

Our Ref: JH/SE/rel

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18 August 2023

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Dr Berge Balian
Primary Care Partner Member;
Somerset ICB

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Dear Berge

Rejected referrals by NHS Somerset commissioned services

Thank you for your letter dated 15 August in relation to the concerns you raised at the recent Board meeting about services that have been commissioned by NHS Somerset where the referrals from primary care had been rejected on the basis that the service that has been commissioned lacked capacity to deliver the commissioned arrangement.

I can confirm that any provider that has been commissioned by NHS Somerset is expected to accept all referrals that have been submitted appropriately and where they meet the agreed referral criteria. This is set out clearly within the NHS Standard Contract and is therefore a legal requirement. Service Condition 6.8.1 states that the Provider must:

accept any Referral of a Service User made in accordance with the Referral processes and clinical thresholds set out or referred to in this Contract and/or as otherwise agreed between the Parties and/or as specified in any Prior Approval Scheme, and in any event where necessary for a Service User to exercise their legal right to choice as set out in the NHS Choice Framework;

I can also confirm that in the event that the relevant trust does not have the capacity at the time to deliver the service due to workforce constraints, it will be expected to hold any such referrals on their waiting lists and not return them to primary care.

Somerset NHS Foundation Trust, our main NHS service provider, has made clear that it recognises this position. It also acknowledges that there have been occasions where inappropriate localised decisions have been taken; however, once known, these situations have been quickly corrected.

As you will be aware specialised services are currently not commissioned by NHS Somerset. This includes the genetics service that is provided by the University Hospitals Bristol and Weston NHS Foundation Trust (UHBW). This is a service that is commissioned through Specialised Commissioning NHS England – South West.

NHS Somerset has been in contact with the Trust to understand the position. Due to extreme workforce shortages, it is now operating a criteria-led restricted access service, which means that it will now only accept urgent and priority referrals. This situation is likely to continue for a few months and the Trust will notify referrers once the position improves. Somerset NHS also contacted the specialised commissioner, who confirmed support for the approach that has been adopted. Their advice to referrers is to ask the genetic services in Exeter, Southampton, Oxford or Birmingham to accept the referral. If this course of action proves unsuccessful, the UHBW service could be contacted for advice on next steps (ubh-tr.uhbwclinicalgeneticsreferrals@nhs.net).

I trust that this provides the necessary clarity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JHigman', with a long horizontal stroke extending from the bottom of the signature.

Jonathan Higman
Chief Executive

