ENCLOSURE 11

Birmingham Women's NHS
NHS Foundation Trust

SUBJECT :	Novation of Learning & Development Agreement from West Midlands SHA to Health Education England
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RECOMMENDATIONS

The Board is invited to:

a. Note the arrangements for the commissioning of the Trust's future education provision;
b. Approve the novation of the current contract arrangements from the West Midlands Strategic Health Authority to Health Education England.

Links to Strategic objectives	To be the leading regional education and training centre for junior doctors, undergraduate medical, nursing, scientific and midwifery students for our disciplines
	To build strong and effective relationships with the new Commissioning bodies
	To ensure that the Trust continues at the leading edge of quality

Links to BAF risks	

Links to compliance requirements	Essential standards of care re training of staff
	Regulatory body requirements (GMC, NMC, HPC) regarding staff training

EXECUTIVE SUMMARY

The Board will be aware of the annual LDA contract for education and training that has been in place between the Trust and the West Midlands Strategic Health Authority (SHA) for the past 3 years, and which covers the medical education provided by the Trust for junior doctors in training grades. The contract value has historically been circa £5m per annum.

The SHA will cease to exist as from 31st March 2013 and the responsibility for

workforce and education will transfer to the new Governing Bodies of what are currently titled “Local Education and Training Boards” (LETBs). These are the local arms of the national Health Education England (HEE) organisation and our local LETB is expected to be renamed as “Health Education West Midlands” shortly. The Trust has representation to the West Midlands LETB through the Chief Operating Officer, who is Deputy Chair of the Birmingham Local Education and Training Committee (bLETC).

The SHA has now given the Trust official notice that on 1st April 2013 the LDA Contract between the SHA and the Trust will be extended for a period of 12 months covering the 2013/14 period, after which the HEE national standard LDA will come into effect from April 2014. As the SHA is to be abolished, it is proposed that all LDA contracts with providers will be novated to Health Education England from 1st April 2013.

In summary, as of the 1st April 2013:

- The LDA contract will be extended for a period of 12 months
- The SHA will transfer all their rights and obligations under the Contract to HEE
- HEE will thereafter perform the contract and be bound by its terms in every way as if it were the original party to it in place of the SHA
- The Trust will continue to perform the Contract and be bound by its terms in every way as if HEE were the original party to it in place of us
- Both the Trust and the SHA release each other from all future obligations under the Contract
- The Trust and HEE will have the right to enforce the Contract and pursue any claims and demands under it against the other with respect to matters arising before, on or after the 1st April 2013 as if HEE were the original party to the Contract instead of the SHA
- The LDA Contract will in all other respects continue on its existing terms.

Discussions are continuing on the level of medical training to be provided by the Trust under the LDA in 2013-14, and the funding for that work. These will be reported to the Board in the usual way.