

DIRECTIONS

NATIONAL HEALTH SERVICE, ENGLAND

Directions to NHS bodies concerning the cost of telephone calls 2009

The Secretary of State for Health makes the following Directions in exercise of the powers conferred by sections 8, 272(7), 272(8) and 273(4) of the National Health Service Act 2006(a):

Commencement, application and interpretation

1.—(1) These Directions apply to NHS bodies, except NHS Direct National Health Service Trust(b).

(2) In relation to a Special Health Authority, these Directions apply only in relation to the Special Health Authority's performance of functions in relation to England.

(3) These Directions shall come into force on 21st December 2009.

(4) In these Directions—

“existing contract or other arrangement” means a contract or other arrangement that was entered into prior to 21st December 2009 and which remains in force on 21st December 2009;

“geographical number” means a number which has a geographical area code as its prefix;

“NHS body” means—

- (a) a Strategic Health Authority,
- (b) a Special Health Authority that performs functions in relation to England,
- (c) a Primary Care Trust, or
- (d) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;

“relevant calls” means calls made by users of health services in connection with such services;

“users of health services” means persons to whom health services provided for the purpose of the health service are being or may be provided.

Cost of relevant calls

2.—(1) An NHS body must not enter into, renew or extend a contract or other arrangement for telephone services unless it is satisfied that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the NHS body than they would to make equivalent calls to a geographical number.

(2) Where an NHS body is a party to an existing contract or other arrangement for telephone services under which persons making relevant calls to an NHS body call a number which is not a geographical number, the NHS body must comply with paragraph (3).

(3) The NHS body must—

(a) 2006 c. 41. There are no relevant amendments. By virtue of section 271 of that Act, the powers conferred on the Secretary of State are exercisable only in relation to England.

(b) NHS Direct was established as an NHS Trust by the NHS Direct National Health Service Trust (Establishment) Order 2007, S.I. 2007/ 478.

- (a) review the arrangement before 21st December 2010 and consider whether, having regard to the arrangement as a whole, persons pay more to make relevant calls than they would to make equivalent calls to a geographical number, and
 - (b) if they do so consider, take all reasonable steps, including in particular considering the matters specified in paragraph (4), to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls than they would to make equivalent calls to a geographic number.
- (4) The matters referred to in paragraph (3) are—
- (a) varying the terms of the contract or other arrangement,
 - (b) renegotiating the terms of the contract or other arrangement, and
 - (c) terminating the contract or other arrangement.

(5) If, despite taking all reasonable steps as referred to in paragraph (3)(b), it has not been possible to ensure that, having regard to the arrangement as a whole, persons will not pay more to make relevant calls to the NHS body than they would to make equivalent calls to a geographical number, the NHS body must consider introducing a system under which if a caller asks to be called back, the NHS body will do so at its expense.

Signed by authority of the Secretary of State for Health

18th December 2009

N. Hall

Signed

A member of the Senior Civil Service
Department of Health