

NORTH YORKSHIRE COUNTY COUNCIL

21 May 2008

SCRUTINY OF HEALTH COMMITTEE – CHAIRMAN’S STATEMENT

A Personal Note

I would like to thank all the members and officers of the County Council, and the representatives of the organisations the Scrutiny of Health Committee engages with, for the very many messages of care, concern, and support that they sent me during my recent period of ill health. Their messages were a huge encouragement for me to remain positive and in good spirits. I am delighted to say that very recently my Consultant informed me that my treatment has been entirely successful.

As an (involuntary) ‘Mystery Shopper’ I can report that the highly skilled attention and dedicated care at the James Cook University Hospital in Middlesbrough was absolutely first class, and we are indeed fortunate to have this Regional Centre of Excellence, run by the Nationally accredited top performing NHS Hospital Trust of the Year, available to serve many of our residents here in the County of North Yorkshire.

County Councillors David Billing and David Heather, as Vice Chairman and Group Spokesman respectively of the Committee have been very supportive of me in my role as Chairman during my illness, as have Bryon Hunter, the Scrutiny Support Officer and Jane Wilkinson, the Committee administrator, and I would like to thank them all personally in this Statement.

I will not be at the County Council meeting on 21st May as I have been asked by the Leader of the County Council to represent the County at the County Council Network Meeting in London taking place on the same day. I have asked David Billing to present my Statement to the Council, and answer any questions it may generate amongst members.

Maternity Services at Malton, Whitby and Bridlington Community Hospitals

The key events for the Committee since I last reported to the County Council in February have been in relation to the decision by the Scarborough and North East Yorkshire (SNEY) NHS Healthcare Trust to close the midwife-led maternity units at Whitby, Malton and Bridlington Community Hospitals and develop a separate midwife-led unit on the Scarborough District General Hospital site, and the referral of this decision to the Secretary of State for Health, Rt. Hon Alan Johnson MP, by the joint North Yorkshire County Council and the East Riding of Yorkshire Council Scrutiny of Health Committee.

This referral has been made possible via the unique powers available to Scrutiny of Health Committees to request the Secretary of State for Health to re-examine decisions made by local NHS Trusts where it is considered they are not in the best interest of local health services. The powers are not to be used lightly – indeed their real strength is the threat to the NHS that they might be used – and this was the first time in over 4 years that they have been used by the Scrutiny of Health Committee.

Further it became apparent once the Referral had been made that the process does not mean an automatic review of the decision would be implemented by the Secretary of State for Health. Many requests for reviews from Scrutiny of Health Committees end up been batted back from where they came from with a note that there was not sufficient strength in the arguments advanced to launch a review.

It was important therefore to make a powerful and compelling case for a review to take place. I am pleased to say that the 24 page Referral Report presenting the arguments for a Review, which I compiled on behalf of the Committee with help from Bryon Hunter, and the accompanying 250 pages plus of evidence passed muster, and the Secretary of State for Health instructed the Independent Reconfiguration Panel (IRP), the official organisation for NHS Service change, to review the decision.

The IRP's terms of reference are to advise the Secretary of State by 30 June 2008:

- a) Whether it is of the opinion that the proposals for changes to maternity services provided by Scarborough and North East Yorkshire Healthcare NHS Trust, as set out in the decision of the Trust Board on 24 July 2007, will ensure the provision of safe sustainable and accessible maternity services in Scarborough and North East Yorkshire, and if not, why not;
- b) on any other observations the Panel may wish to make in relation to the proposals for changes to maternity services and implications for any other clinical services; and
- c) in light of (a) and (b) above, on how to proceed in the best interests of local people

The IRP Review started in earnest in late April and since then it has undertaken a number of visits to the area to meet with, and hear evidence from patients, clinicians, NHS Trust officers, local Councillors, the Scrutiny of Health Committees, interest groups and people living and working locally. I have been impressed with the anxiety of the IRP to ensure that any person or organisation who wishes to make a contribution to their Review should have the opportunity of doing so.

Indeed any reader of this Statement who wishes to make a contribution to the Review, whether that contribution is to oppose or support the decision to close the 3 outlying units, can do so by contacting the IRP on info@irpanel.org.uk or by calling 020 7389 8055. Contributions may be in the form of an e-mail, letter, telephone call, or personal appearance before one of the Panel hearings. These hearings are conducted in a very informal manner, and are being held in Whitby, Malton and Bridlington over the next 3 weeks.

Our contribution to the Review came in the form of 2 meetings with the Panel, one informal, and one formal, and a meeting I had as Chairman of the Committee with the Chairman of the Independent Reconfiguration Panel, Dr. Peter Barrett.

The formal presentation took place on 7th May in Bridlington, where accompanied by County Councillor David Billing and David Heather, and Councillors from the East Riding of Yorkshire Council, I presented our case for keeping the 3 midwife led units at Whitby, Malton and Bridlington Community Hospitals open, whilst opening a new midwife led unit at Scarborough DG Hospital.

I am very pleased to report that at all these meetings the IRP did comment that they were particularly impressed with the Referral Report and the accompanying evidence we submitted to the Secretary of State, and with our presentation of our case to the Panel members. It also complimented the Committee for the efforts it had made to engage with local people in each of the communities involved, and the diligence of its scrutiny of the evidence that had been gathered during this engagement.

Our case for a review of the decision rested on the evidence that the 3 outlying units had a good patient safety record, equal to the National Average of similar units across the country, and that the decision to close them contravenes the Department of Health's own National Choice Guarantee on place of birth which is that expectant mothers must be able to choose between giving birth in a consultant-led unit, a local midwife-led unit (i.e. units just like those at Whitby, Malton and Bridlington Community Hospitals !!), or a home birth.

The IRP Report will become public at the end of July 2008, at the same time when the Secretary of State announces his final decision.

I would like to compliment the East Riding of Yorkshire Council on their unwavering support in the run up to the IRP meetings, and during the meetings themselves. It was agreed from the outset that the County Council would lead on the Review, and without exception East Riding have been totally behind the case we put to the Panel. 2 Councils singing from one hymn sheet is unusual enough but this is what has happened and it vastly strengthened our case.

Whilst our case, and our presentation of it, has been very favourably received this does not mean (unfortunately) that we have won the day and the decision to close the units will be reversed, although the IRP did advise us that in another part of the country it did prevent a midwife led unit from being closed. We shall eagerly await the outcome of the IRP Review and the final of decision of the Secretary of State whilst remaining quietly confident and hoping for the best.

However I am more than satisfied that as a Committee we have gone that extra mile and more to try to save the 3 outlying units, and could not have done more to ensure that local people have the opportunity to access local health care services where they wish to access them – at their local Community Hospital. Local people demonstrated their desire for this with regard to maternity services by turning out in force at our Scrutiny of Health meetings, and we have done our very best to take up the cause on their behalf.

Bridlington Community Hospital – Referral to the Secretary of State for Health

Alongside the Consultation on midwife led maternity services in early 2007 was another Consultation on the future of acute services and the Coronary Monitory Unit

at Bridlington Community Hospital. Subsequently, following the end of this Consultation, the SNEY NHS Trust decided to withdraw acute services and close the very well used and locally highly valued Coronary Monitoring Unit at the Hospital.

Again the joint NYCC-ERYC Scrutiny of Health Committee considered this was not in the best interests of local healthcare services and referred the decision to the Secretary of State for Health. We have just heard that our Referral will result in a second IRP Review being established to review the decision.

The lead for this Review will be the East Riding of Yorkshire Council, and North Yorkshire County Council will this time play the important secondary role. Meetings on the IRP undertaking the Review are to take place in June, and our involvement in presentations will follow a similar pattern to those of the maternity services review.

I will report the progress, and eventual outcome of both the IRP Reviews in my future statements to the County Council.

The Annual Healthcare Commission Health Checks

Members may recall as a Scrutiny of Health Committee we are invited to take part in the annual Healthcare Commission Health Check process. This process entails assessing the performance of NHS Trusts against a plethora of criteria, including on clinical, training, care, and patient / public engagement topics. It ends with the announcement of the all important Star Ratings of each NHS Trust in England announced in October each year.

The Committee contributes to this by reporting its experience of each NHS Trust it scrutinises (and there are 9 in North Yorkshire) over the last year. This Report is then placed unabridged and unaltered on the Healthcare Commission website as part of its assessment of the NHS Trust concerned.

As with the right to refer decisions the Secretary of State this is another powerful tool in the armoury of Scrutiny of Health Committees, and we have used it on occasions as leverage to secure a small but significant improvement in a particular healthcare service offered by the NHS Trust concerned, as an alternative to an unfavourable reference to it in our Report to the Healthcare Commission.

Clearly some Scrutiny of Health Committees have gone further than this legitimate approach for improvement and used the Health Check process as a political platform 'to have a go' at the NHS Trust concerned, or at the Department of Health itself. Accordingly comments of all Scrutiny of Health Committees are now rated by the Healthcare Commission for their added value and their relevance to the process of health checks.

I am pleased to say that the comments in the Reports we made in the 2006 / 2007 Health Check were rated in all cases as either of 'Good value or High value'.

We completed our round of visits to the NHS Trusts, or met their representatives at County Hall, during March and early April, and duly submitted our 2007 / 2008 Reports to the Healthcare Commission in time for its deadline. Copies of them are

available from either me or Bryon Hunter on request – or wait to see them on the Healthcare Commission website in October !!

As members might expect we reserved our most robust criticism of a Trust for the Scarborough and North East Yorkshire (SNEY) NHS Trust given its disastrous handling – in terms of public confidence, credibility and involvement - of the financial crisis in the summer of last year when it announced - without any prior discussion with its consultants, nurses, healthcare professionals, staff, patients, local people, and ourselves as a Scrutiny of Health Committee - the cutting of 600 FTE jobs (750 posts), a third of the staffing complement, and the consequential loss of the healthcare services these cuts would entail.

Whilst in the end the Department of Health and the Yorkshire and Humber Strategic Health Authority had to relent on its demand for the immediate repayment of historic debt of £20 million owed by the Trust, the damage had been done, and it may be a long time before the confidence of local people served by the SNEY NHS Trust in the long term sustainability and availability of services at its 2 hospitals in Scarborough and Bridlington is restored.

Committee Meeting on 1 May 2008 – Pickering Memorial Hall

In what proved to be an informative, and at times lively, meeting in Pickering, there was a wide ranging agenda, the main items being:

- ◆ *Developments at the Springwood Mental Health Unit, Malton Community Hospital*
- ◆ *Service Direction of the Tees, Esk and Wear Valleys NHS Trust*
- ◆ *Momentum: Pathways to Healthcare – A new District General Hospital for North Tees and Hartlepool*
- ◆ *Developments at Castleberg Hospital, Giggleswick*
- ◆ *The Richmondshire District Council Scrutiny Review of the Out of Hours Service in Richmondshire*
- ◆ *Paediatric Surgery at the Friarage Hospital, Northallerton*
- ◆ *Mental Health Services in Craven*
- ◆ *Annual Report of the PPIF for the North Yorkshire and York PCT*

I am more than happy to provide detailed analysis of the debate and outcome of these items if any member wishes to contact me, and I am sure County Councillor David Billing will answer any questions on them on my behalf at the County Council on May 21st. Perhaps though I could briefly comment on the last three items shown in the list.

Paediatric Surgery at the Friarage Hospital, Northallerton - Dr Mike Tremlett, Lead Paediatric Anaesthetist, and Jill Moulton, Director of Planning, from the South Tees NHS Hospital Trust, addressed the Committee, and explained that new guidelines from the Healthcare Commission meant that it would have to re-organise the arrangements for paediatric surgery at the Friarage Hospital, Northallerton, and this would involve transferring a small number of cases (around 2 per week on average) where more complex surgery was involved, or likely to be involved, to the James Cook University Hospital in Middlesbrough.

The issue was around the maintenance of the skills of the paediatric anaesthetists who attend these surgical interventions when they are only able to have the experience of such a small number of cases.

In a telling presentation to the Committee Mike Tremlett entirely convinced us he had taken on board our concerns about the future viability of the Friarage Hospital by going that extra mile to ensure that his plans included keeping as many services as possible for children at the Hospital, whilst addressing the issue of patient safety that the Healthcare Commission had identified.

The Committee resolved that it was in the best interests of local healthcare services for the re-organisation as proposed to take place, whilst re-iterating its support for the maximum number of healthcare services to be available locally at the Friarage Hospital.

Mental Health Issues in Craven - As a result of issues raised by Mr Ian Fulton, a resident in the Craven area and a member of the former Patient and Public Involvement Forum for the Bradford District Care Trust I have arranged to meet Simon Large, the Chief Executive of that Trust on Wednesday 14th May at 3.00pm at the Trust's Headquarters in Saltaire.

Whilst the Committee's view was that the matters raised were in the nature of a series of complaints and potentially beyond the remit of the Committee, in view of the level of concern that was being expressed, Members took the view that we do have a duty to verify for ourselves the robustness and integrity of the Care Trust's Procedures to properly investigate any complaint and evidence that is placed in front of it.

Once we have – and assuming we are content with the result – I intend to urge Mr Fulton to make a complaint to the Bradford District Care Trust, supported by the evidence he claims is available. The Committee agreed to report the outcome of the investigation of the complaint, if taken forward by Mr Fulton, to a future Scrutiny of Health Committee.

Annual Report of the PPIF for the North Yorkshire and York PCT – The Scrutiny of Health Committee noted that this Report contained some unjustified comments with regard to the Chief Executive of North Yorkshire County Council (John Marsden) and his investigations of a complaint raised with him by the former Chairman of the Patient and Public Involvement Forum (PPIF), Mrs Jill Knight, and the way the Committee had scrutinised the SNEY NHS Trust consultation on maternity services, which has led to the IRP Review mentioned earlier in this Report.

It also noted that the North Bank Forum, the host organisation to (PPIF) had agreed to circulate a letter from John Marsden as Chief Executive of NYCC to all recipients of the Report setting out in detail a more accurate account of the events.

Mrs Kath Murray, a regular attender at our Scrutiny of Health Committees, and a member of the former PPIF for the Hambleton & Richmondshire PCT, gave the Committee a glowing testimonial during its debate on this item for the way it had become the platform for the aspirations and concerns of local people with regard to the services provided by their local NHS.

Mrs Jill Knight was invited to attend the meeting, but she chose instead to send a personal representative to hear the Committee's deliberations.

**County Councillor John Blackie
(Upper Dales Division)**

Chairman – North Yorkshire County Council Scrutiny of Health Committee

14th May 2008