

Increasing Capacity Framework (ICF)

Frequently Asked Questions (FAQs)

Version 2 - April 2022

Summary: Increasing Capacity Framework (ICF)

The ICF has been set up by NHS England and Improvement to provide Commissioners and Trusts with a quick and easy route to contract and sub-contract for elective care services on a set of standard terms and conditions with providers who have been successful at procurement to be appointed onto the ICF.

The ICF adheres to current procurement law and has been designed to reduce the burden of individual end-to-end procurement processes and negotiations. Using the Framework ensures that the buying process is fully compliant with UK procurement legislation and all suppliers listed on the Framework have been assessed during the procurement process for their financial stability, track record, experience, and professional ability to acquire a framework place

The ICF can be used to place all contracts and sub-contracts for in-scope services.

There are 90 providers currently signed up to the ICF. Details of the IS providers and the services that they offer can be found in the ICF Provider Database - [Login \(increasingcapacityframework.co.uk\)](https://www.increasingcapacityframework.co.uk)

Additional information and resources including a ICF Buyer's Guide are available on the dedicated webpage ([www./www.ardengemcsu.nhs.uk/nhs-england-increasing-capacity-framework/](http://www.ardengemcsu.nhs.uk/nhs-england-increasing-capacity-framework/)).

If you have any questions about the framework, please email us at increasingcapacityframework@nhs.net.

Frequently Asked Questions (FAQs)

Eligibility, scope, and duration

Q 1 What services are in scope under this framework?

The ICF enables NHS Trusts and Foundation Trusts, CCG's and NHSE, as a commissioner of specialised services, to purchase elective care services from a range of service providers at prices equivalent to or lower than those ordinarily paid to NHS Trust and Foundation Trusts.

Detailed information about the scope of the ICF is available on the dedicated webpage under the title 'scope of the framework'.

[increasing-capacity-framework-agreement-in-scope-services-11-12-2020.pdf \(ardengemcsu.nhs.uk\)](#)

Q.2 Is it mandatory that I have to commission services with this framework?

Use of the ICF is not mandatory but provides a quick and simple way to access Independent Sector (IS) capacity that adheres to procurement law and ensures consistency of terms and conditions.

Alternative local arrangements can be commissioned but they must comply with all regulatory and legislative requirements.

Q 3. Which providers are listed on the ICF?

There are ninety current providers signed up to the ICF. Details of these providers and the services that they offer can be found in the ICF Provider database.

[Login \(increasingcapacityframework.co.uk\)](#)

Q 4. What is the duration of the Framework?

The term of the ICF Agreement is two years with the option to extend for a further 2 years (which would mean the ICF Agreement could last, if extended, up to around November 2024).

Q 5. Is the framework a dynamic purchasing system?

No, the framework agreement has different characteristics to that of a dynamic purchasing system.

Q 6. Can the framework be refreshed?

The intention is for providers not currently on the framework to have the opportunity to join the framework via a “refresh” process. Whether there is a refresh and when a refresh occurs is a decision of NHS England and Improvement which can be made at any point during the term of the Framework.

NHS England and Improvement will work with regions and providers to assess service requirements during the course of the framework agreement to ensure the framework remains relevant and is delivering on the objectives of the framework

Contracting via the ICF

Q 1. I am commissioning for an Acute Trust which has concluded selection of provider(s) which NHS Contract do I use?

The NHS Standard contract – sub-contract template if the contracting authorities calling off are one or more NHS Trusts and/or NHS Foundation Trusts

<https://www.england.nhs.uk/publication/template-sub-contract-for-the-provision-of-clinical-services-for-use-with-nhs-standard-contract-full-length/>

Q 2. I am commissioning for a CCG which has concluded selection of provider(s) which NHS Contract do I use?

The NHS Standard contract – all templates are available for download from the template and download section of the webpage or via the NHS England website.

<https://www.england.nhs.uk/nhs-standard-contract/21-22/full-length-nhs-standard-contract-2021-22-particulars-service-conditions-general-conditions/>

Q 3. Can I directly award a call-off contract under the framework?

You can directly award a call-off contract if any of the following three situations apply: -

- 1) The framework provider operates a site offering the relevant services that is within a geographical area that the contracting authority (acting reasonably) considers it appropriate to enable its patients to access the services AND, in comparison to other framework providers within the geographical area referred to above, the framework provider has submitted the lowest prices (including Market Forces Factor) for the services considering where applicable, any discount options

OR

- 2) All the selected framework providers within the defined geographical area (see point 1. above) are needed to meet the contracting authority's requirement (i.e., a call-off contract will be placed with all the identified framework providers within the defined geographical area).

OR

- 3) A mini competition is undertaken (see below) and only one response is received

NB:

- It is important to stress that you must access the ICF Provider database to justify a direct award as the database is live and constantly updated
- It is the contracting authority's obligation to ensure all commissioned services are in line with procurement legislation.

Q 4. I am unsure when a mini competition should be run?

Mini competitions must be run where the circumstances for a direct award do not apply as per Q3, points 1 & 2.

Q 5. What is the timescale for running a mini competition?

There are no set time periods in the Public Contract Regulations 2015 for a mini competition. You should allow providers who are invited to take part in the mini competition a reasonable amount of time to prepare and submit their bids based on size, scale, and complexity of the requirements.

Extra time should be given where requirements are complex, further clarification is likely, time of the year where provider availability may be impacted (e.g., Easter, summer holidays, Christmas).

Q 6. I have done a database search and my incumbent supplier is not on the database, what does this mean?

This means you are unable to award a contract under the framework. If you wish to appoint your incumbent provider to provide services, then this will need to be done locally having followed all procurement legislation.

Note – If there is a “refresh” of the framework, providers not already on the framework have an opportunity to bid to be on it, thus if your incumbent provider is not in the database and wishes to be, then you could suggest they e-mail: -

increasingcapacityframework@nhs.net

Providers can register their interest in becoming a provider on the ICF. Arden GEM CSU, as managers of the framework, will keep the provider informed of any refresh opportunity.

Q 7. What duration of time can I appoint a provider(s) for under a call off contract against the framework?

The length of call-offs under framework agreements are not specifically limited by procurement legislation. However, they should be with the aim of not distorting competition. Length of call-off contracts, as with any contract, should be appropriate to the purchases in question and should reflect value for money considerations including funding commitments. They could theoretically extend beyond expiry of the framework agreement, but best practice would likely be to align the call off contract with the term of the framework agreement i.e., around 2 years.

Q.8 Can my call off contract be extended?

The call-off contract is governed by the terms and conditions set out within the call-off contract. If wording is added that relates to an extension, then, provided that wording is complied with, the call-off contract could be extended.

Q 9. Can I award an Any Qualified Provider (AQP) contract via the framework?

The ICF is a framework that requires call-off contracts to be awarded in compliance with the call-off procedure which is either a direct award or a mini competition. The AQP process is an entirely separate process.

Q 10. What qualification questions were asked in the original procurement?

NHS England's Standard Questionnaire which sets out standard mandatory and discretionary exclusion criteria was used to assess bidders in the original procurement. CQC registration was also checked, and certain technical questions were asked, the responses to which are contained in each successful provider's framework agreement.

The questions asked and the responses provided captured the bidder's position at that moment in time. When seeking to award a call-off contract, contracting authorities will need to conduct their own due diligence to provide themselves with the necessary assurances.

E.g., the contracting authority may want to check the up-to-date position of the provider in relation to matters such as CQC registration and insurance position among other matters

Providers on the framework are required to ensure the standards required when they were first accepted on to the framework are maintained. Action can be taken against the provider if the standards fall below those levels.

Q 11. Is there a planned timeframe to refresh?

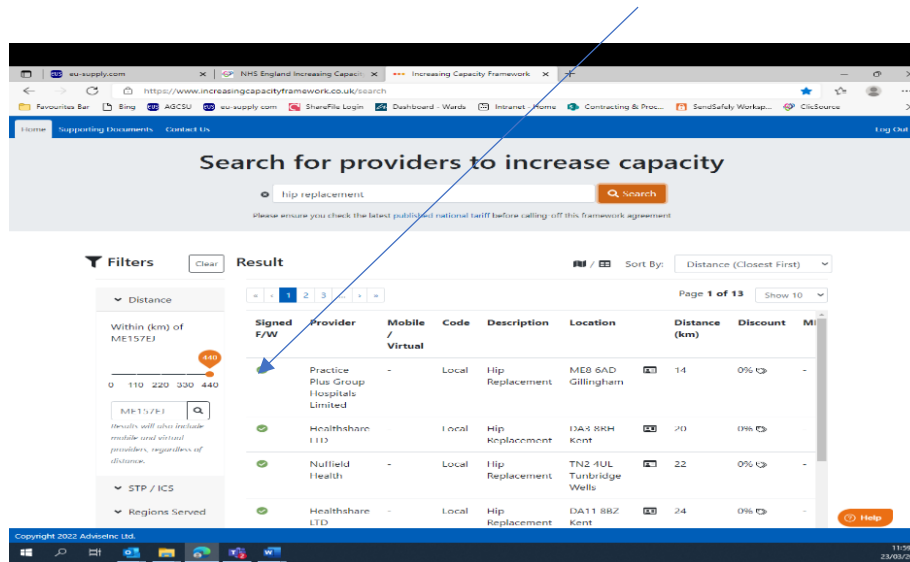
The original ITT did not commit to a planned timeframe for a refresh of the framework. Whether a refresh is conducted and if so, when is a decision that is at the discretion of NHS England and Improvement.

Q 12. How does a provider add additional services that they can provide?

There is an "Additions Process" which allows, at set times during the year, an existing framework provider to apply to add additional sites or services to its framework agreement. If such an application is agreed, a variation is made to the provider's framework agreement. Any such variations are added to the ICF database.

Q 13. How do I see a provider's framework agreement?

The ICF database includes each provider's framework agreement including any variations.
Please see graphic below:



ICF Database

Q 1. I want to search by a provider. How do I do that?

The design of the database is by service provision and not provider specific, to ensure compliance with procurement legislation. Contracting authorities need to search via the service required and the provider(s) that can provide that service will be returned.

Once searching a service, a contracting authority can adopt various refinement through the menus on the left-hand side.

Please see graphic below:

Search for providers to increase capacity

hip replacement

Filters

Distance

Within (km) of ME157EJ

Signed F/W	Provider	Mobile / Virtual	Code	Description	Location	Distance (km)	Discount	M
✓	Practice Plus Group Hospitals Limited	-	Local	Hip Replacement	ME8 6AD Gillingham	14	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA3 8RH Kent	20	0%	-
✓	Nuffield Health	-	Local	Hip Replacement	TN2 4UL Tunbridge Wells	22	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA11 8BZ Kent	24	0%	-

Q 2. How do I export my results to excel?

This function is unfortunately no longer available due to a breach in terms of use, with the initial functionality now switched off due the commercially sensitivity of the information contained within the database.

Information within the database changes periodically and therefore all service requirements should always be tested against the latest version of the database to provide the contracting authority with information to feed into their procurement strategy.

Q 3. I can't find services in my local catchment area.

When you initially register with the database, the organisation you work for will automatically populate and default to the postcode that the database uses. You can change this by adding a valid postcode.

This will search for all service providers that can offer services to that postcode. You can refine the search by NHSE Region. Please see graphic below:

Search for providers to increase capacity

hip replacement

Filters

- Distance: Within (km) of ME157EJ
- STP / ICS
- Regions Served

Signed F/W	Provider	Mobile / Virtual	Code	Description	Location	Distance (km)	Discount	Mi
✓	Practice Plus Group Hospitals Limited	-	Local	Hip Replacement	ME8 6AD Gillingham	14	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA3 BRH Kent	20	0%	-
✓	Nuffield Health	-	Local	Hip Replacement	TN2 4UL Tunbridge Wells	22	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA11 8BZ Kent	24	0%	-

You can also refine the search by Integrated Care System (ICS) . Please see graphic below See graphic below

Search for providers to increase capacity

hip replacement

Filters

Distance

Within (km) of ME157EJ

STP / ICS

Signed F/W	Provider	Mobile / Virtual	Code	Description	Location	Distance (km)	Discount	MI
✓	Practice Plus Group Hospitals Limited	-	Local	Hip Replacement	ME8 6AD Gillingham	14	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA3 8RH Kent	20	0%	-
✓	Nuffield Health	-	Local	Hip Replacement	TN2 4UL Tunbridge Wells	22	0%	-
✓	Healthshare LTD	-	Local	Hip Replacement	DA11 8BZ Kent	24	0%	-

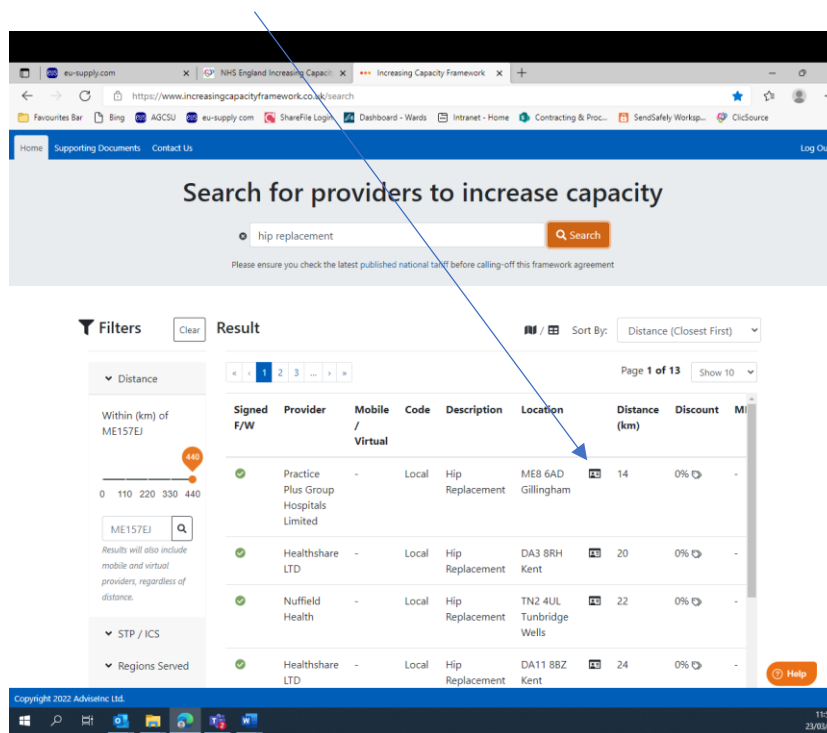
Q 4. Why can I not find a service that I require, e.g., “ear” when I search for it?

The current search is based on key terms from the national tariff workbook.

If you search ‘Ear’ you will return any words that contain ‘ear’ within it, thus the search return will contain a large amount of data. It is better to know what services you require to narrow down your search time. You can search via HRG wording and any parameters such as category, subcategory, procedure, and detailed procedures.

Q 5. Is there anywhere within the database that I can find what capacity the provider(s) are offering, or do I need to contact the provider?

There is no view of provider capacity in the current tool, as this would require all framework providers to have real-time bilateral feeds of data to the database. Therefore, the recommendation is to contact the provider(s) that are found via the database. You can find their contact details by clicking on the ID badge against the provider’s name. Please see graphic below:



Q 6. What do the “mobile” and “Virtual Provider” icons mean on the ICF?

This shows framework providers that offer mobile and virtual clinics. If you hover over the icon, it will identify which service(s) they offer.

National Tariff/ICF Pricing

Q 1. The database does not show me a price, therefore how have the ICF prices been agreed?

The framework application process capped pricing for services at the applicable National Tariff price (provided there is a National Tariff price for that service). Bidders to the framework were able to indicate if they wished to provide the service at a discount to the applicable National Tariff price. If a bidder provided a discount, then it is required to provide the service at that discounted price and that discount is reflected in the ICF database.

Providers were also able to provide a bulk discount on services provided that had a combined spend of £1m, £5m and/or £10m. Again, any such offered discount is reflected in the ICF database.

It should be noted that, while reference is made above to National Tariff pricing for services, the National Tariff pricing is applicable to elements of service provision referred to as Healthcare Resource Group (HRGs) coded services. The published National Tariff documentation referred to in the FAQ below provides more information on this. The final price for a service also depends on whether a Market Forces Factor is to be applied – see the relevant section of these FAQs.

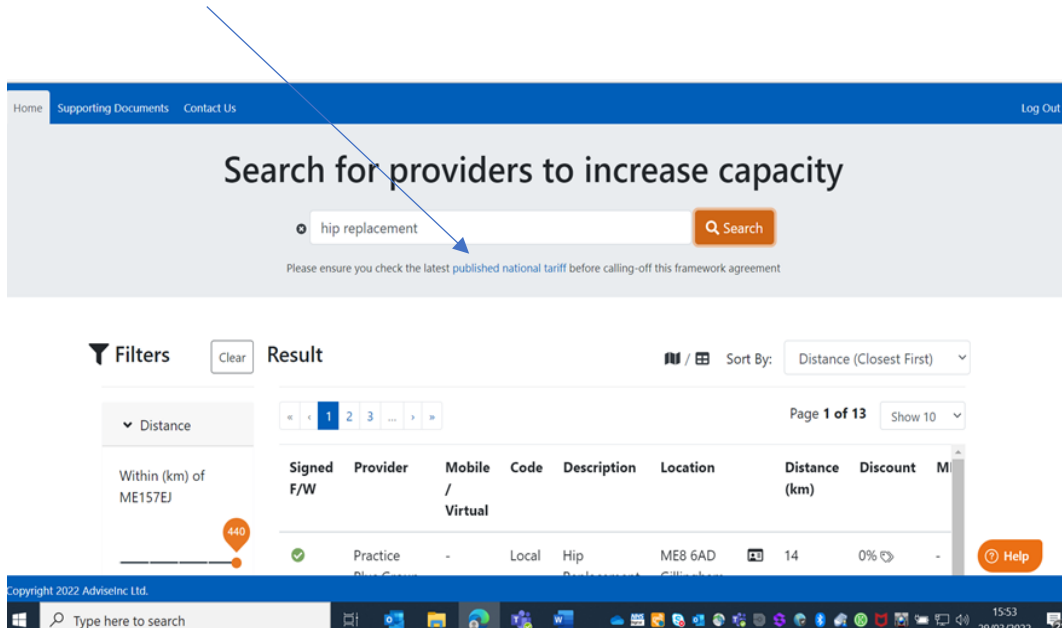
Q1a. How do I know what the National Tariff price is and where do I find National Tariff pricing?

National Tariff pricing can be found at:

[NHS England » National tariff payment system documents, annexes and supporting documents](#)

The ICF database provides information on any applicable discounts that a provider is offering i.e., 2% off the National Tariff price. If 0% is identified within the ICF database, then the price at which the provider will provide the service is the National Tariff price plus any applicable Market Forces Factor

We have also provided a link within the database to access these documents: -



The screenshot shows a web application interface for searching providers. The search bar contains 'hip replacement' and a 'Search' button. Below the search bar, there is a filter section with 'Distance' set to 'Within (km) of ME157EJ' and a '440' marker on a scale. The results table is sorted by 'Distance (Closest First)' and shows the following data:

Signed F/W	Provider	Mobile / Virtual	Code	Description	Location	Distance (km)	Discount	M
✓	Practice	-	Local	Hip	ME8 6AD	14	0%	-

The interface also includes a 'Filters' section, a 'Clear' button, and a 'Result' section. The footer of the page indicates 'Copyright 2022 Adviseinc Ltd.' and the system tray shows the date '29/03/2022' and time '15:53'.

Q 2. What happens in relation to services with no National Tariff price?

Where there is no National Tariff price for a service, then the price for the service will be determined by local price negotiation. Where this is the case, this is marked in the ICF database as 'Local'.

Q 3. What does discount mean in the database?

Discount is the percentage reduction to the applicable National Tariff price that the provider is willing to deliver the service for. The provider may offer a further discount for volume. These additional discounts are shown by clicking the price tag next to the discount figure.

Market Forces Factor (MFF)

Q 1. If the MFF on the database has been struck out with a red line or if the MFF is zero what does this mean?

The MFF is a percentage uplift that is applied to the applicable price of the service to account for regional variation in a provider's costs. An MFF has been published for each existing NHS Trust location. The appropriate MFF has been verified for each provider's sites on the basis of an "as the crow flies" assessment to the nearest NHS Trust. All MFF rates for each site of each provider are indicated in the ICF database. A provider was given the opportunity to "opt out" of the relevant MFF being applied to the price of the services. This means that the uplift would not be applied and therefore the price paid to the provider would be lower than otherwise. Where a provider has 'Opted Out' of MFF, this is indicated as a struck through figure in the ICF database.

Q 2. Is there a process a provider can go through to get the MFF reinstated on the framework? E.g., if they hadn't intended to opt out.

If a provider on the framework wants to vary the framework agreement that they signed, they would need to request a variation. Providers should note that the "Additions Process" referred to elsewhere in these FAQs is limited to changes to services and sites and does not extend to changes to pricing. NHS England and Improvement is under no obligation to approve any requested variation.

Q 3. If a provider considers that a different MFF to that set out in their framework agreement (and in the ICF database) should apply to their provision of services, can a contracting authority agree to pay the different MFF?

The ICF database sets out the MFF that a provider's framework agreement expressly states will be applied to the pricing of a service. If a different MFF is used as the basis for pricing in a call-off contract with that provider, there is a risk that the call-off contract will not be compliant with the call-off procedure as set out in the framework agreement. There is a risk that the decision to award the call-off contract could be challenged.

Templates

Q 1. Do you have any templates for mini competition/direct award?

Yes, these can be found on the dedicated webpage: - Templates and downloads.

[NHS England Increasing Capacity Framework - NHS Arden & GEM CSU \(ardengemcsu.nhs.uk\)](https://ardengemcsu.nhs.uk)

Q 2. Who completes these templates?

These are to be completed by the contracting authority in conjunction with the framework provider (where appropriate) to formalise the relevant information needed to complete the call-off contract.

Q 3. Where is states “Framework Provider” in the section 4, is this referring to Arden and GEM CSU?

No, this is the name of the provider who has been awarded a place on the framework to provide services and with whom a contracting authority will enter into a call-off contract.

Help and Support

Q 1. I don't know what to do, who should I contact?

increasingcapacityframework@nhs.net

Q 2. Who manages the providers on the framework?

Arden GEM CSU are managing the framework on behalf of NHS England and Improvement.