



## expertise and experience

Health and Social Care - June 2009

### FESC contract management

Expertise, experience and a practical approach

**With the Framework for procuring External Support for Commissioners now fully operational, with a significant number of PCTs having elected to procure from amongst the 14 appointed providers, our relevant expertise and significant experience with these contracts can make a genuine difference.**

**Morgan Cole's lawyers have been involved with FESC since 2007; they were seconded to the Department of Health's central FESC team. We have been involved in all the pilot FESC schemes, acting on behalf of the DH and have now acted for the majority of PCTs that have since called off services under the Framework.**

**Given our central involvement in FESC with the DH from its outset, we are uniquely placed to guide PCTs through the process and ensure they have a robust and workable commercial contract with their suppliers.**

We have worked closely with the FESC team. Jill Peters, who headed the central team at the DH, describes us in the following way:

*Morgan Cole are very good at delivering; they are very responsive to our needs and they have been excellent at managing in a highly politicised environment. Also, the quality of the people that they have put with us has been exceptional.*

*They really understood our needs and they managed to articulate that back to us into a programme of work. They pulled out all the stops to meet our timescales and communicated very well. Also, they helped some of the more local organisations to deliver as well.*

We would be pleased to discuss how our FESC team can assist you in procuring from the Framework.

### Our approach

We assign a dedicated team to each client to ensure that the personal touch (on which we pride ourselves) is not lost. We deliver a quality service and value for money by resourcing work at a suitable level involving the appropriate expertise.

Our clients tell us that it is our attitude and willingness to roll our sleeves up and get on with working as part of their team that sets us apart from the competition. Delivering this quality of service is not just our job, it is our passion.

### About Morgan Cole

Morgan Cole is a 51 partner commercial law firm employing over 150 other lawyers, in offices throughout southern England and Wales.

Our team is recognised by the Legal 500 as [dominant in the provision of advice to the healthcare sector](#), and the Chambers Guide to the Legal Profession applauds our [versatility and ability to learn very quickly](#) and our [exceptional level of support](#). Individuals within our healthcare team have attracted comments such as [insightful and good humoured](#) and [hard-working](#).

### More information

If you are interested in learning more about us and the services we offer, please contact Alison Patten-Hall



**Alison Patten-Hall, Partner - Commercial**  
T: 01865 262662  
E: [Alison.patten-hall@morgan-cole.com](mailto:Alison.patten-hall@morgan-cole.com)

## Examples of our experience include:

- Being Lead Lawyers for the DH on the implementation of FESC following its procurement and acting for the first PCT to use the Framework under the DH's pilot scheme to commission invoice validation services.
- Acting for other PCTs in their FESC procurements of various commissioning skills. Our work included:
  - advising on the potential uses of FESC, the various payment models, the FESC procurement process and the quickest route to contracting;
  - drafting invitations to call off services under FESC;
  - supporting PCTs during bidder days;
  - evaluating bids; and
  - drafting and negotiating the call off contracts (ESSA).
- Acting for PCT consortia seeking a complex mix of services. We are drafting their collaboration agreement and their ESSA.
- Advising the Commercial Directorate of the Department of Health in relation to legal issues concerned with NHS system wide reviews, such as the NHS competition policy and promotions code.
- Leading the team of lawyers working for the Department of Health's Commissioning Directorate on the standard national contracts for acute services in 2008/09 and developing the standard national contracts for out of hospital services, mental health services and ambulance services.
- Advising the Department of Health's Commercial Directorate on the procurement process and negotiating contracts for the provision of NHS services by private sector providers, including:
  - Seven Commuter Walk-in Centres across England;
  - a pilot contract for Chlamydia Screening Services;
  - an MRI contract;
  - Phase 2 electives and diagnostics contracts; and
  - the Independent Sector Extended Choice Contract and the Independent Sector Free Choice Contract.
- Advising the Secretary of State for the Health on the post-procurement and pre-service delivery issues arising on numerous ISTC contracts.
- Advising PCTs and SHAs on judicial review proceedings concerning consultation obligations under s11 of the Health & Social Care Act.
- Advising on complex contract performance issues.

## Our FESC team



**Alison Patten-Hall, Partner - Commercial**  
T: 01865 262662  
E: Alison.patten-hall@morgan-cole.com



**Bruce Potter, Partner - Commercial**  
T: 0118 955 3008  
E: bruce.potter@morgan-cole.com



**Gayle Curry, Partner - Commercial**  
T: 01865 262652  
E: gayle.curry@morgan-cole.com



**Simon McCann, Partner - Commercial**  
T: 029 2038 5400  
E: simon.mccann@morgan-cole.com



**Elisabeth Bell, Associate - Commercial**  
T: 0118 955 3045  
E: elisabeth.bell@morgan-cole.com



**Darren Curtis, Associate - Commercial**  
T: 0118 955 3054  
E: bruce.potter@morgan-cole.com



**Matt Jenkin, Partner - Employment**  
T: 0118 955 3053  
E: matt.jenkin@morgan-cole.com



**Duncan Bain, Associate – Employment**  
T: 0118 955 3015  
E: duncan.bain@morgan-cole.com