

## NORTH YORKSHIRE COUNTY COUNCIL

## SCRUTINY OF HEALTH COMMITTEE

7 NOVEMBER 2014

## York Teaching Hospitals NHS Foundation Trust

**Purpose of Report**

1. To update the Committee on the work which Monitor, the external regulator of NHS foundation trusts, is carrying out in the York Teaching Hospitals NHS Foundation Trust (YTHFT).

**Introduction**

2. On 29 August 2014 Monitor announced that it was opening a formal investigation into the YTHFT's compliance with its licence. The investigation was opened due to Monitor expressing the following concerns:

- "In Q4 2013/14, the Trust breached four performance targets: Cancer two week wait (symptomatic breast); Cancer 62-day wait for first treatment; the annual C-Difficile objective; and RTT Admitted\*. This is an indicator of governance concerns under Monitor's *Risk Assessment Framework (RAF)*.

*[\*RTT Admitted = Referral To Treatment Admitted. Patients who receive treatment through admission to hospital within 18 weeks of being referred by initial referral.]*

- Monitor is concerned that the Trust has failed the 93% Cancer two week wait (symptomatic breast) target for the third successive quarter at Q1 2014/15, which is a further indicator of governance concerns under Monitor's RAF. We understand that referrals increased significantly during this period and the Trust has to date been unable to recruit to a vacant breast radiologist post on the Scarborough site. However, the actions taken by the Trust since Q3 2013/14 have not improved the Trust's performance and the Trust reported its lowest performance of 45.6% in Q1 2014/15. Monitor has concerns that the Trust has stated that it will not be able to improve performance against the target before the end of Q3 2014/15.
- The Trust has also breached the four hour 95% A&E target in five of the last seven quarters, reporting an annual 2013/14 and Q1 2014/15 performance of 94.9% and 91.4%, respectively. This is another indicator of governance concerns under Monitor's RAF. Monitor is concerned that the Trust has not put in place actions to effectively manage the Trust's emergency care pathway over this period and that the Trust has reported that it is at risk of breaching the target again in Q2 2014/15.
- Monitor has concerns that the Trust did not declare any performance targets to be at risk in the 2014/15 Operational Plan and that some patients are not being treated in accordance with the national targets.

The above issues could be indicative of governance failings at the Trust, indicating a potential breach of the Trust's licence. "

3. A press release from the Trust issued shortly after Monitor's announcement is attached as APPENDIX 1.
4. On 20 October 2014 senior representatives from Monitor and the Trust met in London to discuss the situation and to provide an opportunity for the Trust to explain and provide evidence on the strength of their governance arrangements. The meeting included a presentation from the Trust on:
  - a) Summary of causal factors for the above performance targets.
  - b) Evidence of the strength of governance arrangements at the Trust:
    - How the Board monitors and is sighted on the above performance targets
    - How the Board has addressed the issues and actions taken
    - How the Board is assured over the actions taken, including external assurance
  - c) Trajectory back to compliance with the performance targets.
  - d) Executive and senior management capacity.
5. Patrick Crowley, Chief Executive and Mike Proctor, Deputy Chief Executive will be attending the meeting to provide more information on this matter and to respond to Members' questions.
6. Members will recall that the YTHFT took over the Scarborough & North East Yorkshire NHS Trust in July 2012. YHTFT now comprises two acute centres - York Hospital and Scarborough Hospital. Members will be interested to examine the extent to which Monitor's concerns relate only to Scarborough Hospital (ref: paragraph 2 above) or to both hospitals.

### **Recommendations**

7. That Members offer comment and advice to the YTHFT on its work to address the concerns raised by Monitor, in particular, on the measures being taken to ensure compliance with performance targets.
8. That a further report be brought to the Committee on the final outcome of Monitor's investigation.

Bryon Hunter  
Scrutiny Team Leader

County Hall  
NORTHALLERTON

20 October 2014

**Background Documents: None**

## Response to Monitor Announced Investigation

Patrick Crowley, Chief Executive of York Teaching Hospital NHS Foundation Trust, said: “Monitor, the Foundation Trust regulator, has today announced that it is opening a formal investigation into the Trust’s compliance with its licence.

“This is as a result of breaches of the four hour A&E target and cancer targets, in particular the two week wait target for symptomatic breast patients.

“As part of their investigation Monitor will be looking for evidence of the nature and strength of our governance arrangements, so that they can be assured that we, as a Board and wider management team, are competent to manage our own performance and deliver improvements in these areas.

“We must treat any scrutiny of our performance as an opportunity to learn and improve, and whilst I do not want people to be unduly worried by this it is nonetheless something we are approaching as an absolutely priority.

“The difficulties in A&E are well documented, and in many ways this action by Monitor is inevitable given the pressures we are facing.

“Not all A&E attendances are emergencies, and our patients can be reassured that we prioritise and quickly treat those most in need of care. There needs to be a recognition that this is a whole-system issue and not one that can only be resolved through changes in either A&E or the wider acute pathway within our hospitals.

“We of course have a responsibility to play our part in solving the problem, and we are making investments such as the new ambulance assessment area, and trying new ways of working to improve the way that patients move through the system.

“I would like to reassure patients that Monitor’s investigation is not concerned with the care or treatment provided for our cancer patients. The issue is with our difficulty in meeting targets around initial assessment and diagnosis in specific specialties. We are meeting targets relating to treatment times for cancer, and overall time from referral to treatment is also within target.

“We have had particular concerns around the two week wait for symptomatic breast patients in Scarborough, as for some time we have been unable to recruit to key radiology posts and this is causing some difficulty in delivering the service.

“We have taken action to resolve the problem, with referrals to the breast service being directed to York Hospital since July this year.

“This is a temporary move and we are working hard to address the recruitment issue and looking at different ways of staffing the service. Once the situation has improved, we will once again deliver a breast service on the East Coast.

“We are grateful to Scarborough and Ryedale Clinical Commissioning Group for their support in enabling us to do this, and we appreciate that this may mean patients having to travel further for appointments, however we need to take this action to enable us to deliver a safe service until such time as we can recruit a full complement of staff for the service to run effectively.

“We will work with Monitor in completing their investigation, and will continue to work hard, as always, to provide the best care for our patients.”