HEMPSONS

Legalities of spinning out in health and social care

Christian Dingwall

Partner, Hempsons

Lexcel Practice Management Standard Law Society Accredited

INVESTORS IN PEOPLE

Law and policy (1)

- Making a Difference: Right to Request (2008)
  - Successful policy to spin out community, mental health and primary care social enterprises from PCTs
- Equity and Excellence: Liberating the NHS (2010)
  - Aim to create largest social enterprise sector in the world
- Health and Social Care Bill (2010)
  - Any Qualified Provider
- Public Services (Social Enterprise and Social Value) Bill (2010)
  - Promotion of social enterprise

Law and policy (2)

- Localism Bill (2010)
  - Community right to challenge provision of services by local authorities
- Making Quality Your Business: Right to Provide (2011)
  - Right for acute, mental health and community NHS staff to request spin out social enterprise
- Open Public Services White Paper (2011)
  - Reform of public service delivery

Spinning out – first steps

- Expression of interest
- Procurement issues?
- Funding
- Which services?
- Values and vision?

Spinning out – next steps

- Develop business plan
- Carry out due diligence
- Set up social enterprise
  - Which legal vehicle?
  - What governance structure?
  - Employee participation and stakeholder involvement?
  - Management?
- Workforce and pensions

Spinning out – final steps

- Transfer Agreement
- Service Contract
- Leases / licences?
- Support agreements?
- Go live!

Questions

Christian Dingwall

Email: c.dingwall@hempsons.co.uk

Tel: 020 7484 7525