

Clinical Commissioning Groups

Securing Health Procurement

Clinical Commissioning Groups (CCGs) are the centrepiece of the new, clinically-led commissioning system introduced by the Health and Social Care Act 2012. CCGs will be responsible for:

- understanding and planning the local population's healthcare needs
- commissioning healthcare services for their population
- building strong local relationships, including with local authorities, patients and the public.

This clinically-led approach brings potentially large benefits in meeting the healthcare needs of the locality. In order to achieve those benefits, CCGs will need to operate within a legal and contractual framework and public procurement is a key part of this.



Failure by a public body to comply with the regulations on procurement can, and increasingly does, expose that public body to challenge, leading to delay, increased costs, awards of damages, the setting aside of contracts and even the imposition of a civil financial penalty.

This will become even more relevant to CCGs in the foreseeable future as the regulations are being amended and will bring health and social care within the purview of the rules.

HOW WE CAN HELP

Our highly regarded Public & Health Sector Group supports the procurement activities of a large number of public bodies in a variety of ways. These can include:

- training on procurement law and general contractual issues
- health check and review of procedures and documents
- drafting and reviewing contracts and terms and conditions
- advising on structuring and conduct of individual procurements
- ad hoc advice on issues that arise
- defending procurement challenges.

We pride ourselves on providing timely and pragmatic advice designed to let you obtain the best outcome from a commissioning exercise whilst minimising unnecessary risk. Our in-depth knowledge of, and expertise in, the public sector and the strength of our Public & Health Sector Group means that we are ideally placed to advise clients not just on procurement issues, but also on contractual issues and wider public law matters.

Our Team

Our Public & Health Sector Group is a formidable force; a group of highly experienced hand-picked lawyers who fully understand the many, and ever-changing challenges faced by the public sector. With their proactive and commercial approach, they are extremely client focused and have dealt with many large and complex matters, helping their clients achieve the desired result.



The Group has substantial in-house experience in the public sector where team members have held a variety of senior positions, giving them an invaluable insight into the practical problems commissioners and procurement teams face.

The Group also regularly advise on a full range of dispute resolution procedures involving public law issues across all sectors with our focus firmly set on the cost effective, early resolution of disputes. Our Public & Health Sector Group provides commercially focused advice on judicial review applications, court proceedings, procurement challenges, the exercise of regulatory powers, investigations, claims for breach of duty and other regulatory procedures. Deadlines for dealing with claims can be tight, and having the relevant experts across disciplines in one place allows us to act swiftly to assist our clients when time is of the essence.

Our Approach

Our approach is to look for ways to help a public body find the best means of achieving its requirements within the legal framework, whether this is structuring a procurement exercise, seeking to achieve social and environmental considerations, avoiding and resisting potential challenge or the use of in-house companies.

We work with clients to develop strategies for identifying and analysing risks, optimising pressure points and seeking out opportunities to cost-effectively achieve desired commercial outcomes. Where litigation cannot be avoided, however, our formidable experience means that we are well placed to manage the most complex and demanding of disputes, and our partners can be credited with numerous successes in the High Court, Court of Appeal and Supreme Court and in arbitrations and expert determinations.

WHAT WE DO

Having one of the largest dedicated Public & Health Sector Groups outside London, we are nationally recognised public sector specialists. We are procurement advisers to a large number of public bodies and utilities across the UK in a wide range of sectors including the NHS, Central Government bodies, NGOs, Local Government, Education, Housing, Water and Electricity.

We also advise a large number of private sector contractors which gives us a rounded view of the process.

WALKER MORRIS

“A distinctive law firm valued by its clients for consistently delivering excellent results.”

We offer our clients a full service commercial law firm focused on providing a wide range of clients, nationally and internationally, with partner led high quality advice. The national centre of excellence in Leeds that we have built offers significant advantages in terms of developing a strong team-based culture within the Firm, with the inherent value and cost effectiveness that a Leeds base brings.

The success of our model is reflected by our clients, which are drawn from a broad range of sectors. We are recognised for our strong multi-disciplinary teamwork and straight forward advice. Both the Firm and our lawyers are recognised as leaders in their fields with 96 per cent of our partners recommended in either Chambers or Legal 500 for their expertise.

CONTACT

**Gwendoline Davies, Partner,
Litigation & Dispute Resolution**

+44 (0)113 283 2517

gwendoline.davies@walkermorris.co.uk

**Richard Auton, Consultant,
Public Sector**

+44 (0)113 283 2575

richard.auton@walkermorris.co.uk

Walker Morris LLP
33 Wellington Street
Leeds LS1 2HL

T +44 (0)113 283 2500

F +44 (0)113 245 9412

www.walkermorris.co.uk

