



Haringey Council

Agenda item:

[No 1]

Overview and Scrutiny Committee

On 30 July 2007

Report Title: **The Whittington Hospital NHS Trust – Public Consultation Supporting Application for Foundation Status – Response by Overview and Scrutiny Committee**

Forward Plan reference number (if applicable): N/A

Report of: Chair of Overview and Scrutiny Committee

Wards(s) affected: **All**

Report for: **N/A**

1. Purpose

1.1 To agree a process for considering a response to the public consultation by the Whittington NHS Trust for foundation status.

2. Introduction by Cabinet Member (if necessary)

2.1 N/A

3. Recommendations

3.1 That a scrutiny review panel be set up to consider the proposed application and recommend comments to be made on behalf of the Overview and Scrutiny Committee.

3.2 That the scope and terms of reference for the review, as outlined in the report, be approved.

Contact Officer: **Rob Mack, Principal Scrutiny Support Officer, 020 8489 2921**
rob.mack@haringey.gov.uk

4. Local Government (Access to Information) Act 1985

4.1 Background Papers:

Centre for Public Scrutiny (CfPS) briefing paper for overview and scrutiny committees on NHS foundation trusts.

5. Report

- 5.1 NHS foundation trust hospitals are a new type of NHS organisation that are intended to be accountable to their local community rather than to central government. The aim is to make them more responsive to the needs and wishes of local people. However, they remain part of the NHS and are required to provide healthcare services that are consistent with NHS standards and principles.
- 5.2 The main advantage to NHS trusts in obtaining foundation status is that they can have greater financial freedom. It enables them to seek new sources of income, retain any surplus and decide, in partnership with the members' council, how best to spend their money to meet local needs.
- 5.3 NHS foundation trusts are governed by a members council that is elected by its members. Patients, the public, staff and local organisations are all able to become members. The members' council works with the hospital's board of directors to agree its strategic direction. There are three specific tiers of governance:
- A membership that is made up of patients, staff local people and partner organisations, such as Primary Care Trusts (PCTs), GP practices, local authorities and voluntary organisations
 - A members' council of about 30 members which includes individuals elected from the membership and people appointed from partner organisations. This will include four members of staff
 - A board of directors made up non-executive and executive directors, the chairman and chief executive
- 5.4 Proposals to apply for foundation status cannot in themselves be regarded as 'substantial variations' to services and there is therefore no need for statutory consultation under Section 7 of the Health and Social Care Act 2001. However, there is a general duty on NHS trusts have to involve patients and the public in decisions about all changes under Section 11 of the Act and it is under this duty that consultation on this issue is taking place. The specific purpose of consultation, as outlined in the guidance to NHS trusts on applications for foundation status, is to obtain views from patients and the public on the overall strategy and governance arrangements. It is therefore proposed that the terms of reference for the review be as follows:
- “To consider and comment as appropriate on the proposed application for foundation status by the Whittington Hospital NHS Trust and, in particular, its overall strategy and governance arrangements”
- 5.5 Should the trust gain foundation status, there will still be a need for them to consult with Overview and Scrutiny Committee on any future “substantial variations” although the process for doing this has some differences. In particular, there will no longer be a right to refer contested proposals to the Secretary of State.
- 5.6 The consultation document from the Whittington is attached as Appendix A. The consultation period ends on 29 September. It is recommended that a small

panel of Members of the Committee be appointed to look in detail at the proposals. This will allow the proposals to be looked at in greater detail than would be possible at a meeting of the full committee. Due to the time constraints, it will probably only be possible for the panel to meet once before reporting back.

5.7 The issues that other OSCs have focussed on when looking at such proposals are as follows:

- **Process:** Has the consultation process to seek foundation status been adequate? Has the consultation process involved all sections of the local community? Has the process been open and clear? Have all views – negative as well as positive – been reflected in the application for foundation status? Will the trust act on and address any concerns raised in the consultation process?
- **Accountability:** To what extent will foundation status increase democratic accountability and community ownership of health services? Will local people have more say in local health services? How can the trust ensure that the membership and management board reflect the diversity of the local community? Will the membership and board of governors have any influence on services?
- **Partnerships and the local health economy:** Will the creation of the trust lead to a two-tier local health economy? Will the trust have a competitive advantage over other NHS trusts? What are the risks and benefits to partnership working and the stability of the local health economy? Is the “duty to cooperate” effective? What will be the impact on the local health economy? How can it be ensured that the trust continues to be fully committed to local health improvement partnerships?
- **Impact on local people:** How will local people benefit? Will there be any negative impacts for local people? What impact will foundation status have on local health inequalities in health – especially unequal access to health services? Will foundation status improve health services for local people?

5.8 It is recommended that the panel also focus on these key themes. It is also recommended that the panel work closely with relevant PPI Forums and especially the PPI Forum for the Whittington Hospital. This will help to ensure that the perspective of patients is given due consideration. In addition, it may assist the work of the panel if some external expert assistance is obtained in order to provide Members with some guidance on any particular issues relating to foundation trusts that they may need to consider.

6. Equalities Implications

The review panel may want to consider whether the Whittington’s plans take into account the diverse nature of the local population and will not exacerbate

7. Consultation

Members may also wish, as part of their consideration, to look at the trust’s consultation plan on their application as well as their proposals for ongoing patient and public involvement should their application be successful.

8. Use of Appendices / Tables / Photographs

8.1 The consultation document is appended to this report