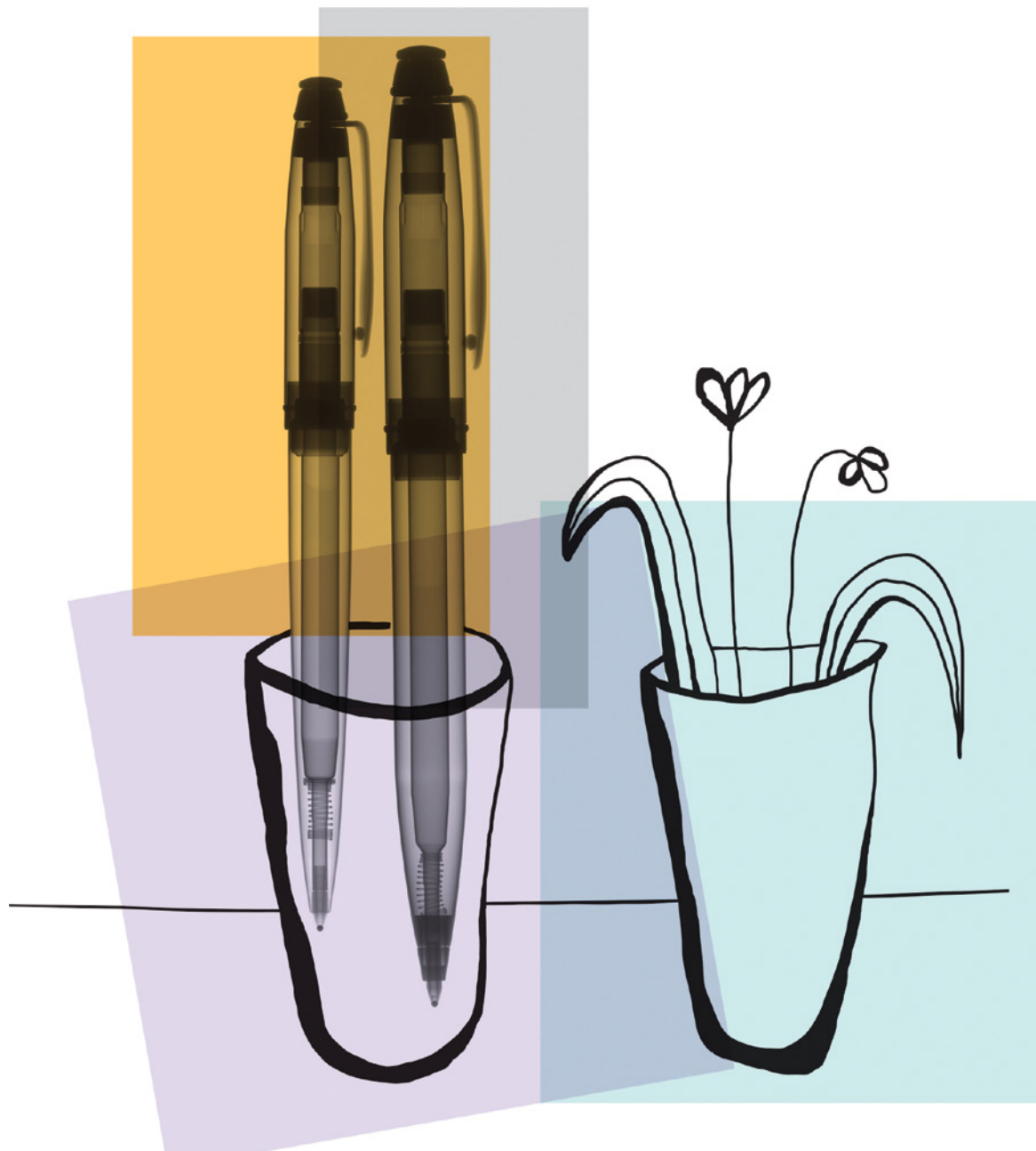
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