

The Exercise of Commissioning Functions by the National Health Commissioning Board (Coronavirus) Directions 2020

See the new The Exercise of Commissioning Functions by the National Health Commissioning Board (Coronavirus) Directions 2020.

23 March 2020

Please note: the information contained in our legal updates are correct as of the original date of publication

We have just seen the new [The Exercise of Commissioning Functions by the National Health Commissioning Board \(Coronavirus\) Directions 2020](#).

The 2020 Directions come from the Emergency Powers which the Secretary of State has under s.253 of the NHS Act 2006 (as amended). Everyone will accept we are in an emergency situation and so the Secretary of State is therefore entitled use his emergency powers to direct how an NHS body exercises or ceases to exercise any of its functions. As you will appreciate, we have paraphrased for brevity and s.253 does give the Secretary of State other powers as well.

Under the Coronavirus Directions 2020 the Secretary of State has directed that NHS England should exercise those functions under s.3 (Duties of Clinical Commissioning Groups to commission certain health services) and s.3A (Power of CCGs to commission certain health services), for the purposes of commissioning health services from independent providers which NHS England deems appropriate for the purposes of directly or indirectly supporting the provision of services by NHS bodies to address coronavirus and coronavirus disease. That means they can co-ordinate the approach with independent providers across the country to support the NHS approach and provide additional services and capacity to fight the spread of coronavirus. In short it should simplify the ability to engage the independent sector and avoid multiple CCGs trying to negotiate separately around the country.

As you will note the Coronavirus Directions 2020 cease to have effect at the end of 31 December 2020.

Our suggestion is that you contact your regional NHS E&I team to discuss how the engagement with the independent sector will work.

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