

# **JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (YORKSHIRE & THE HUMBER)**

**WEDNESDAY, 11TH DECEMBER, 2013**

**PRESENT:** Councillor J Illingworth in the Chair

Councillors D Brown, B Hall, J Hyldon-King,  
A McAllister, T Revill, L Smaje and  
S Wiseman

## **9 Chair's Opening Remarks**

The Chair welcomed all in attendance to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) meeting.

## **10 Late Items**

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following late information:

- The New Review of Congenital Heart Disease Services in England – Draft Revised Terms of Reference for the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) (Minute 15 refers)
- The New Review of Congenital Heart Disease Services in England – update:
  - John Holden letter to Councillor J Illingworth – 28 November 2013
  - Councillor J Illingworth letter to John Holden – 9 December 2013
  - John Holden letter to Councillor J Illingworth – 10 December 2013
  - Summary of governance arrangements. (Minute 16 refers)
- The New Review of Congenital Heart Disease Services in England – information required and next steps for the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber):
  - John Holden letter to Cllr Illingworth – 21 August 2013
  - Councillor J Illingworth letter to John Holden – 28 August 2013
  - John Holden letter to Councillor J Illingworth – 3 December 2013
  - Release of information by NHS England under the Freedom of Information (reference: SDR – 103480) (Minute 17 refers)

The above documents were not available at the time of agenda despatch, but were subsequently made available on the Council's website.

## **11 Declaration of Disclosable Pecuniary Interests**

There were no declarations of disclosable pecuniary interests.

## **12 Apologies for Absence and Notification of Substitutes**

Apologies for absence were submitted on behalf of Councillors M Gibbons, J Bromby, J Clark, C Funnell, B Rhodes, M Rooney and B Steele.

Councillor S Wiseman was in attendance as a substitute member for Councillor C Funnell.

## **13 Minutes - 13 September 2013**

In relation to the Children's Congenital Cardiac Surgery: Service provision at Leeds Teaching Hospitals NHS Trust (minute 7 refers), the Chair reported that the outstanding mortality review report (highlighted as draft within the minutes) had been submitted to NHS England in September 2013.

The draft minutes of the meetings held on 13 September 2013 were considered and agreed as accurate record.

**RESOLVED** – That the draft minutes of the meeting held on 13 September 2013 be agreed as an accurate record of proceedings.

## **14 Children's Congenital Cardiac Surgery at Leeds Teaching Hospitals NHS Trust - NHS England's continuing investigations**

The Head of Scrutiny and Member Development to provide an update on the current provision of children's heart surgery at Leeds Teaching Hospitals NHS Trust (LTHT) and the progress of the subsequent phases of the review of quality of children's heart surgery services at LTHT.

The following representatives were in attendance to help the Joint Committee consider the information presented:

- Dr Damian Riley (Acting Medical Director – NHS England (North of England))
- Dr Yvette Oade (Medical Director – Leeds Teaching Hospitals NHS Trust)
- Dr Bryan Gill (Medical Director (Quality and Governance) – Leeds Teaching Hospitals NHS Trust)

In addressing the Committee, the Acting Medical Director (NHS England (North of England)) gave a brief summary on the matters associated with the temporary suspension of services at LTHT during March / April 2014 and associated progress.

It was confirmed the three aspects that formed Phase 2 of NHS England's review were:

- A review of mortality;
- A review of parental complaints/ concerns; and,
- A review of concerns raised by other professionals.

Draft minutes to be approved at the meeting  
to be held on Thursday, 10th April, 2014

It was outlined NHS England intend to triangulate the outcome of each review and not publish singular reports. NHS England was working towards publishing the outcome of Phase 2 of the report by the end of January 2013.

The Acting Medical Director apologised that progress of the additional reviews had not been as efficient as it could have been and identified a number of matters that had had an impact on progress, including the procurement of specific aspects of work.

The Committee discussed the details presented and highlighted at the meeting. A number of matters were raised, including:

- Timescales of the review process in relation to the new review of Congenital Heart Disease services.
- Repeated concern regarding the validity of data prior to the temporary closure of services.
- The terms of reference for each aspect within the overall Phase 2 review and the procurement timetables for each aspect.
- The importance of a wide range of 'risk adjustments' within outcome data to take account of issues such as ethnicity, socio-economic factors (deprivation), travelling distances, spending patterns and size of unit.
- Broad concerns around NHS England's approach to involvement and engagement.

#### **RESOLVED –**

- (a) That the information presented to the meeting be noted.
- (b) That the Committee consider the outcome of NHS England's Phase 2 review, once available.

#### **15 The new review of Congenital Heart Disease services in England - draft revised Terms of Reference for the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)**

The Head of Scrutiny and Member Development submitted a report that presented draft terms of reference for the Committee in relation to its work around the new review of Congenital Heart Disease services.

The following representatives were in attendance to help the Joint Committee consider the information presented:

- Steven Courtney (Leeds City Council, Principal Scrutiny Adviser)
- Mark Turnbull (Leeds City Council, Head of Property, Finance & Technology (Legal Services))

The Principal Scrutiny Adviser outlined the draft terms of reference.

The Head of Property, Finance & Technology advised that it may be useful to include reference to specific statutory functions and associated regulations.

**RESOLVED –**

- (a) That, subject to the inclusion of reference to specific statutory functions and associated regulations (as outlined at the meeting), the terms of reference be agreed.
- (b) That all member authorities be requested to reconfirm committee to the work of the Joint Committee in relation to the new review of Congenital Heart Disease services.

**16 The new review of congenital heart services in England - update**

The Head of Scrutiny and Member Development submitted a report that sought to provide an update in relation to the new review of Congenital Heart Disease (CHD) services.

The following representatives were in attendance to help the Joint Committee consider the information presented:

- Dr Yvette Oade (Medical Director – Leeds Teaching Hospitals NHS Trust)
- Dr Bryan Gill (Medical Director (Quality and Governance) – Leeds Teaching Hospitals NHS Trust)
- Sharon Cheng (Director – Children’s Heart Surgery Fund)
- Steven Courtney (Leeds City Council, Principal Scrutiny Adviser)

In addressing the Joint Committee, representatives from Leeds Teaching Hospitals NHS Trust outlined the organisations involvement in the new CHD review through its membership of:

- NHS England’s Provider Group
- NHS England’s Clinicians Group
- The relevant Clinical Reference Group

The Director of Children’s Heart Surgery Fund confirmed the Charity’s membership of NHS England’s Patient and Public Group and outlined some recent engagement activity.

There was some concern that not all current service providers were represented on the ‘Provider Group’ and there was shared concern in relation to some communication issues.

The Committee discussed the details presented and highlighted at the meeting. A number of matters were raised, including:

- Concerns regarding NHSE’s decision-making structure in relation to the new CHD review and aspects of transparency.

- The lack of clarity between the ‘advisory’ and ‘engagement’ roles of the various groups established by NHS England.
- Queries regarding the involvement of HealthWatch organisations, either nationally or locally.
- Potential issues associated with the current governance arrangements for the review and the NHS Constitution.

## **RESOLVED –**

- (a) That the information presented to the meeting be noted.
- (b) That NHS England be invited to attend a future meeting of the Joint Committee to report on progress of the new CHD review.

### **17 The new review of Congenital Heart Disease services in England - information required and next steps for the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)**

The Head of Scrutiny and Member Development submitted a report that sought to help the Joint Committee consider and identify the information required and next steps for the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber) in respect of the new review of Congenital Heart Disease (CHD) services.

The following representatives were in attendance to help the Joint Committee consider the information presented:

- Steven Courtney (Leeds City Council, Principal Scrutiny Adviser)
- Mark Turnbull (Leeds City Council, Head of Property, Finance & Technology (Legal Services))

In considering the information needs of the Joint Committee, members were reminded that all appropriate NHS commissioners and services providers must provide such information about the planning, provision and operation of health services that may be reasonably required in order that the Joint Committee might discharge its relevant functions.

The Chair of the Joint Committee outlined the work undertaken in an attempt to secure some information using the Freedom of Information legislation and commented on his general dis-satisfaction regarding NHS England’s approach to releasing information – both under the Freedom of Information legislation and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulation 2013.

It was proposed that amongst other matters, the Joint Committee required fuller details of the email correspondence between Sir Bruce Keogh and other parties in relation to the temporary suspension of services at Leeds Children’s Heart Surgery Unit in March/ April 2013. Such information included details both pre and post the temporary suspension of services. It was confirmed that such information was required in order for the Joint Committee to discharge its relevant functions.

## **RESOLVED –**

- (a) That the information presented to the meeting be noted.
- (b) That, under the provisions set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulation 2013 NHS England be required to provide fuller disclosure of the email correspondence between Sir Bruce Keogh and other parties, in relation to the temporary suspension of services at Leeds Children's Heart Surgery Unit in March/ April 2013; and that such disclosure should include information exchanged both pre and post the temporary suspension of services.

### **18 Care Quality Commission (CQC) hospital inspection programme: Request for information**

The Head of Scrutiny and Member Development to provide a report that sought to outline the arrangements associated with the Care Quality Commission's (CQC's) new Hospital Inspection Programme and determine what, if any, information should be submitted to the CQC in relation to its planned inspection of Leeds Teaching Hospitals NHS Trust during March 2014.

The following representatives were in attendance to help the Joint Committee consider the information presented:

- Steven Courtney (Leeds City Council, Principal Scrutiny Adviser)

The Committee discussed the details presented and highlighted at the meeting and agreed that the CQC should be made aware of the Joint Committee's reports in relation to the (now ceased) Safe and Sustainable Review of Children's Congenital Cardiac Services in England.

## **RESOLVED –**

- (a) That the contents of the report and appendices be noted.
- (b) That the Carer Quality Commission be made aware of the Joint Committee's reports in relation to the (now ceased) Safe and Sustainable Review of Children's Congenital Cardiac Services in England.

Following conclusion of the discussion, the Chair thanked all those in attendance for their contribution to the meeting and discussion.

The meeting concluded at 12:25pm.