

SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

WEDNESDAY, 28TH JANUARY, 2015

PRESENT: Councillor D Coupar in the Chair

Councillors B Flynn, M Harland, M Ingham,
S Lay, C Macniven, E Taylor and S Varley

Non-voting co-opted member: Dr J Beal
(HealthWatch Leeds)

67 Chair's Opening Remarks

The Chair opened the meeting and welcomed those in attendance. The Chair highlighted this represented an additional meeting following the request for scrutiny from the Executive Board Member for Health and Wellbeing agreed at the Scrutiny Board meeting in December 2014.

The Chair reminded all those in attendance of the Council's Third Party Recording code of practice, copies of which were available at the meeting.

The Chair highlighted that other local authority scrutiny committee's had been made aware of the meeting and the issues likely to be discussed. Representatives had been given the opportunity to attend. In this regard, the Chair welcomed Councillor Karen Rowling from Kirklees Council to the meeting.

68 Late Items

The following item was submitted and accepted as late items to the meeting:

- Briefing note from NHS Trust Development Authority (minute 71 refers)

69 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared to the meeting.

70 Apologies for Absence and Notification of Substitutes

Apologies for absence and notifications of substitutes were received as follows:

- Councillor G Hussain – Councillor M Harland attending as a substitute member
- Councillor K Maqsood – Councillor C Macniven attending as a substitute member

- Councillor J Walker– Councillor M Ingham attending as a substitute member.

71 Yorkshire Ambulance Service NHS Trust

The Head of Scrutiny and Member Development submitted a report reminding the Scrutiny Board of the request for scrutiny considered at its meeting in December 2014 – in relation to potential risks to patients being created by the Board of the Yorkshire Ambulance Service NHS Trust (YAS), highlighted by Unite the Union. The Unite letter (dated 2 December 2014) and the YAS response, with a series of frequently asked questions (dated 10 December 2014), were appended to the report. A summary report of key performance data from YAS was also appended to the report.

The Principal Scrutiny Adviser gave a brief introduction to the report, highlighting the information provided and detailing those organisations that had been invited to contribute to the discussion, namely:

- Unite the Union – to highlight and expand on the concerns raised
- Yorkshire Ambulance Service NHS Trust (YAS) – to respond to the concerns highlighted by Unite the Union
- Clinical Commissioning Groups (CCGs) as commissioners of services provided by YAS
- NHS England as the NHS oversight body for commissioners
- NHS Trust Development Authority as the NHS oversight body for NHS Trusts yet to achieve Foundation Trust (FT) status.

It was highlighted that representatives from Unison had been invited to attend the meeting. A response had not been received and representatives were not expected to attend.

The Chair reminded all those present at the meeting that the remit of the Scrutiny Board was not to adjudicate between YAS and any Trade Union, but to focus on issues related to the quality of service provision and patient safety.

The Chair outlined the proposed approach for the meeting, which was to consider the information and evidence provided by each of the contributing groups, as follows:

- Unite the Union representatives;
- Yorkshire Ambulance Service NHS Trust (YAS) representatives;
- Representatives from Clinical Commissioning Groups (CCGs) and NHS Trust Development Authority

Unite the Union

The following representatives were in attendance:

- Dave Trubshaw, Senior Organiser (Organising & Leverage Department)
- Mark Hudson, Team Leader (Organising & Leverage Department)

In addressing the Scrutiny Board, a summary of matters raised included:

- Thanks to the Scrutiny Board for considering the matters raised by Unite.
- Apologies sent on behalf of more senior representatives within Unite.
- An outline of a 'dossier of evidence' currently being collated by Unite's Legal Team – due to be completed by the end of February 2015.
- Confirmation that Unite remained in discussions with YAS.
- The following specific concerns in relation to YAS:
 - The manipulation (downgrading) of calls received.
 - The deployment of Emergency Care Assistants (ECAs).
 - Unsustainable financial plans.
 - Vast increases in the use of private ambulances in response to rising demand.
 - Inappropriate use of other emergency service vehicles to transport patients to hospital.

In considering the details presented and outlined in the meeting, members of the Scrutiny Board highlighted a number of matters, including:

- Concern at the lack of supporting evidence to support the issues raised by Unite.
- Queries regarding the use of the Trust's Whistleblowing Policy and procedures and/or any other avenues that may have been used to raise such concerns.
- Some disappointment at the level of representation at the meeting (in terms of seniority).
- Clarification on the increase in the use of private ambulances for emergency calls (760 (in 2010) to around 13,000 (in 2014)).
- Clarification on the number and role of ECAs with YAS and records to demonstrate daily activities.
- Clarification on those Trade Unions recognised by YAS and levels of membership within the organisation.
- How Unite intended to use the 'dossier of evidence' currently being collated.

Yorkshire Ambulance Service NHS Trust (YAS)

The following representatives were in attendance:

- Ian Brandwood, Deputy Chief Executive and Executive Director of People & Engagement
- Dr Julian Mark, Executive Medical Director
- Paul Mudd, Locality Director (West Yorkshire).

In addressing the Scrutiny Board, a summary of matters raised included:

- Context around YAS as an organisation:
 - 4600 staff
 - 1000 volunteers
 - Dealing with around 2000 telephone calls per day
 - A highly unionised organisation (with Unison having the largest membership)
- Patient safety being at the heart of everything done by YAS.
- There had been a modest increase in the number of '999' calls since April 2013.
- Over the same period (i.e. April 2013) there had been a significant increase in the number / proportion of 'Red 1' emergency (999) calls.
- Normally, 'Red 1' calls would account for 10% of calls. However, at a point in time in December 2014, this reached 60% of calls.
- Such changes in the proportion of 'Red 1' calls had a significant impact and required a different response in terms of the resources available.
- YAS had invested heavily in the 'First Responder' emergency response.
- Details of the performance measures used to judge the organisation.
- Confirmation that the deployment of ECAs to assist ambulance clinicians was not unique to YAS.
- It was recognised there was a national shortage of Paramedics (around 1000).
- An outline of quality (as detailed in the performance report provided).
- An outline of the 111 service – which benefited from being delivered alongside the 999 service by a single organisation (with lower flow-over rates from the 111 service to the 999 service than in other areas of the country).
- Reference to the outcome of previous CQC inspections and peer review.
- An outline of the recent CQC inspection, which involved around 70 inspectors across the organisation, with no 'immediate concerns' identified and no evidence to support the claims from Unite.
- An invitation for Unite to share the information/ intelligence gathered to date.

In considering the details presented and outlined in the meeting, members of the Scrutiny Board highlighted a number of matters, including:

- Clarification of the likely process when calling '999'.
- Several examples (some of which had been reported in the local media) of patients' poor experience in delayed ambulance response times. It was unclear whether such matters remained 'one-offs' or suggested a larger underlying issue around performance.
- Clarification around claims that the ambulance fleet had been reduced.
- An outline of the training requirements for ECAs.
- Confirmation that YAS had never sought to manipulate call data in order to meet targets.

- Acknowledging the trend in performance was downwards (i.e. getting worse).
- Clarification around the range in response times (i.e. from the quickest to the longest).
- The use of clinicians in call-handling and prioritisation.
- The known causes for the increase in demand (i.e. the increase in 'red' emergency calls) and patients not accessing care early enough.
- The challenging budget pressures, with 5% budget savings target per year.
- The potential impacts of pressures in other parts of the NHS – such as, the Out of Hours service, pressures on A&E (specifically any back-ups caused) and the 111 service.
- The development of a performance improvement plan – in the context of providing a regional service but specifically focused on West Yorkshire.

Clinical Commissioning Groups (CCGs), NHS England (NHSE) and NHS Trust Development Authority (NTDA)

The following representatives were in attendance:

- Debra Taylor-Tate, Strategic Commissioning Lead (Urgent Care) – NHS Leeds North CCG
- Matt England, Head of Contracting and Commercial Strategy – NHS Wakefield CCG
- Elaine Wyllie, Director of Operations & Delivery – NHS England
- Warren Brown, Head of Delivery and Development – NHS Trust Development Authority.

In addressing the Scrutiny Board, a summary of matters raised included:

- The complexities of the commissioning arrangements across the services provided by YAS (i.e. Emergency 999, the 111 service and Patient Transport Services).
- The oversight role of the NHS Trust Development Authority in relation to the 'provider-side' of the NHS overall.
- Clarification that should YAS be a Foundation Trust (FT) its current performance (both clinically and financially) would not warrant it being in 'special measures'.

In considering the details presented and outlined in the meeting, members of the Scrutiny Board highlighted a number of matters, including:

- Significant concern that a briefing paper, setting out the complex commissioning arrangements, had not been provided before the meeting, as requested.
- Clarification sought around the public accountability and assurance processes across all those organisations with a commissioning and oversight role.

- If/ how patient and public representatives were involved in the public accountability and assurance processes and the role of the Quality Intelligence Group.
- Concerns regarding the transparency of the current accountability and assurance processes/ arrangements.
- The role of NHSE, the NTDA and CCGs in considering the wider allegations highlighted by Unite.

As part of the discussion, members of the Scrutiny Board sought opinion from all each of the organisations with a commissioning and/or oversight role in relation to the current performance of YAS. It was confirmed that current performance was not satisfactory and robust recovery and improvement plans were needed. Performance matters would also need to be addressed as part of the current NHS planning round.

It was confirmed that a recovery plan had been drafted and a finalised version would be shared with the Scrutiny Board in the near future.

In response to the general and wider allegations, it was confirmed that each of the organisations with a commissioning and/or oversight role had not found any substance to the claims but this had been difficult to assess without specific supporting information. Nonetheless, there was satisfaction with the approach taken by YAS in response to the allegations highlighted.

Prior to concluding the discussion, the Chair confirmed that the Unite representatives had been satisfied with the scrutiny process.

RESOLVED –

- (a) To note the report and information provided and discussed at the meeting.
- (b) To consider the outcome of the recent CQC inspection at an appropriate time.
- (c) To maintain an overview in the development of any performance improvement plans developed by Yorkshire Ambulance Service and each of the organisations with a commissioning and/or oversight role.
- (d) To consider progress against the improvement plans (referred to in (c) above) at a future meeting.

(Councillor S Varley joined the meeting at 2:25pm during consideration of the above item.)

(Councillor B Flynn left the meeting at 3:35pm during consideration of the above item.)

(Councillor M Harland left the meeting at 3:55pm during consideration of the above item.)

(Councillor S Lay left the meeting at 4:35pm during consideration of the above item.)

72 Date and Time of the Next Meeting

Tuesday, 24 February 2015 at 10:00am (with a pre-meeting for members of the Scrutiny Board from 9:30am).

The Chair thanked all those in attendance for their contribution to the Scrutiny Board's discussion and closed the meeting.

(The meeting concluded at 4:50pm)