



Meeting JOINT CITY/COUNTY HEALTH SCRUTINY COMMITTEE

Date Tuesday, 31 March 2009 (commencing at 10.15 am)

### **membership**

Persons absent are marked with `A`

## **COUNCILLORS**

### **Nottingham City Councillors:-**

- A Emma Dewinton
- Michael Edwards
- Penny Griggs
- A Eileen Heppell
- Ginny Klein (Vice-Chair)(in the chair)
- Tony Marshall
- A Andrew Price
- A Mick Wildgust

### **Nottinghamshire County Councillors:-**

- Reg Adair
- A Mrs K Cutts
- Vincent Dobson
- A Pat Lally
- Ellie Lodziak
- A Parry Tsimbiridis
- Chris Winterton (Chair)
- A Brian Wombwell

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dewinton, Price, Wildgust, Tsimbiridis and Wombwell. Councillor Klein chaired the meeting, because Councillor Winterton was not present at the start.

### **DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

There were no declarations of interest.

## **NOTTINGHAM UNIVERSITY HOSPITALS TRUST - FOUNDATION TRUST STATUS**

Cath Lovatt, Director of Marketing and Communication and Mike O'Daly, Trust Secretary, Nottingham University Hospitals NHS Trust (NUHT) attended the meeting in connection with this item. Members had received a copy of the trust's "Shape Our Future" consultation document.

Ms Lovatt explained that their attendance was part of the consultation process about foundation trust status which ran from 18 February to 13 May 2009. She emphasised that a foundation trust remained part of the NHS. She outlined the various strands of the consultation process, and invited the select committee's comments. In reply to questions, Ms Lovatt indicated that over 500 people had participated in the consultation thus far; that they were trying to contact hard-to reach groups; that they had not planned to consult parish councils, but would listen to the select committee's view on this; that a large number of existing patients had been contacted about membership; that a substantial number of members must be recruited before the foundation trust application would be considered.

Councillor Edwards believed that local councillors should have a formal role in the local NHS. He referred to the recent criticisms of Mid Staffordshire NHS Foundation Trust. He questioned whether the governors there had shown sufficient independence, and asked how board members at NUHT would be equipped to challenge the directors and hold them to account. Ms Lovatt was confident that Mid Staffordshire's experience would not be repeated at NUHT.

Mr O'Daly outlined the current governance arrangement, which was a board of six non-executive members and five executive members. The foundation trust would have a board of 39 governors, as proposed in the consultation document. He pointed out that at least half the governors had to be elected by the public members. He expected the governors to meet in public four times a year, performing high level, strategic functions and holding the directors to account.

Councillor Adair asked where accountability would rest, how members would be selected, how governors would demonstrate independence of view and how surpluses could be generated. Mr O'Daly replied that the foundation trust could address the democratic deficit. Staff were automatically members unless they opted out. Public members would be recruited. Election of governors would be by a ballot conducted by an independent organisation, using a single transferable vote system. For example, members from Nottingham City would elect the nine city governors. He explained the rationale for the list of organisations which would appoint governors. There was a desire to ensure that the board of governors did not become unwieldy. In relation to surpluses, Ms Lovatt explained that foundation trust status would enable surpluses to be invested locally without the need for lengthy processes involving the Department of Health. In reply to Councillor Edwards, Mr O'Daly saw the need for strong, well equipped and well supported governors. He pointed out that existing scrutiny by the Audit Commission, Healthcare Commission and local authorities would continue.

Councillor Griggs asked how the four non-statutory appointed governors had been chosen. Mr O'Daly replied that they were seen as the most appropriate stakeholders.

He invited further suggestions. He explained that the trust wished to recruit as many members as possible as soon as possible. If the foundation trust bid was supported, there was a 40 day period in which to hold elections, with the hope of becoming a foundation trust by 1 December 2009. If there was a shortfall in the number of members, recruitment efforts would be stepped up.

Councillor Winterton was of the view that the stakeholder organisations appointing governors had a city focus. He suggested the Fire Authority as another possible organisation. Mr O'Daly noted the suggestion.

Councillor Klein invited the trust to report on the consultation to the select committee on 19 May, and again on 14 July. Ms Lovatt replied that the consultation responses would not have been processed in time to be reported in May.

It was agreed therefore to have a further report to the select committee on 14 July, with any significant developments reported on 19 May if necessary.

It was also agreed to submit the following comments in response to specific consultation questions contained in the "Shape Our Future" consultation document:

#### **Question 2 – proposals for public membership**

Members were concerned to ensure that the public is well represented and that efforts to engage people are extended across as wide an area as possible. If this is not addressed then membership will be disproportionately weighted to the city rather than the whole area served by the Trust.

#### **Question 6 – proposed arrangements for elected governors**

#### **Question 7 – proposals for elected public governors**

Members were keen to be reassured that sufficient training would be offered to all governors to enable them to carry out their role successfully and avoid the failings in scrutiny of services by governors of Mid Staffordshire NHS FT. This training would need to go beyond an initial induction and education about their role.

#### **Question 9 – partner organisations**

Members were concerned that the choice of partner organisations as appointed governors is too focused on representing the city (citycentric). Choosing New College Nottingham is not representative of the wider area and why would the Police but not the Fire Service be proposed?

### **ANNUAL HEALTH CHECKS: COMMENTARY 2008-09**

Matthew Garrard, County Council Scrutiny Officer introduced the draft response to NHS trusts as part of the Healthcare Commission's Annual Health Checks.

Councillor Edwards asked whether the select committee should comment on the poor preparation by some NUHT representatives, which had made it difficult for the

committee to hold them to account. Councillor Winterton agreed, referring also to the poor management by NUHT in relation to committee meeting dates. In relation to all trusts, he questioned whether complaints systems were rigorous. Mr Garrard pointed out that this had not been identified by the committee as an issue during the year in question.

The draft responses were agreed, subject to the inclusion of Councillor Edwards's comments above.

### **WORK PROGRAMME 2008/9**

The work programme was agreed, subject to clarification of the date of the May meeting.

The meeting closed at 11.20 am.

**CHAIR**