



Impact of Free Choice policy in Choose and Book R4.0: Essential information for providers and commissioners



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1. Introduction

All service providers who already have or are planning to display their services on Choose and Book as well as commissioners who are involved with adding commissioning rules on Choose and Book should note and implement the relevant actions in this document. It should be read in conjunction with *Choice at Referral: Supporting information for 2008/09* and the *R4 training materials*.

2. Key changes on Choose and Book

From R4.0 'go live' on 12 April 2008 **all** services on the Directory of Services search screen will be displayed to referrers via two options, 'Search Primary Care' and 'Search All'. The current arrangement of first displaying commissioned and then displaying Extended Choice Network (ECN) services in two separate stages will cease, as will the ability to 'hide' onward referrals services behind a CAS. PCTs will need to ensure that referrers are aware of these changes.

Although referrers will never see a set of secondary care services exclusively, within the system there will be two mutually exclusive

categories, which are referred to as 'menus' in some of the documentation:

- **Primary Care**, where commissioning rules entered on Choose and Book by PCTs will work in the same way as they do now
- **Secondary Care**, where there will be no commissioning rules in Choose and Book

Each service can only be allocated to one of the above categories, which will essentially be under the provider's control, although in the case of Primary Care they will also need to ensure that the service is also commissioned. An initial batch job, which will be run overnight on the eve of R4.0, will allocate each service onto one of the categories based on the provider's Organisation Type. The default position of services following the batch job is shown in the table overleaf:



Services set up with an Organisation Type of:	Category
GP Practice	Primary Care Category
Primary Care Trust	Primary Care Category
Care Trust	Primary Care Category
Independent Sector provider	Secondary Care Category
NHS Acute Trust/Foundation Trust	Secondary Care Category
Hospice	Secondary Care Category

3. Actions required

It is anticipated that, after the initial allocation, some services may need to be moved from the Secondary Care category to the Primary Care category using the instructions shown in Section 5. However, it is essential that providers make this change in accordance with Free Choice policy and Commissioning Guidance and that they fully understand the consequences of this action. It is not anticipated that services currently displayed on the Primary Care category will need to move to the Secondary Care category. (See Frequently Asked Questions 1, 3, 4 for more detail.)

For referrers, the two search options of 'Search Primary Care' and 'Search All' can be selected in either order. When selecting 'Search Primary Care', referrers will see a list of services which have been commissioned by their PCT. These services will not be subject to Free Choice policy. When selecting the 'Search All' button the referrer will see all secondary care services from across the country as well as PCT commissioned services that meet the search criteria (showing a maximum of 99 services). The default display of services will be distance from patient's postcode (not PCT boundary); however, this can be changed by

clicking on the relevant column headings to show services by Indicative Wait Time, etc.

Providers with services in the **Primary Care category** will appear when referrers within a commissioning PCT search for services using either the 'Search Primary Care' or 'Search All' options. Providers showing services within the Primary Care category must hold a contract with the commissioning PBC Group or PCT.

Providers with services in the **Secondary Care category** will display when referrers from any part of the country search for services using the 'Search All' option. Providers showing services *must* hold a Standard NHS Contract or equivalent contract¹. One of the requirements within the Standard NHS Contract is that the provider must be able to support direct booking. It is however accepted that some providers are not able to move to direct booking as their Patient Administration System (PAS) is not compliant with Choose and Book. The current list of providers with existing exemptions to this requirement is still applicable and is available via chooseandbook@nhs.net.

The table overleaf summarises which category is appropriate for services, and specifically identifies

¹ Equivalent contracts are ongoing FT contracts and centrally-held IS contracts, which include IS ECN, IS FCN and current ISTC contracts



those which have been the subject of discussion to date. It shows that certain services must be allocated to one or other of the categories whilst there is some flexibility for others. Providers must accept all clinically appropriate referrals made to them and will need to manage their capacity flexibly in order to accommodate the choice of provider that patients will make.

N.B. It will constitute a breach of contract to remove services that are covered by a national contract from the Secondary Care category and to offer them in the Primary Care category only. Reports will be provided to the Choose and Book Delivery Board who will work with SHA leads on ensuring providers list their services correctly.

Provider	Type of Service	Category
Primary Care Providers	Referral Management Centre services	Primary Care
	Any service with 'spare' capacity	Primary Care
	PBC commissioned services	Primary Care
	PCT services (including CAS and diagnostics)	Primary Care
	CATS/iCATS	Primary Care
	GPSI services (including diagnostics)	Primary Care
Secondary Care Providers (This includes Foundation Trusts, NHS acute and Mental Health Trusts, and Independent Sector providers)	CAS/CATS services	Secondary Care
	'Standard' services (i.e. not listed below)	Secondary Care
	Services, not currently subject to Choice policy, set up under the Specialties of: <ul style="list-style-type: none"> • 2WW • Diagnostic • Obstetrics • Mental Health 	Primary Care OR Secondary Care
	Services currently 'hidden' behind a CAS	Secondary Care [See: <i>Clinical Assessment Services – A guide to using CAS functionality on CAB</i> www.chooseandbook.nhs.uk/Staff/Implement/guides]
	'Prior approval' services ²	Secondary Care
	Capacity constrained services	Secondary Care
	Services currently on ECN/FCN	Secondary Care
	Services from IS providers without a national contract*	Primary Care

* **Please note:** IS providers without a national contract are required to move their services from the Secondary Care category immediately following the go live of R4.0

2 E.g. varicose veins, breast reduction, pinnaplasty, tattoo removal, cochlear implants, etc



4. Information to support implementation

The Service Review Sheet www.chooseandbook.nhs.uk/staff/implement/dos/reviewafter provides lists all services on Choose and Book at the end of February 2008. There is a spreadsheet for each SHA (excluding IS) as well as one for the Independent Sector. Each sheet is sorted by provider and it is possible to filter the output to meet your specific needs.

NHS providers: Orange highlighting indicates services which you may want to consider moving to the Primary Care category, in accordance with the table in Section 2. See Section 5 for instructions.

Independent Sector providers: In accordance with the table on page 2, red highlighting indicates services which you will **have** to move as soon as possible to the Primary Care category. See Section 5 for instructions.

5. Instructions for moving services out of the Secondary Care category into the Primary Care category

Before these steps are undertaken, providers need to understand the consequences of the change and ensure it does not constitute a breach of contract.

The process for moving a service from the Secondary Care category to the Primary Care category has two distinct system steps (steps c and e below), which needs to be done by individuals with different roles on Choose and Book. All services providers who have a choice to move their services from Secondary to Primary Care, who decide to move their services should

do so before the end of April to limit the confusion for both referrers and patients.

The steps are as follows:

- a) Provider determines that they wish to move the relevant services from the Secondary Care (Show All) category into the Primary Care Category. (Use the Service Review Sheet as described above)
- b) Provider contacts and agrees a time-frame for moving services with relevant commissioner(s).
- c) Service Definer for the Provider organisation has to un-check the 'Show services on Secondary Care menu' check box. Un-checking this box means that the service isn't visible on either the 'Search Primary' or 'Search All' menus. It is effectively invisible to all referrers.
- d) Inform relevant Commissioner(s) that this has been done.
- e) PCT Commissioner(s) adds commissioning rules to relevant services using the relevant Specialty search.

Services will now be visible to the referrers within the commissioning PCTs.

It would be a good idea for all providers who are able to decide which category they would like their services to appear on, to decide before 12 April if they wish to move them to the primary care category. All secondary care commissioning rules will be end-dated for 12 April as part of the batch job move. Providers will therefore need to know who is currently commissioning their service in order to contact them and have them re-commission it after Release 4. The quickest and easiest way to check who has commissioned services is to look in the Commissioning Section of the Service Details.



Frequently Asked Questions

Primary Care – PCTs and referrers

- 1. I am a PCT provider of services who has substantial extra capacity. I would like to know if we can place them in the secondary care category?**

No, the requirement for placing services in the Secondary Care category is to hold a standard NHS Contract for Acute Services or equivalent. You could try to engage with other PCTs to discuss having them commission your services in order to increase their visibility. Equivalent contracts are Ongoing FT Contract and Central IS Contract (this includes ISECN, ISFCN and current ISTC contracts).

- 2. Will any existing commissioning rules that have been entered on Choose and Book for primary care services still apply after the automatic move to the Primary Care menu?**

Yes, these rules will still apply on the system. You will not need to add any rules for already commissioned, Primary Care Services on Choose and Book.

- 3. As a PCT provider of services is it possible to obtain/sign up to a Standard NHS Contract?**

Standard NHS Contracts have only currently been prepared for Acute Hospital Services. Standard NHS Contracts for other services are currently being developed. See Guidance on the Standard NHS Contract for Acute Hospital Services.

- 4. What will happen if I as a primary care provider move my services into the Secondary Care category? What repercussions will there be for this?**

An exception report will be produced for the Choose and Book Delivery Board on a regular basis. They will work with SHA leads and local Commissioners to ensure that providers display their services in the correct category.

- 5. Will primary care providers be shown on NHS Choices?**

As of April 2008, only providers whose services are in the Secondary Care Category will show on NHS Choices (via nhs.uk). This position is being reviewed with a long-term aim being for all service providers to appear on NHS Choices.

Providers may want to consider other ways, aside from nhs.uk, of making patients aware of the services available in line with the Code of Practice for Promotion of NHS Funded Services.

- 6. I have noticed that some providers have put their varicose vein services in the Secondary Care category on Choose and Book. Our PCT does not pay for these referrals unless they have received prior approval. Should these services be in the Secondary Care category? How can I stop my GPs from referring to these services?**

If these services are provided by secondary care providers, they are entitled to be in the Secondary Care category. The way that you have to manage your GPs referring to this service is to ensure that they are aware of the 'prior approval' category of services for your PCT.



7. One of my patients wants to be treated in Wales so that she can be near her family. Are providers in Wales covered by the Free Choice policy?

There are differences between the policies that govern the English, Northern Irish, Scottish and Welsh healthcare systems. Free Choice is a Department of Health policy for England and does not extend to providers outside England, who in the main will not have Standard NHS Contracts.

8. My patient has been eligible for transport in the past. If they choose to travel to a provider that is further away, will their transport costs still be paid?

*Patients who are currently eligible for free transport, either under the Hospital Travel Costs Scheme, for patients on low incomes, or through Patient Transport Services (PTS), for patients requiring transport on the basis of a medical assessment, will continue to be eligible for free transport to **any** listed provider.*

PCTs are responsible for ensuring that there is provision of ambulance services (which could include PTS) to such extent as they consider necessary to meet all reasonable requirements. It is for the local NHS to decide who provides PTS for eligible patients in their area. The guidance on eligibility for PTS is available [here](#).

9. Can I refer to any service that is displayed on Choose and Book?

All services that are visible to you on Choose and Book on either Search option are available for you to refer into. The only exceptions may be for referrals which require prior approval by your PCT and you should ensure that you familiar with this list.

10. As a referrer, I used to only be able to refer to a Referral Management Centre or a Clinical Assessment Service. I can see lots of other services now – is it OK for me to refer to these as well?

Yes. You are able to refer to all services that are visible to you on Choose and Book. However your PCT may have issued a list of services that require prior approval before referring the patient or may have developed some quite specific referral pathways, and you should ensure that you are familiar with these before referring.

11. Is the cost the same for a service that is offered on the Primary Care category?

No. Currently, the national tariff only applies to services in the Secondary Care category. However, all locally commissioned services will have a locally agreed cost.

12. Free Choice policy is applicable from 1 April 2008. Choose and Book is only compliant with Free Choice from 12 April 2008. What should I do if one of my patients wants to be referred outside of local contracts between the 1 – 12 April?

You should try to refer the patient to their chosen provider using the Extended Choice Network (currently on Choose and Book). If however, the provider is not on this network then you will have to make a manual referral which the provider is obliged to accept if it is clinically appropriate.

Secondary Care NHS provider

13. Can I reject a referral from an out of area GP and patient because they are from out of area?

No, the only acceptable reason for rejecting a referral is that it is clinically inappropriate. Please note that it is inappropriate to enter



phrases like 'For local GP's only' at the start of your service names on Choose and Book.

- 14. What will happen if I as a secondary care provider move my services (other than those which have a choice on which category to appear) onto the Primary Care category? Will there be any repercussions?**

This would constitute a breach of contract. A report identifying secondary care providers with services in the Primary Care category will be produced for the Choose and Book Delivery Board on a regular basis. Members of this Board will work with SHA leads and local Commissioners to ensure that providers display their services in the correct category.

- 15. What will it mean if I leave my maternity, mental health, diagnostic or 2WW services in the Secondary Care category?**

These services will then be visible to the GPs throughout England for patients to choose. As a provider, you will be expected to accept all clinically appropriate referrals made to you and you will need to manage your capacity flexibly to accommodate the choice of provider that patients will make.

- 16. I am a secondary care provider who is not managing to meet 18 weeks RTT as I don't have sufficient capacity. Can I take my services out of the secondary care category until I am better able to manage this demand?**

No, you cannot. It would be a breach of your contract to take your services out of the Secondary Care category.

- 17. I am thinking about leaving my maternity, mental health, diagnostic or 2WW services in the Secondary Care category. What happens if I find that I don't have enough capacity to continue to do this? Can I take them out of the Secondary Care category and request that they are locally commissioned?**

As these services are not subject to Free Choice policy, you will be able to change your mind and move them back into the Primary Care category. However, it is not acceptable for services to be moving constantly back and forth between the two categories.

If immediately after R4.0 'go live' you decide to leave these services on the Secondary Care category and then later decide that it is not possible for you to continue to offer these services to all patients, you can move these services onto the Primary Care category.

They should then not be moved back to the Secondary Care category within 3 months. You will be obliged to treat any out of area patients that have your service on their short-list.

Please note that out of area patients with your service on their short-list will be able to convert their request into a booking or change the time of the appointment as necessary, even after you have moved the service back into the Primary Care category.

- 18. Why are maternity, mental health, diagnostics and 2WW services allowed to appear in either category?**

Free Choice policy does not currently apply to these services and that is why providers are allowed to pick the most appropriate category. It is important that providers who are part of the choice offer should be able to continue to be so.



19. I would like to move my maternity, mental health, diagnostics and 2WW services out of the Secondary Care category. Who should I inform of this change?

You need to inform your Co-ordinating Commissioner about your decision to move these services out of the Secondary Care category and into the commissioned Primary Care category. Your Co-ordinating Commissioner should liaise with your local commissioners to ensure that they add commissioning rules to your services on Choose and Book.

Secondary Care Independent Sector providers

20. Where do I find out more information about being an accredited Free Choice provider?

You can e-mail the Free Choice Mailbox on isfcn.ccmu@dh.gsi.gov.uk.

21. I am an Independent Sector provider who has signed local contracts with a number of PCTs and PBC Groups. Can these services be added to the Primary Care category?

Yes, in the short term. It is possible for you to appear in the Primary Care category. Please note that it is only possible to do this if you already have a local contract with a PCT. Agreements between PCTs and Independent Sector (IS) Providers will initially continue to operate under the contractual arrangements of the Extended Choice Network and the Free Choice Network. Subject to legislation IS Providers are expected to come within the scope of the Clinical Negligence Scheme for Trusts later in 2008, which will make it possible for them to use the Standard NHS Contract. Further guidance will be published

on how and when the Standard NHS Contract will be applied to agreements with IS Providers.

22. It is not possible for all of our services to be directly bookable. Is it still possible for these services to be in the Secondary Care Category?

Yes. All services offered to patients under Free Choice are required to be directly bookable through Choose and Book unless explicit exemption from having a compliant PAS has been granted for valid technical or commercial reasons. However, DH Implementation Guidance suggests that Diagnostic and 2WW services may be easier to manage as indirectly bookable. Offering other services as indirectly bookable will need to be agreed by your lead commissioner.





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