

The Rt Hon Andrew Lansley CBE MP  
Secretary of State for Health  
Richmond House  
79 Whitehall  
London SW1A 2NS

17 February 2012

Dear Secretary of State

**REFERRAL TO SECRETARY OF STATE FOR HEALTH**  
**Nottinghamshire County Council Social Care and Health Standing Committee**  
**Newark Review – NHS Nottinghamshire County and Sherwood Forest Hospitals**  
**Foundation Trust**

Thank you for forwarding copies of the referral letter and supporting documentation from Cllr Ged Clarke, Chair, Nottinghamshire County Council Social Care and Health Standing Committee (SCHSC). NHS East Midlands provided initial assessment information. A report, survey and additional information were also received from representatives of the *Say YES to Newark Hospital* campaign group. A list of all the documents received is at Appendix One.

The IRP has undertaken an initial assessment, in accordance with our agreed protocol for handling contested proposals for the reconfiguration of NHS services. The IRP considers each referral on its merits and its advice in this case is set out below. **The Panel concludes that this referral is not suitable for full review.**

In accordance with the IRP's Code of Practice, the IRP Chair, Dr Peter Barrett, and two Panel members – Brenda Howard and Ailsa Claire - declared a conflict of interest and consequently took no part in the consideration and production of this initial assessment.

**Background**

Nottinghamshire County Council Health and Wellbeing Standing Committee (HWSC) – now SCHSC - originally referred proposals for the development of services in Newark (known as the Newark Review) to the Secretary of State and to Monitor, the independent regulator of NHS foundation trusts, on 5 April 2011. Referral was made on the grounds that i) *inadequate consultation has taken place with the Overview and Scrutiny Committee* and ii) *the proposals are not in the interests of the health service. This is by virtue of insufficient involvement and consultation of the public.*

The Secretary of State requested initial assessment advice from the IRP and this was submitted on 31 May 2011. The Panel concluded that a full review would not add any value. Instead, it advised that the local NHS should:

- engage with the Committee to address and resolve its residual concerns regarding admission hours at Newark Hospital and other aspects of the implementation of the Newark proposals – transport, new services for patients in Newark and potential population growth in the area
- review the scope and delivery of the engagement programme for the Newark Review to ensure it covers all relevant populations and interest groups
- ensure systems are in place between all relevant NHS organisations to ensure effective and consistent communication with local people who use Newark services and their representatives

The Panel's full initial assessment advice is available on the IRP website at:

<http://www.irpanel.org.uk/view.asp?id=56>.

The Secretary of State wrote to Cllr Clarke on 8 July 2011 advising that he accepted the IRP's advice and expressing his hope that the Committee would continue to work with local NHS partners in the best interests of patients.

Separately, the Senior Compliance Officer of Monitor wrote to Cllr Clarke on 13 May 2011 to advise that the Health Overview and Scrutiny Regulations 2002 *"require each foundation trust to consult the local overview and scrutiny committee where it proposes to apply for a variation to its Authorisation and, if granted, that variation would result in a substantial variation in the provision of protected goods and services. As the Trust [Sherwood Forest Hospitals NHS Foundation Trust - SFHFT] has confirmed that the proposed changes do not require a variation to its Authorisation, it does not have a legal obligation to consult the OSC, and therefore this is not an issue which gives rise to concern that it is breaching its terms of Authorisation"*. With regard to the level of public consultation carried out in relation to the Newark Review, the letter noted the Trust's confirmation *"that it contributed to and played an active part in this exercise [the 14 week public consultation] including attendance at public events, the provision of information and consultation with the Trust's Board of Governors"*.

Between July and September 2011, various meetings took place to discuss progress on implementation. These included a meeting of engagement and communications professionals, attendance at the Save Newark Hospital Campaign (now *Say YES to Newark Hospital*) annual general meeting, a Lay Members Group meeting and a briefing meeting for the MP for Newark. The NHS also provided updates for the local newspaper.

During the same period, some local councillors continued to express concern to the SCHSC about the future of services at Newark Hospital and called for the Committee to re-submit its referral for further consideration by the Secretary of State.

On 15 September 2011, a meeting to discuss the Newark Healthcare Review took place between Newark councillors and representatives of Newark and Sherwood clinical commissioning group, NHS Nottinghamshire County, East Midlands Ambulance Service and SFHFT. A further meeting of these parties was scheduled for 20 October 2011.

The SCHSC met on 20 September 2011, the main agenda item being to receive the responses of the Secretary of State for Health and of Monitor to the Committee's referral and to consider the recommendations arising from them. Consideration was supported by a detailed report from the Committee Chair. NHS representatives were invited to attend to provide a presentation on Newark's Healthcare Strategy, including a response to the IRP's advice and an update on service developments. However, at the outset of the meeting, the SCHSC Chair read out a statement concerning requests from local elected leaders and members of the public for the Committee to resubmit the referral. A motion was unanimously agreed "*that the requests of local community representatives for a full independent review and information provided to the Committee be conveyed to the Secretary of State*". The minutes of the meeting do not record any consideration of the Chair's report. The planned presentation by NHS representatives did not take place.

The SCHSC Chair wrote to the Secretary of State on 20 September 2011 requesting reconsideration of "*the decision not to ask the IRP to conduct a full review, based on the views of the community*".

## **Basis for referral**

Following receipt of the SCHSC's letter and documentation of 20 September 2011, a series of correspondence was exchanged between DH officials and the SCHSC Chair to clarify the nature of the request.

The SCHSC's letter of 11 November 2011 states that:

- *inadequate consultation has taken place with the Overview and Scrutiny Committee. The Standing Committee is not confident that it has been provided with all the relevant information by NHS Nottinghamshire County and Sherwood Forest Hospitals Foundation Trust. It therefore concludes that it has not been properly consulted. The Committee does not believe that it has been consulted or notified of proposals to change admission times at Newark Hospital.*
- *the proposals are not in the interests of the health service. This is by virtue of insufficient involvement and consultation of the public. Resolutions passed by parish and town councils and Newark and Sherwood District Council leaves the Committee with insufficient assurance that the public have been adequately consulted.*

## **IRP view**

With regard to the referral by Nottinghamshire County Council SCHSC, the Panel notes that:

- this is the second referral on this issue by the health standing committee of Nottinghamshire County Council - the Panel undertook this initial assessment on the basis that new evidence had emerged for consideration subsequent to its previous initial assessment advice of 31 May 2011

- much of the documentation presented for consideration replicates that put forward with the original referral of 5 April 2011 – new evidence provided consists of correspondence from local council representatives and campaign group members plus correspondence from SFHFT and the Report of the Chairman of the Standing Committee (20 September 2011)
- the concerns expressed in correspondence from local council representatives and campaign group members reflect the same concerns expressed in the original referral documentation – including those about changes to admission times at Newark Hospital
- the Secretary of State wrote to Cllr Clarke on 8 July 2011 expressing his hope that the Committee would continue to work with local NHS partners in the best interests of patients
- an initial attempt to arrange a meeting between NHS bodies and local councillors suffered from a lack of adequate notification – though further meetings have since been organised
- the planned presentation by NHS representatives to the SCHSC on 20 September 2011 did not take place
- the NHS remains committed to resolving the issues raised locally – including SFHFT which has assured the SCHSC of its commitment to working closely with service users and the wider community

## **Conclusion**

The IRP offers its advice on a case-by-case basis taking account of the specific circumstances and issues of each referral. With regard to this referral, the Panel's view is that a full review would not add any value.

The role of the IRP is to advise on proposals for changes to health services in England. It is for others to implement changes and to monitor their effectiveness. The concerns expressed by those opposed to the changes are operational issues relating to their implementation. Responsibility for monitoring, evaluating and agreeing further action rests with the local NHS in partnership with the local community and its representatives.

The Panel advised last year that the local NHS should engage with the Committee to address and resolve residual issues, to review arrangements for local engagement and ensure systems are in place for effective communication. Documentation provided by the relevant parties involved suggests that limited progress has been made to date in implementing this advice. The opportunity for detailed consideration with the local NHS at the SCHSC meeting on 20 September 2011 was missed.

Greater commitment is required by all concerned to work together constructively for the benefit of local service users. With many of the changes now having been in place for some time, NHS Nottinghamshire, supported by NHS East Midlands, should agree with the SCHSC, to undertake a post-implementation review to assess progress against the stated aims of the original business case. If, as a consequence of the review, the SCHSC wishes local healthcare commissioners and providers to consider further action or alternative

models for the provision of care in Newark and surrounding area, it is open to them to suggest so.

As the Panel noted in its previous advice, SFHFT are key partners in the design and delivery of local services through Newark Hospital. Monitor, in its letter of 13 May 2011, is clear that no changes to SFHFT's terms of authorisation were required to implement the changes and as consequence, the Foundation Trust was under no legal obligation to consult the Committee. In this situation it is important that NHS commissioners continue to take the lead but the IRP is pleased to note SFHFT's commitment to continue working closely with its commissioners, service users and the wider community and its representatives to resolve these matters locally.

Yours sincerely



Nick Naftalin  
OBE, FRCOG

IRP member and Chair of the sub-group for this initial assessment

## APPENDIX ONE

### LIST OF DOCUMENTS

#### Nottinghamshire County Council Social Care and Health Standing Committee

- 1 Letter of referral and attachments from Cllr G Clarke, SCHSC Chair, to Secretary of State for Health, 20 September 2011  
Attachments:
- 2 Newark and Sherwood District Council – Letter from the Leader of the Council, 28 July 2011
- 3 Newark Town Council – Letter from Town Clerk, 19 September 2011
- 4 Newark Town Council – Letter from Leaders of three political groups, 31 August 2011
- 5 Newark Town Council - Letter from Leaders of three political groups, 3 August 2011
- 6 Newark Town Council – Letter from Town Clerk and report of the Council, 4 March 2011
- 7 Save Newark Hospital Campaign – Letter from Paul Baggeley, Secretary, 16 September 2011
- 8 Save Newark Hospital Campaign – Letter from Paul Baggeley, Secretary, 1 September 2011
- 9 Save Newark Hospital Campaign – Letter from Dr Peter Jones, 14 August 2011
- 10 Save Newark Hospital Campaign – Letter from Paul Baggeley, Secretary, 15 May 2011
- 11 Save Newark Hospital Campaign and Cllr Bruce Laughton – Submission to the Secretary of State, May 2011
- 12 Save Newark Hospital Campaign and Cllr Bruce Laughton – Supporting information to the submission to the Secretary of State, May 2011
- 13 Save Newark Hospital Campaign – Background information including Sample case Studies and correspondence from Town and Parish Councils
- 14 Sherwood Forest Hospitals – Letter from Jane Warder and update on business case, September 2011
- 15 IRP, letter from Secretary to Panel, 8 September 2011
- 16 OSC – Report of the Chairman of the Standing Committee and appendices, 20 September 2011
- 17 OSC – Report of the Chairman of the standing committee and presentation
- 18 Letter from Cllr G Clarke, SCHSC Chair, to Secretary of State for Health, 11 November 2011

#### NHS East Midlands

- 1 IRP template for providing initial assessment information  
Attachments:
- 2 Communications material relating to changes to services at Newark Hospital, Feb/Apr 2011
- 3 Newark Strategy Communications and Engagement Group – Lay Members Group Meeting, terms of reference, 25 July 2011
- 4 Email, NHS Nottinghamshire County to Newark councillors, 13 September 2011
- 5 Email, NHS Nottinghamshire County to Newark councillors, 14 September 2011
- 6 Email, NHS Nottinghamshire County to Newark councillors, 16 September 2011
- 7 List of attendees at meeting between NHS representatives and local councillors, 15 September 2011

*Independent Reconfiguration Panel*

*Tel: 020 7389 8045/6*

*E Mail: [info@irpanel.org.uk](mailto:info@irpanel.org.uk)*

*Website: [www.irpanel.org.uk](http://www.irpanel.org.uk)*

- 8 NHS Nottinghamshire County, presentation on *Response to referral and update*, 20 September 2011
- 9 Email, NHS Nottinghamshire County to Newark councillors, 18 October 2011
- 10 Communications material for *Right Care, First Time* campaign, Oct 11/Jan 12
- 11 Newark and Sherwood Clinical Commissioning Group, Participatory Budgeting events, December 2011
- 12 Newark and Sherwood Clinical Commissioning Group, Stakeholder Reference Group, terms of reference, December 2011
- 13 Newark and Sherwood Clinical Commissioning Group, presentation to SCHSC, 11 January 2012
- 14 Newark and Sherwood Clinical Commissioning Group, Newark & Sherwood Strategy Group, terms of reference, 8 September 2011
- 15 Monitor, Authorisation of Sherwood Forest Hospitals NHS Foundation Trust, 1 February 2007
- 16 IRP template for providing initial assessment information, completed by NHS East Midlands, May 2011

## Other information received

- 1 Letter from Department of Health to Cllr G Clarke, 30 September 2011
- 2 Letter from Cllr G Clarke, SCHSC Chair, to Department of Health, 17 October 2011
- 3 Letter from Department of Health to Cllr G Clarke, 25 October 2011
- 4 Letter from Cllr G Clarke, SCHSC Chair, to Department of Health, 3 November 2011
- 5 Letter from Department of Health to Cllr G Clarke, 15 November 2011
- 6 Letter from Cllr G Clarke, SCHSC Chair, to Department of Health, 12 December 2011
- 7 Letter from Mr P Baggeley, Secretary, Say YES to Newark Hospital, 27 January 2012
- Attachments:
  - 8 Newark Healthcare Review, Resubmission Report, January 2012
  - 9 The Key Themes of Healthcare Provision in Newark and Sherwood Survey, December 2012
- 10 Email from Mr P Baggeley, Secretary, Say Yes to Newark Hospital, 31 January 2012
- Attachment:
  - 11 Letter from Information Governance Coordinator, Sherwood Forest Hospitals NHS Foundation Trust to Mr P Baggeley, Freedom of Information request, 30 January 2012