

NORTH YORKSHIRE COUNTY COUNCIL

18 July 2007

SCRUTINY OF HEALTH COMMITTEE – CHAIRMAN'S STATEMENT

1. My Statement will focus on two issues, Maternity services at Whitby, Malton and Bridlington Community Hospitals and NHS Dentistry in Richmondshire, both of which have been the subject of substantial media coverage since the County Council in May.
2. I concentrate on these issues to update Members of the Council with the latest news and to demonstrate how the powers invested in the Scrutiny of Health Committee have been employed to engage with local people, hold the NHS to account on their behalf, and endeavour to protect and promote local access to local healthcare services for the benefit of communities across all of the County of North Yorkshire.

Maternity Services at Malton, Whitby and Bridlington Community Hospitals

3. Members of the Council will recall that this spring the Scrutiny of Health Committee (SoHC) has been involved in statutory public consultations run by the Scarborough and North East Yorkshire (SNEY) NHS Trust on maternity services and the future role of Bridlington Hospital. The first consultation proposed the cessation of the 'home from home' birthing service the SNEY NHS Trust provides at Whitby, Malton and Bridlington Community Hospitals, and the second consultation looked at the future of services at Bridlington Hospital more generally.
4. In responding to the consultations the SoHC met in **Whitby (200 members of the public in attendance)** and **Malton (70 members of the public in attendance)** respectively and participated in a Joint SoHC with the East Riding of Yorkshire Council which met twice in Bridlington.
5. The official response of the NYCC SoHC to the consultations was to support the option to continue the 'home from home' birthing service at Whitby and Malton Community Hospitals. If this was not the option supported by the Board of the SNEY NHS Trust then the Committee resolved to refer the proposal to the Secretary of State for Health on the grounds that it was not in the interests of the health services provided for local communities.
6. The official response of the North Yorkshire County Council/East Riding of Yorkshire Joint SoHC to the consultations was to support the option to continue the 'home from home' birthing service, along with the coronary care unit and various acute services at Bridlington Hospital. If these were not the options supported by the Board of the SNEY NHS Trust then the Joint Committee resolved to refer the proposals to the Secretary of State for Health on the grounds that they were not in the interests of the health services provided for local communities.

7. It is the very first time in nearly 4 years that the SoHC has threatened to use its powers to refer the proposals to the Secretary of State for Health. You will note from the above that the joint Committee with the East Riding of Yorkshire Council also threatened to use this power with regard to Bridlington Hospital.
8. At its Board meeting in April the SNEY NHS Trust decided to defer its decisions on the major proposals contained in the public consultation until its meeting in June 2007. In part the deferral was due to the “overwhelming weight of responses” from members of the public.
9. In part also it was because of the publication, on the day of the Board meeting, of new Government choice guidelines for mothers-to-be, “Maternity Matters”. The minimum choice for expectant mothers in England from 2009 will be to have their baby (a) in a consultant led unit at a General or Specialist Hospital (b) at home and (c) in a community setting under the care of a midwife such as a local Community Hospital.
10. The Board agreed to discuss with key stakeholders the implications this new Government choice guidance would have on the proposals it was to put forward in response to its consultation on maternity services. This discussion was to take place before the Board met again in June.
11. I attended, as Chairman of the NYCC SoHC, the SNEY NHS Trust Board meeting held at the Evron Centre in Filey on Tuesday 26th June. The Board was to consider a report on the future of the midwife led home from home maternity services at Whitby and Malton Community Hospitals, and Bridlington Hospital, and also the future of acute services and the cardiac monitoring unit at Bridlington Hospital.
12. The recommendation being made to the Board was that a home from home maternity unit should be established at Scarborough District General Hospital, and once established, the home from home midwife led maternity units at Whitby, Malton and Bridlington Hospitals should be closed.
13. I addressed the SNEY NHS Trust Board Meeting, arguing strongly on two fronts that in respect of maternity services:
14. **Firstly**, that the recommendations proposed completely disregarded the consultation response of members of the public, the Scrutiny of Health Committees, the local MPs, and certain key stakeholders which was overwhelmingly in favour of maintaining the status quo.
15. Unfortunately the report to the Board did not even mention once in its paragraphs the nature and outcome of this overwhelming response to its consultation, lending credence to the widely held perception in the local communities whose healthcare provision would be curtailed if its recommendations were accepted that this was yet another example of ‘fait accompli’ consultation.
16. This grave omission undermines the credibility of the SNEY NHS Trust and raises questions around its commitment to the proper and meaningful engagement with the public and patients that is a statutory requirement of all NHS Trusts under the Health and Social Care Act 2001.

17. The Board published the response to its consultations on 2 sheets of A4 PowerPoint slides which were first distributed at the meeting in Filey, inevitably giving the impression that it was very much an afterthought. I questioned the 2 responses categorised as "other" on these slides, to be told (interestingly) that these were the 2 responses from local Members of Parliament, Robert Goodwill MP and Anne McKintosh MP!!
18. **Secondly**, that the NHS Trust had not, as it resolved to do at its meeting in April, shared the "Maternity Matters" guidance (mentioned earlier in this statement) with key stakeholders, including the SoHC.
19. My proposal was that the NHS Trust Board should defer the decision on maternity services so that the implications of "Maternity Matters" could be discussed with key stakeholders, including the NYCC SoHC. This was accepted by the NHS Trust Board, and the Committee established a small working group of Members to engage in these discussions at its scheduled meeting in Grassington on 6th July 2007.
20. The Committee also agreed, if appropriate, to facilitate a meeting between the leaders of the hospital campaign groups in Whitby, Malton and Bridlington and the NHS Trust in the presence of the working group. This was to ensure there was proper and direct engagement between the NHS Trust and the local communities in regard to the outcome of its consultation.
21. The first meeting between the SoHC working group and the SNEY NHS Trust took place on Thursday 12th July at 6.00pm in Scarborough Hospital. **I decided to delay my Statement to the County Council so that I could report the discussions that took place at this meeting.**
22. The NHS Trust fielded a high powered team to meet the SoHC working group including several consultants and senior healthcare professionals, along with its Chairman and Chief Executive. Whilst acknowledging that "Maternity Matters" would point to the retention of the peripheral maternity units at Whitby, Malton and Bridlington Hospitals if only taking account of the Choice agenda for mothers-to-be, the NHS Trust is still very firmly of the opinion that on grounds of safety these units should be closed.
23. Members of the SoHC working group robustly defended the position the Committee had resolved, that the peripheral units should remain open, and we suggested an option that was not considered in the statutory consultation, that a 'home from home' midwife led unit be established at Scarborough Hospital whilst keeping open the midwife led units at Whitby, Malton and Bridlington Hospitals. This would deal with the Choice agenda for those expectant mothers in the Scarborough area who want to give birth in a midwife led service whilst retaining a similar choice for mothers-to-be in the Whitby, Malton and Bridlington areas.
24. The meeting concluded with the SNEY NHS Trust offering to submit further evidence to the SoHC on mother and baby safety, and to try to arrange a meeting between us and the Consultant Professor whose advice had been instrumental in shaping the Trust's position and proposed way forward. The SNEY NHS Trust has also agreed to the meeting I mention at 20 above with the hospital campaign group leaders, this to take place on Friday 20th July.

25. The Department of Health guidance to Scrutiny of Health Committees is that we must demonstrate (and so must a NHS Trust) a willingness to go that extra mile in seeking a local resolution before referring a matter to the Secretary of State for Health.
26. However it is important to note that the decision of the NYCC SoHC to refer the proposals to the Secretary of State still stands in the event that the SNEY Trust proposes to close the home from home maternity services at Whitby, Malton, and Bridlington Hospitals.
27. In the event of a referral the proposals cannot be implemented until they have been reviewed by the Secretary of State for Health, now Alan Johnson MP. It is also important to note that it is not a foregone conclusion that the Secretary of State will decide in favour of the NHS Trust, and indeed recently a referral in the Darzi Review of Acute Services on Teeside resulted in the Secretary of State agreeing to what was put forward by the Joint Scrutiny Committee which included SoHC Members from NYCC.
28. With regard to the consultation on acute services and the cardiac monitoring unit at Bridlington Hospital the Board decided to go with the recommendations which were to continue these services, and the unit, albeit in a potentially different configuration. I spoke very much in support of these recommendations at the Board Meeting in Filey, this in line with the decisions taken at the joint Scrutiny of Health meetings with East Riding of Yorkshire Council held earlier in the year.

NHS Dentistry Services in Richmondshire, and Harrogate and Scarborough

29. At the meeting of the SoHC held in April in Harrogate I brought to the attention of Members the delay in re-establishing a full NHS Dentistry service in Leyburn and Hawes, and the concerns of County Councillor Stuart Parsons who had written to me as Chairmen with regard to the delays in re-establishing NHS Dentistry services in the Richmond/Catterick area. I reported to the Committee that on the way to the meeting I had discussed these delays over the telephone with the Chief Executive of the North Yorkshire and York Primary Care Trust (NYY PCT) Janet Soo-Chung who was very helpful in suggesting she would look into the delays and get a member of her staff to be in touch with me.
30. The facts surrounding the return of these essential services, vitally important for the healthcare provision of local people and local communities in Richmondshire are as follows.
 - 1) The new National Dental Contract came into operation in April 2006, causing many Dentists to walk away from providing a full NHS Dental service. These Dentists included those serving Leyburn and Hawes, and the Richmond/Catterick area.
 - 2) Funds that used to be paid to dentists providing the NHS service have since April 2006 been accruing to Primary Care Trusts putting them in a position to commission a full NHS Dentistry service in the future. Accordingly a tender offer from Primecare, a private sector healthcare provider, was accepted in July 2006, to provide services in Leyburn and Hawes.

- 3) Primecare recruited dentists to provide these services, identifying Brentwood Lodge, a North Yorkshire County Council social health centre premises in Leyburn as the site for the NHS service, and made arrangements to procure all the necessary equipment to provide a state of the art dental surgery there and in a satellite surgery in Hawes.
- 4) The commitment (if not promise) was made by Simon Kirk, the former Chief Executive of the Hambleton & Richmondshire PCT, to Parish Councillors and local people that a full NHS Dentistry service would return to Leyburn and Hawes by October 2006. Subsequently the date was amended to March 2007 after intervention by Derek Law, the Director of Adult Services at the County Council, at my request when it appeared there was a logjam in the County Council Legal Services department in granting a lease.
- 5) Press enquiries prompted by the matter being raised at the SoHC in April at Harrogate were responded to by the NYY PCT with the single word 'shortly' when asked when the full NHS services would return in Leyburn and Hawes and no explanations were provided as to why the very long delays were occurring.
- 6) At the same time (May 2006) the NYY PCT published a press release announcing the appointment of a private sector healthcare company to provide a full NHS Dental service in Richmond/Catterick, Harrogate and Scarborough, centres of population where the re-provision of this service was long overdue. The press release went on to say that services would be provided in early 2008, building in a further 10 month or more delay into the return of these essential healthcare services.
- 7) Both the NYCC Richmondshire Area Committee and Richmondshire District Council resolved unanimously recently to write to the NYY PCT expressing their serious concerns at the length of time it was taking to re-establish a full NHS Dentistry service in Leyburn and Hawes, and Richmond / Catterick.
- 8) Many local people unable to afford the monthly DenPlan type private dental treatment payments, reportedly around £15 a month before any treatment costs are added on, have been putting off essential treatment on the promise of an early return of the NHS service, promises that repeatedly have not been kept. There are known to be 14,000 people across the County on a waiting list to join a full NHS Dental service, and this is thought to be the tip of the iceberg in the unmet need in North Yorkshire for NHS dental treatment.

31. Against this background, mounting concern within local communities, letters to local newspapers and a complaint to the NYY PCT about the delays made by Mervyn Wilmington, a resident of Leyburn and former Solicitor to the Yorkshire Dales National Park Authority that was highlighted in the Yorkshire Post and local newspapers – and no further contact as promised by Janet Soo-Chung with the Committee – I invoked the powers vested in the SoHC to request a senior officer from the NYY PCT to come to our meeting in Grassington.

32. I asked that the officer should address these three aspects in his/her presentation:

- 1) Progress as at the time of the meeting in re-establishing a full NHS Dentistry Service in Leyburn, Hawes and Richmond/Catterick area.

- 2) An explanation of the delays that have been incurred in re-establishing these services.
 - 3) A timescale which can be relied upon for the return of these services, and if that is not possible, a timescale when the next announcement as to progress will be made.
33. Jane Marshall, Director of Commissioning at the NYY PCT attended the scheduled meeting of the SoHC held in Grassington on 6th July. Previously she had submitted in writing the response of her PCT to the 10 questions that were included in the Agenda of the meeting with regard to NHS Dentistry Services in Richmondshire.
 34. Jane apologised for the delays in re-establishing the full NHS service in Leyburn and Hawes which she described as “unacceptable”. In guaranteeing the service would open on 1st October 2007, as long as the lease was signed, she agreed this was one full year overdue, far far too long to wait for a service the NYY PCT consider fundamental to healthcare provision for local communities. She recognised that local people were foregoing essential dental treatment because they could not afford private treatment and/or they were being let down by promises made by the PCT of an early return of the NHS service, promises that were not materialising.
 35. On the lack of communication with local people around the delays in re-establishing the full NHS Dentistry services in Leyburn and Hawes, and the reasons for the delays, she also agreed that the NYY PCT had not performed well, and it had much to learn in refining its communication performance, but she said it was striving very hard to improve its game.
 36. In mitigation she said that there had been a degree of complexity around accommodation issues for the new service in Leyburn which had not been easily resolved, and that she had only been given the brief to be personally involved in ensuring the service was urgently delivered some 6 weeks ago following my telephone call to Janet Soo-Chung.
 37. She also explained that there were some very important issues that had become most unfortunately moribund in the period following the merger of 4 local PCTs into the new NYY PCT last October with no senior staff in post to take them forward, and one of those issues was the NHS Dentistry service in Richmondshire.
 38. Having heard her presentation the SoHC welcomed Jane’s honest and candid approach, and the NYY PCT response to its enquiries. Whilst critical of the unacceptably long delays it was acknowledged that circumstances were not entirely in the control of the PCT. The Committee wanted the emphasis now placed on making sure the deadline of 1st October 2007 is strictly adhered to as the local community places a high value on the NHS Dentistry service and this essential healthcare provision had been absent too long from Leyburn and Hawes.
 39. In reply to my question on whether the full NHS Dentistry service could return earlier than next year in Richmond/Catterick, and Harrogate and Scarborough, she recognised the pressing need, giving the long waiting lists in these communities for NHS treatment, to do everything possible to get the new services up and running urgently, and if all the necessary circumstances allowed they would open sooner than 2008.

40. The Committee welcomed her commitment and her obvious determination to do her best to facilitate an early return of these essential services.
41. In trying to protect and promote the essential healthcare services described in this Statement it seems to me the SoHC, made up as it is of elected County and District Councillors advocating quite properly on behalf of the communities they represent, has become the interface between the local communities and the NHS, offering a platform for local people to express their aspirations and their choices, and where choice is available for their healthcare provision they would prefer to access it locally. This is particularly important in a rural County bedevilled by access to service difficulties.
42. The powers invested in Scrutiny of Health Committees, which must be used very sparingly, were placed there by a Government keen to ensure that there was local influence and local input into a NHS which traditionally has been controlled from the Centre.
43. Taking this into account, I suggest that the SoHC in resolving unanimously to invoke these powers in the two cases quoted in this Statement has properly fulfilled this role, and the NHS has been left in no doubt as to what local communities are seeking.
44. In the case of NHS Dentistry in Richmondshire we have had a successful, if very much overdue, conclusion. In the case of Maternity services on the East Coast there is still some way to go and I will keep Members of the County Council informed of the latest developments and progress in this very important issue of local healthcare provision.

County Councillor John Blackie
(Upper Dales Division)

Chairman – North Yorkshire County Council Scrutiny of Health Committee
13 July 2007