



Department
of Health &
Social Care

*Rt Hon. Andrew Stephenson MP CBE
Minister of State*

09 January 2024

Dear Steve,

I am writing to you to confirm that on 31 January 2024 a new process for NHS service reconfiguration is due to come into force. This process is outlined in schedule 6 of the 2022 Health and Care Act on intervention powers over the reconfiguration of NHS Services.

These reforms are designed to update the process of NHS service reconfiguration by allowing more proactive Secretary of State interventions in the small number of cases where this is required. A new Secretary of State power will allow Ministers to call-in any live NHS service reconfiguration and take any decision otherwise available to NHS commissioners.

NHS commissioners will be under a new duty to notify substantial reconfigurations to my Department and will need to provide any information and assistance that may support the Secretary of State to carry out their new functions.

I expect a high bar for use of the new Secretary of State powers, which will be reserved for only the most complex and challenging cases. Ministerial decisions will continue to be informed by the impartial expert advice of the Independent Reconfiguration Panel (IRP).

To ensure system readiness, I have published separate guidance today on the new reconfiguration process for NHS bodies and local authority scrutiny committees.

Both sets of guidance underscore that local engagement and solutions will continue to be the focus of NHS reconfiguration. Please find links to the published statutory guidance [here](#) and updated Local Authority Health Scrutiny guidance [here](#).

In the minority of cases where a Ministerial intervention does occur, NHS duties to involve the public under the NHS Act 2006 will not be impacted. In addition, interested parties including local authorities and NHS commissioners will have an opportunity to make representations to the Secretary of State. All Ministerial interventions will be limited to a period of 6 months before a decision is made. Finally, to ensure transparency a summary of any representations received, the contents of IRP advice and my final decision on a proposal will be published.

Since 2021, these reforms have been developed with input from national stakeholders representing the NHS and Local Authorities. As a result, I plan to revisit

the Catalyst power whereby the Secretary of State may ask for a reconfiguration to be considered by an NHS commissioner, after the above process has bedded-in and will update the guidance for local authorities and NHS bodies no later than January 2025

I am assured the new process for NHS service reconfiguration will preserve the best aspects of current practice with new mechanisms to intervene in the minority of cases which require it.

If you have any further questions or comments I would be happy to consider these.

A handwritten signature in blue ink, reading 'Andrew Stephenson'. The signature is fluid and cursive, with a large initial 'A' and a long, sweeping underline.

**RT HON. ANDREW STEPHENSON MP CBE
MINISTER OF STATE**