

16 April 2012**Agenda Item: 8****REPORT OF COUNTY COUNCILLOR GED CLARKE****REPORT TITLE: NEWARK REVIEW – RESPONSE TO REFERRAL****Purpose of the Report**

1. To receive the findings of the independent initial assessment of the second referral of the Newark Review.

Information

2. The County Council has a statutory duty to receive consultations from NHS Trusts for proposals for substantial variations or developments of local health services.
3. After detailed independent consideration of such proposals the Standing Committee has power to make evidence based recommendations to improve and develop the proposals for the benefit of local communities.
4. The Standing Committee also has a statutory power to refer proposals to the Secretary of State for Health where it has not been consulted or it determines that they are not in the best interests of the local NHS. Where a Foundation Trust is involved the Committee may also make a referral to the regulator – MONITOR. When a referral is made the ability of local NHS to implement the proposals is restricted pending the outcome of the referral.
5. Following receipt of a referral the Secretary of State for Health may invite the Independent Reconfiguration Panel (IRP) to conduct an independent assessment to determine whether a detailed review of the referral would add value.

Scrutiny of the Newark Review

6. On 15 March 2010 Members concluded a scrutiny review of NHS proposals for future health services in Newark.
7. A Review Group of elected Members concluded that :
 - i. as a statutory body, the Overview and Scrutiny Committee had been properly consulted within the consultation process;
 - ii. in developing the proposals for service changes, the health body concerned had taken into account the public interest through appropriate patient and public involvement and consultation;
 - iii. the proposal for change was in the interests of the local health service

8. Based on public concern and all of the evidence available at that time the Review Group made three recommendations for improvement which were communicated to NHS Nottinghamshire County and Sherwood Forest Hospitals Foundation Trust in April 2010. Those recommendations were taken account of in the Trust's decision making process in June 2010.
9. The Standing Committee received responses to those recommendations in July 2010. Members also assessed the proposals using revised criteria set by the Secretary of State for Health following the General Election in 2010. The Standing Committee identified two outstanding issues for further reporting – the availability of transport between hospital sites and new services for patient in Newark.

Referral to the Secretary of State for Health – April 2011

10. On 4 April 2011 the Committee received a presentation from the Save Newark Hospital Campaign reporting local concerns at the Newark Review. The Standing Committee agreed "that the proposals for services at Newark Hospital be referred to the Secretary of State for Health, because the Trusts had failed to consult the Committee, and in doing so had lost the confidence of the committee."
11. The Secretary of State for Health and MONITOR were notified of the referral on 5 April 2011 and provided with the background and supporting information considered by the Standing Committee in reaching its decision, consistent with the approach of other local authorities.
12. The referral was based on the two statutory options available to the Standing Committee, that:
 - **inadequate consultation had 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 includes MONITOR in this referral as Sherwood Forest Hospitals is a Foundation Trust and the Committee does not believe that it has been consulted or notified of proposals to change admission times at Newark Hospital."
 - **the proposals were 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."
13. As a result of the referral from the Social Care and Health Standing Committee the Independent Reconfiguration Panel was invited to conduct an initial independent review following its standard approach which considered evidence including the referral from the Standing Committee and information from the local NHS.
14. The Independent Reconfiguration Panel reported to the Secretary of State on 31 May 2011. In addition to the information provided by the NHS the conclusions of the initial independent review were also informed by a submission of the Save Newark Hospital Campaign and information provided by Newark Town Council.

15. On 8 July 2011 the Secretary of State accepted the conclusions of this process that a full review would not be appropriate and endorsed the advice of the Independent Reconfiguration Panel's initial review.
16. The Secretary of State asked the local NHS to work with the Standing Committee "to address and resolve its residual concerns regarding admission times 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)." The Chief Executive of NHS Nottinghamshire County wrote to the Chairman of the Standing Committee clearly stating the Trust's intention to continue to work with the Standing Committee to comply with the recommendations.
17. The response from the Secretary of State and the independent regulator for foundation trusts – MONITOR – were reported to the Standing Committee on 20 September 2011.

Second Referral to the Secretary of State for Health – September 2011

18. At the meeting on 20 September 2011 the Standing Committee unanimously agreed that the requests of local community representatives for a full independent review and the information provided to the standing committee be conveyed to the Secretary of State for Health. To enable this to be considered, the referral to the Secretary of State for Health was resubmitted.
19. To progress the referral the Secretary of State invited the Independent Reconfiguration Panel to conduct an initial assessment. The Independent Panel's findings were reported to the Secretary of State on 17 February 2012 and published on 23 March 2012.
20. **The Independent Panel concluded that a full review would not add any value.** A copy of the independent assessment is attached as an appendix to the report.

Independent Findings

21. The Newark Review has now been subject to the following independent reviews in addition to the governance processes of the NHS:
 - i. In March 2010 the independent scrutiny review by Members of the County Council reported that the proposals complied with statutory requirements.
 - ii. In July 2010 Members also assessed the proposals using revised criteria set by the Secretary of State for Health and determined that those criteria had been satisfied.
 - iii. In September 2011 an independent assessment by the Independent Reconfiguration Panel concluded that a full review would not add any value. Instead, it advised that the local NHS should engage with the Standing Committee to address and resolve residual concerns.
 - iv. In February 2012 a second independent assessment by the Independent Reconfiguration Panel concluded that a full review would not add any value.

22. The Secretary of State for Health wrote to the Chairman of the Standing Committee on 23 March 2012 in response to the second referral and independent assessment to "support in full the IRP's advice."
23. The Standing Committee is invited to consider the response and to accept the independent advice provided.
24. As the County Council has agreed to change its governance arrangements at the Annual Meeting in May, any alternative options would be proposed to the appropriate committee under the new arrangements, as set out in the work programme report elsewhere on the agenda.

Recommendation:

It is recommended that the conclusions of the second independent assessment be accepted.

Councillor Ged Clarke**Chairman of the Social Care and Health Standing Committee****For any enquiries about this report please contact:**

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Background Papers

Referral to the Secretary of State for Health and accompanying information– September 2011
Letter from Andrew Kenworthy, Chief Executive, NHS Nottinghamshire– 16 August 2011
Letter from the leader of Newark and Sherwood District Council - 28 July 2011
Letter from group leaders of Newark Town Council – 3 August 2011
Letter from Peter Jones to the Leader of the County Council – 14 August 2011
Letter from the Save Newark Hospital Campaign Group – 1 September 2011
Submission of the Save Newark Hospital Campaign Group
Letter to SFHFT – 3 March 2011 and 21 March 2011
NHS Nottinghamshire County, Trust Board Papers – Newark Review – 26 November 2009 & 18 June 2010
NHCT – Friary Ward – Post Closure Review - November 2009
Newark's Healthcare Review – Consultation document, November 2009
CfPS Substantial Variations and Developments of health services, a guide 2005

Electoral Division(s) and Member(s) Affected All