



*Litigation Authority*

## **Invitation to Tender (ITT) Form**

### **Part 1**

**Provision of an Occupational Health Assessment  
Service on behalf of the National Clinical  
Assessment service**

**Tender Number 05\_16/ITT\_OH/NHSLA**

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## **Introduction**

The NHS Litigation Authority (NHS LA) is a not-for-profit organisation working for healthcare providers to resolve claims fairly and to share learning across the NHS and beyond. The National Clinical Assessment Service (NCAS) was set up in 2001 and became an operating division of the NHS LA in April 2013.

NCAS is an advisory service which calls on a large resource of expertise and works across the country providing specialist advice, assessment and other interventions to help health and social care organisations identify, manage and resolve concerns about the practice of individual dentists, doctors and pharmacists. We support Responsible Officers and their designated bodies in meeting their statutory duties for responding to concerns and in turn help to improve the safety of patients. We provide expert confidential advice, workplace-based performance assessments, remediation services and education to the NHS and other healthcare partners.

For further information about our services, including the assessment process, please visit our website: <http://www.ncas.nhs.uk/>

## **Purpose of Contract**

NCAS provides a confidential service to the health and social care service resolving concerns about the performance of practitioners. Our aim is to work with all parties to clarify the concerns, understand what may be leading to them, and to develop and deliver effective interventions to help healthcare providers to ensure practitioners continue to deliver a high-quality and safe service for patients. A proportion of the cases referred to NCAS require performance assessments or other interventions, and occupational health assessments may be a component of these. Additionally, on occasion NCAS may decide to utilise occupational health assessments as a standalone intervention.

This contract will support NCAS in the development and delivery of the following interventions:

- Occupational health assessments as a component of a full performance assessment
- Occupational health assessments as part of a behavioural assessment
- Occupational health assessments as a standalone intervention

The requirements specification for the Occupational Health Assessment service can be found in the appendices of Part 1.

## **Contract Period**

The contract period will be from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017, with an option to extend the contract for a further term of 12 months.

## **Response Deadline**

It is requested that information is received electronically by 17:00 on Tuesday 16<sup>th</sup> February. Proposals should be submitted to [contract.queries@nhsla.com](mailto:contract.queries@nhsla.com)

Proposals received after this date and time will not be considered.

Following receipt of proposals, the NHS LA will send a confirmation of receipt to the supplier by email.

## **Response Content**

The intent of this ITT is to establish a common basis for evaluating proposals. For that purpose, it is important that the tenderers give written answers to the questions in this document.

Suppliers are invited to include the following within their proposal:

- Executive summary
- Introduction
- Provide a clear summary of their understanding of NCAS' requirements

- The proposed approach to ensure deliverables are met. This should include methodologies and any assumptions, dependencies, issues, risks and constraints that may apply.
- The proposed engagement with NHS LA in the lead up to and during the delivery of the service
- The proposed approach to quality assurance
- A demonstration of up to date expertise and knowledge of the latest research in this field
- The proposed approach to ensure equality and diversity issues are appropriately considered
- Provide details of any potential, actual or perceived conflicts of interest that may be relevant to the award of this contract and outline in detail (if appropriate) the safeguards that would be put in place to mitigate this risk
- Information to demonstrate financial stability, which should include details as to what percentage of your organisation's current turnover this bid would constitute, based on your most recent financial statements. Please also include copies of your last three years financial statements or statements for each year of trading if less than three years (for the relevant company looking to contract with the NHS LA, not the entire group) and also a copy of your current certificates of insurance for public liability and professional indemnity as appropriate
- The proposed cost per occupational health assessment case. As a guide, NCAS would expect to compensate suppliers of this service between £500 and £1000 per occupational health assessment.

Costs that are not related to individual occupational health assessments, but will apply in order to the deliver a service or provide any additional services as part of the service specification may be provided on an hourly and/or per day basis.

Reasonable travel expenses incurred by suppliers when delivering contracted services shall be reimbursed in accordance with the NHS LA Expenses Policy (see Part 3).

In addition to the above, potential suppliers are asked to complete the following forms:

1. Invitation to Tender Application Form (see Part 2)
2. Information Security Measures (see Part 2)

Responses must be detailed and complete and should be submitted in electronic copy only (in Microsoft Word or in PDF format).

## **Timetable**

The timetable for this tender is set out below. NCAS reserves the right to alter stages and dates as appropriate.

<b>DATE AND TIME (IF RELEVANT)</b>	<b>Stage</b>
Tuesday 26 January	Publication of ITT
Wednesday 27 January	Clarification period starts (Questions Relating to the Invitation to Tender)
Tuesday 9 February	Clarification period ends
Tuesday 16 <sup>th</sup> February	ITT closing date
Wednesday 17 <sup>th</sup> February – Tuesday 23 <sup>rd</sup> February	Evaluation of ITT's followed by clarification of bids (if required)
Monday 29 <sup>th</sup> February – Tuesday 1 <sup>st</sup> March	Selected suppliers to present proposals at NCAS' London office
Thursday 3 <sup>rd</sup> March	Contract award
Thursday 10 <sup>th</sup> March	Contract signing
Week starting Monday 14 <sup>th</sup> March	Induction, briefings and training if required
Friday 1 <sup>st</sup> April	Service to commence

## **General Points for Interested Parties**

By responding, the tenderer understands and agrees:

- That they fully bear all costs for preparation of the response, and that the NHS LA will not be liable for any associated costs;
- That there is no contract or obligation, implied or otherwise, between the NHS LA and the tenderer;
- That the NHS LA may choose not to evaluate any response submitted after the response submission deadline;
- The NHS LA will not disclose to any supplier information relating to other responses received.

## **Right to Cancel or Vary the Procurement**

The NHS LA reserves the right:

- To amend, clarify, add to or withdraw all or any part of the Invitation to Tender at any time during the procurement;
- To vary any timetable or deadlines set out in the Invitation to Tender;

- Not to conclude a contract for some or all of the goods and/or services (as applicable) for which Tenders are invited; and
- Cancel all or part of the Procurement at any stage at any time.

The Potential Provider accepts and acknowledges that by issuing the Invitation to Tender, the Crown Commercial Service is not bound to accept a Tender or obliged to conclude a contract with the Potential Provider at all.

The Potential Provider accepts and acknowledges that they are responsible for any and all costs incurred in their participation in this Invitation to Tender, regardless of whether a contract award is made.

### **Shortlist Criteria/Contract Award**

The NHS LA will take into account the following major factors when deciding on whether to award the contract:

- The supplier provides solid understanding of the context of occupational health assessments and the specific requirements of the proposed work. This should include the proposed approach to service development and quality assurance.
  - Written submission demonstrates understanding of the context of the service and why it is needed
  - Written submission articulates clear understanding and interpretation of NCAS' service requirements
  - Demonstration of appropriate service development and quality assurance
- Suitable qualifications of proposed personnel and their demonstrable success in the provision of similar services.
  - Suitable qualifications of proposed staff and their experience in provision of similar services
  - Testimonial evidence of success in delivering similar services
  - Proposal demonstrates current knowledge of research in the field and adopts best practice to assess occupational health
- Evaluation of the resources, costs and the ability to meet the specified service levels.
  - Costs
  - Proposal shows sufficient planning and resources to deliver an efficient service
  - Bid clearly defines roles and responsibilities of supplier's team and demonstrates willingness to work with NCAS
- Meets the requirements of the NHS LA in relation to Information Security and provides evidence of appropriate organisational standards of information governance.
- Demonstrates robust internal quality assurance processes.

Suppliers should familiarise themselves with the detailed contract award criteria as outlined in the appendices of Part 1.

## **Questions relating to the Invitation to Tender**

Suppliers may submit emailed questions only to the NHS LA related to this Invitation to Tender and the NHS LA will respond via email. All queries should be submitted to [contract.queries@nhsla.com](mailto:contract.queries@nhsla.com) as soon as possible and **no later than 5 working days** before the deadline for tender submissions.

On no account should suppliers discuss the content of this ITT or your proposal with any other member of NHS LA staff or representative or any third party without the prior consent of the above contacts.

## **Standard Terms & Conditions**

Please refer to Part 3.

# **Part 1 Appendices**

## **Requirements Specification for the Occupational Health Assessment Service**

**and**

## **Shortlist Criteria**

# Requirements Specification for the Occupational Health Assessment Service

## 1. Background information

The purpose of an occupational health (OH) assessment as part of an NCAS assessment process is to ascertain whether:

- the practitioner is fit to undergo the rest of the assessment
- his/her performance is being influenced by physical or mental health problems including cognitive impairment
- there is any evidence of alcohol or drug misuse
- there are any health concerns which require further investigation or treatment
- the working environment could be adjusted to improve performance, including whether:
  - any subsequent remediation and/or training programme will need to take account of health concerns or,
  - any further follow-up will be required if health concerns are identified and the nature of that follow-up.

NCAS OH assessments currently require the OH assessor to undertake an exploration of any known health concerns, a systems enquiry, physical examination, and screenings for anxiety, depression, substance misuse and cognitive impairment. An OH assessor may choose to refer the practitioner for a full neuropsychological/neuropsychiatric evaluation if they suspect a practitioner to have a cognitive dysfunction.

We assess a practitioner's fitness for purpose rather than the Regulatory fitness to practise.

NCAS currently utilises occupational health assessments as part of three assessment interventions:

- as a component of a full performance assessment (the majority of the OH work)
- as part of a behavioural assessment
- as a standalone intervention.

### Full performance assessment

The majority of OH assessments are undertaken as part of a full performance assessment. In full performance assessments, findings from an OH and behavioural assessment are considered alongside findings from workplace-based clinical assessments, and thereafter NCAS produces a report which cites evidence of satisfactory and poor practice, presenting conclusions based on the triangulation of evidence from across all components of the assessment. This is subsequently shared with the practitioner and the referring organisation.

In full NCAS performance assessments, the OH assessment is carried out prior to the behavioural assessment and the workplace-based clinical performance assessment to ensure the practitioner is fit to undergo the rest of the assessment as well as contribute to the findings and conclusions.

### Occupational health assessment as part of a behavioural assessment

Behavioural assessments may be carried out as a standalone NCAS intervention if concerns about the practitioner appear solely related to conduct or behaviour. The assessment of behavioural concerns aims to:

- provide an independent view on any behavioural factors about the practitioner which are causing concern
- identify other factors that may be contributing to these concerns.

As part of this intervention an OH health assessment will be commissioned to take place prior to the behavioural assessment to ensure the practitioner is fit to undergo the rest of the assessment as well as contribute to the findings and conclusions.

### As a standalone intervention

NCAS may also undertake OH assessments as a standalone intervention where concerns about the practitioner appear solely related to health and where the practitioner cannot access this service at a local level.

## 2. Occupational Health Assessment Service Requirements

NCAS is looking to work with one or more occupational health assessment providers and as NCAS is a national service (for England, Northern Ireland and Wales as well as on a commissioned basis to Scotland and areas outside the UK), we are particularly keen to hear from organisations that can provide a service in London, the midlands and the north of England.

The OH assessment component of an NCAS assessment or intervention is divided into three stages; pre-assessment, the OH assessment and post OH assessment.

### Pre-assessment

- NCAS and the service provider will agree a date, time and location of the OH assessment for each case. From the point of first contact with NCAS for a particular case, NCAS would expect that within one working day, the service provider will provide a range of suitable dates to enable the OH assessment to take place within 15 working days.
- At the same time as providing a range of suitable dates for the OH assessment, the service provider will inform NCAS if they are aware of any potential, actual or perceived conflicts of interest in relation to the particular case.
- Once a date for the OH assessment has been agreed, NCAS will provide the service provider with a case information file for preparatory reading.

### OH Assessment

- The OH assessment always includes an exploration of any known health concerns, systems enquiry, physical examination, and screenings for anxiety, depression, substance misuse and cognitive impairment.
- Currently all occupational assessors will be required to administer the Addenbrooke's Cognitive Examination (ACE-III) to practitioners undergoing the OH assessment.

- If the OH assessor finds the practitioner to have suspected cognitive dysfunction the OH assessor will be required to refer the practitioner to an NCAS contracted supplier for specialist neuropsychological/neuropsychiatric evaluation. This referral should take place within one working day and NCAS should be informed of the same.
- OH assessors will be expected to provide immediate advice on case handling where there are concerns with respect to immediate fitness to work or there is the need for supervision of a practitioner.
- Should an OH assessment suggest a need for a practitioner to undergo other health assessments or tests, the OH assessor will discuss the matter with NCAS within one working day.

### Post OH Assessment

- If, at any stage in the NCAS full performance assessment process, there are signs that a practitioner's health status has changed, the OH assessor will be asked to carry out a second assessment. NCAS would expect the service provider to be able to undertake the second assessment within 15 working days of being notified of this requirement.
- Following completion of the OH assessment, the OH assessor should prepare a detailed report (the 'Occupational Health Assessment Report') containing their findings and conclusions, in a standardised format and style agreed with NCAS, within five working days.
- Where it has been necessary to refer the practitioner for further specialist health assessment, on receipt of the specialist health assessment report, the OH assessor should incorporate the findings of that report in to their OH assessment report within five working days.
- The OH assessor will then forward the OH assessment report to the practitioner, by secure email, in order to obtain consent to share the report with NCAS. On receipt of the consent from the practitioner the OH assessor will provide NCAS the OH assessment report, by secure email, within one working day.
- On occasion, NCAS may have points for clarification of the OH assessment report provided, and NCAS would expect these points to be addressed and the report amended (if required) within two working days.
- The supplier should note that in exceptional circumstances, OH assessors may be required to produce their report sooner. This would be by prior agreement with NCAS, normally when the supplier is first contacted about availability for the case in question.
- The service provider will be expected to collaborate with the rest of the assessment and intervention team in producing the final NCAS assessment report. The OH assessors will be expected to review the final NCAS assessment report and confirm their approval of NCAS' representation of their OH assessment (within two working days). For the avoidance of doubt, NCAS have complete control over the final NCAS assessment report, including the elements of the OH assessment report.

- NCAS would expect the service provider to provide case information of all cases referred to them if required.

### 3. Service Reports and Quality Assurance

The service provider will be expected to provide NCAS a quarterly service report which should include activity levels, performance against indicators and any issues that have emerged in the reporting period. NCAS would expect these reports within ten working days after each reporting period. NCAS will also require providers to engage in a service review meetings at NCAS' offices in London.

OH Assessors will be regarded as full members of the NCAS assessment team and will be required to attend development meetings and quality assurance meetings to help refine and develop the OH assessment component of an NCAS assessment or intervention. Meetings will normally be held at NCAS' offices in London.

The supplier will be expected to implement a robust internal quality assurance (including peer review) process for each OH report produced on behalf of NCAS.

An independent external NCAS supplier shall conduct regular quality assurance reviews using a sample of the work produced by OH assessors. This may include observing OH assessors during their interview with the practitioner undergoing the assessment. The service provider will be expected to fully engage with NCAS in this process.

Service providers will be expected to provide NCAS assurance that the approach to OH assessments represents current best practice, is valid, reliable and evidence-based.

NCAS continually reviews and develops the assessment methodology and processes to ensure they remain fit for purpose and represent best practice. NCAS would expect service providers to integrate any refinements thought necessary into their process as required and agreed. Any changes to the way in which the assessment services are delivered will be introduced in a managed way.

On occasion, NCAS may require service providers to prepare witness statements and contribute, where required, at hearings or other legal proceedings. NCAS would expect a daily rate will apply for this activity.

#### 4. Performance Indicators

The following table is a summary of some high level key performance indicators which service providers will want to consider as part of this service they wish to provide to NCAS:

<b>High level key performance indicators*</b>	
Provide a range of suitable dates to enable to the OH assessment to take place within 15 working days	One working day
All OH assessors are able to administer and interpret Addenbrooke's Cognitive Examination(ACE-III)	All OH assessors
Provide advice on case handling where there are concerns regarding the fitness to work or supervision of a practitioner	Immediate referral to NCAS
Provide a second OH assessment of a practitioner when a change in their health status has been identified during the NCAS assessment process	Within 15 working days
Notify NCAS if a practitioner needs to be referred for specialist neuropsychological/neuropsychiatric evaluation	One working day
OH assessment findings and conclusions are reported in a format and style agreed with NCAS. Reports to integrate the findings from the specialist neuropsychological/neuropsychiatric assessment when this has taken place.	All OH reports
OH assessment report internally peer reviewed by service provider	All OH reports
Provide, by secure email, OH assessment report to practitioner for approval	Five working days after assessment or receipt of specialist health report (if required)
Provide, by secure email, OH assessment reports to NCAS	One working day after consent is received from practitioner
Respond to points for clarification from NCAS	Two working days
Review and approve representation of the OH assessment report in the final NCAS assessment report	Two working days
Provide quarterly service reports	Ten working days after each reporting period
Attend and contribute to a quality assurance process meetings	All OH assessors

\* Other performance indicators may be agreed prior to the commencement of contract

#### 5. Activity Levels

NCAS expects that there will be a requirement to complete a total of approximately 50 OH assessments per annum with the majority taking place as part of a full performance assessment. NCAS is keen to partner with more than one provider; therefore, service providers will have the capacity to provide between 10 and 25 assessments per annum each.

The contract for the occupational health assessment service will be funded on a call down basis.

## 6. Attributes of OH Assessors

NCAS would expect OH assessors to have the following attributes:

- Fellowship or membership of the Faculty of Occupational Medicine
- Significant experience of providing occupational health services to doctors, dentists and pharmacists
- Significant experience of working with practitioners about whom there are performance concerns
- Is trained (or is willing to be trained) to administer and interpret Addenbrooke's Cognitive Examination-revised (ACE-III) or another similar cognitive assessment tool
- Understanding of policy and professional interests in the field of assessment of practitioners
- Ability to work effectively with a range of clinical and non-clinical staff and stakeholders
- A logical and analytical approach to assessment and reporting
- Excellent oral and written communication skills including report writing and referral skills
- Excellent team working skills
- A thorough understanding, commitment and respect for equality and diversity
- Ability to deal with complex issues confidentially
- Flexible time management and the ability to meet deadlines
- Willingness to liaise, in a timely manner, with a range of clinical and non-clinical staff and stakeholders
- Compliance with the Faculty of Occupational Medicine Continuing Professional Development scheme.

## 7. Information Security

NCAS requires the service provider to obtain informed consent from NCAS if they wish to use any data which may have been obtained as a result of the service provided to NCAS (or the results of any analysis of the same) for any purpose. Where consent has been given, all data must remain anonymised and NCAS would expect that the data source will be attributed appropriately. Additionally, suppliers should also reference NCAS when discussing their experience in this field, if the experience has been drawn from the service provided to NCAS.

The service providers shall utilise NHS mail when sending and receiving information regarding any NCAS work undertaken in order to transfer data securely. Where the use of NHS mail is not possible, the contractor shall ensure compliance with the contract Terms and Conditions by selecting a secure alternative method of transfer agreed with NCAS.

NCAS data held by the contractor may only be copied to encrypted portable devices i.e. USB sticks and laptop computers.

Please see Part 3 for the NHS LA conditions of contract for the supply of services.

## Shortlist Criteria

Criteria	Weighting	Total Weighting
<p><b>1. The supplier provides solid understanding of the context of occupational health assessments and the specific requirements of the proposed work. This should include the proposed approach to service development and quality assurance.</b></p> <ul style="list-style-type: none"> <li>• Written submission demonstrates understanding of the context of the service and why it is needed</li> <li>• Written submission articulates clear understanding and interpretation of NCAS' service requirements</li> <li>• Demonstration of appropriate service development and quality assurance</li> </ul>	<p>7.5%</p> <p>10%</p> <p>10%</p>	<b>27.5%</b>
<p><b>2. Suitable qualifications of proposed personnel and their demonstrable success in provision of similar services.</b></p> <ul style="list-style-type: none"> <li>• Suitable qualifications of proposed staff and their experience in provision of similar services</li> <li>• Testimonial evidence of success in delivering similar services</li> <li>• Proposal demonstrates current knowledge of research in the field and adopts best practice to assess occupational health</li> </ul>	<p>10%</p> <p>7.5%</p> <p>10%</p>	<b>27.5%</b>
<p><b>3. Evaluation of the resources and ability to meet the specified service levels.</b></p> <ul style="list-style-type: none"> <li>• Costs</li> <li>• Proposal shows sufficient planning and resources to deliver an efficient service</li> <li>• Bid clearly defines roles and responsibilities of supplier's team and demonstrates willingness to work with NCAS</li> </ul>	<p>7.5%</p> <p>10%</p> <p>7.5%</p>	<b>25%</b>
<p><b>4. Meets the requirements of the NHS LA in relation to Information Security and provides evidence of appropriate organisational standards of information governance.</b></p>		<b>10%</b>
<p><b>5. Demonstrates robust internal quality assurance processes.</b></p>		<b>10%</b>

The following matrix will be applied during shortlisting:

<b>Score</b>	<b>Performance</b>
5	Meets the standard exactly as specified
4	Meets the standard well, but not exactly
3	Meets standard in most aspects, fails in some
2	Fails standards in most aspects, meets it in some
1	Significantly fails to meet the standard