

Scrutiny Review – Development of the Laurels PMS Practice on 13 November 2008

Report Title: **The Laurels PMS Practice – Proposal by Haringey TPCT to Develop Services**

Report of: **Chair of Overview and Scrutiny Committee**

Wards(s) affected: **St. Ann's, Seven Sisters, Tottenham Green**

Report for: **Non-Key Decision**

1. Purpose

To consider and comment on proposals by Haringey TPCT to develop services at one of the GP practices at the Laurels Healthy Living Centre as part of the setting up of a GP led Health Centre.

2. Recommendations

2.1 That the Panel comment, as appropriate, on the proposals by the TPCT to develop services at the Laurels Health Living Centre and the consultation process thereon.

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4. Reasons for any change in policy or for new policy development (if applicable)

Not applicable

5. Local Government (Access to Information) Act 1985

The background papers relating to this report are:

GP Provision in Derbyshire – outcome of appeal; DHN Briefing 30/8/2006
Substantial Variations and Developments of Health Services

These can be obtained from Robert Mack – Principal Scrutiny Support Officer on 020 8489 2921, 7th. Floor, River Park House

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6. Report

- 6.1 Haringey TPCT has previously advised the Committee of its intention to extend and improve the primary care services provided at the Laurels Healthy Living Centre, St Ann's Road, N15 and have sought the Committee's views as to the proposed consultation arrangements. The process undertaken by the TPCT will include seeking, by way of procurement, an alternative primary care provider for the Laurels PMS Practice based there.
- 6.2 The Laurels Healthy Living Centre had been the subject of debate at the Committee and the TPCT has reported on its efforts to improve and extend services there. The Centre accommodates two GP practices, one of which - The Laurels PMS Practice - is directly managed by the TPCT.
- 6.3 The TPCTs Primary Care Strategy has identified the Laurels as one of its Neighbourhood Health Centres from which the TPCT wishes to deliver extended hours primary care services. The TPCT, as part of its Investment Strategy, has therefore decided to extend and improve the services provided by the Laurels PMS Practice. This is intended to take effect from April 2009. In specific terms, this will include:
- 12-hours opening (0800 – 2000) 7 days a week;
 - Pre-booked appointments & a walk-in service for registered patients; and
 - Walk-in service for people not registered at The Laurels.
- 6.4 In so doing, the TPCT will also comply with the Department of Health requirement for every PCT to procure a "GP-led Health Centre" by April 2009.
- 6.5 There are approximately 5,500 or so patients registered with the Laurels PMS Practice and it is envisaged that they will benefit from extended hours opening and walk-in access to their clinicians, as well as access to the range of other services now available at The Laurels, such as phlebotomy.
- 6.6 The TPCT is currently consulting with patients and other stakeholders. In addition, all patients registered with the practice have been written to advising them of the intended change in service. Notices have been displayed within the Laurels Healthy Living Centre and several meetings for patients have been held.
- 6.7 As previously reported, under current Department of Health rules and in order to comply with EU law, the TPCT is required to seek a provider for this service by way of open procurement. As such, local GP practices will be open to apply as will GP out-of-hours co-operatives other social enterprises or independent sector providers. The TPCT acknowledges the fears expressed by some people that

this could represent “privatisation of the NHS” and has been asked if it can restrict eligible providers to local GPs. The TPCT has sought advice on this and is unable to accede to it.

- 6.8 In order to comply with the DH deadline of April 2009, the TPCT has already had to publish an advertisement of the vacancy to prospective providers. The TPCT has stated that it would welcome views from the Committee as to how it can incorporate local stakeholders and their views in the procurement and selection process.
- 6.9 Case law has established the obligation of the TPCT to consult when putting local services out to tender. However, this consultation would be under the Trust’s general obligations under Section 242 of the National Health Service Act 2006. This is the general legal duty that has been placed on the NHS to consult and involve service users. It must be stressed that this is *not* the legislation applying to “substantial variations” to local health services (Section 7 of the Health and Social Care Act 2001). In particular, a change of provider cannot in itself be considered to be a significant change to local services. Consultation under Section 242 carries no right of referral to the Secretary of State and there is no obligation on NHS bodies to comply with views received although there is encouragement for them to respond appropriately.
- 6.10 Members of the Committee visited the Centre on 3 September and indicated their wish to have specific input into the TPCT’s consultation. In order to provide the necessary time to look at the proposals in detail and receive the input of local stakeholders, including appropriate ward Councillors, Overview and Scrutiny Committee on 6 October agreed to set up a small panel of Members to consider the proposals on its behalf, chaired by the Chair of the Committee. This will meet once and provide feedback on behalf of the Committee. In addition, the Committee agreed to delegate responsibility for approving the final comments on the proposed changes to the Overview and Scrutiny Manager, in consultation with the Chair of the Committee and the opposition spokesperson, in order to meet with the Trust’s consultation deadlines.
- 6.11 A report from the TPCT outlining the proposals and the matters on which the input of the Panel is requested is attached to this covering report.

7. Legal and Financial Implications

- 7.1 There are no obvious financial implications for the Council. The legal implications have been described above in the body of the report.

8. Chief Financial Officer Comments

- 8.1 There are no direct financial implications for the Council arising from the proposals to develop services at the Laurels PMS practice.

9. Head of Legal Services Comments

- 9.1 The Overview and Scrutiny Committee (OSC) is empowered to establish Review Panels such as described in paragraph 6.10 of this report, in accordance with the Overview and Scrutiny Procedure Rules (Constitution of the London Borough of Haringey, Part 1.2 , Rules 1(c) and 2). This consultation is being conducted in accordance with the TPCT's general duty in section 242 of the *National Health Service Act 2006* to involve service users with the planning and provision of services, development and consideration of proposals for changes in the way those services are provided and decisions made by the PCT affecting the operation of those services. In addition, the *Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002* empowers the OSC to 'review and scrutinise any matter relating to the planning, provision and operation of health services in the area'. The OSC is further empowered to 'make reports and recommendations to local NHS bodies and to its local authority on any matter so reviewed or scrutinised.' In doing so, it must include:
- An explanation of the matter reviewed or scrutinised
 - A summary of the evidence considered
 - A list of the participants involved in the review or scrutiny; and
 - Any recommendations on the matter reviewed or scrutinised
- 9.2 The Overview and Scrutiny Committee has decided that the proposals discussed in this report do not constitute a substantial variation therefore the duty for the NHS to consult the OSC under section 7 of the *Health and Social Care Act 2001* does not arise.

10. Equalities Implications

- 10.1 Particular health inequalities exist within the Borough and these are pronounced in the east of the Borough Members may wish to ensure that the new arrangements for the PMS practice at the Laurels facilitate better access to services for all sections of the community.