



Report of Patient and Public Support Services NHS Leeds

Report to Outer West Area Committee

Date: 16th October 2009

Subject: NHS Foundation Trust

Electoral Wards Affected: All <input checked="" type="checkbox"/> Ward Members consulted (referred to in report)	Specific Implications For: Equality and Diversity <input type="checkbox"/> Community Cohesion <input type="checkbox"/> Narrowing the Gap <input type="checkbox"/>	
Council Function <input checked="" type="checkbox"/>	Delegated Executive Function available for Call In <input type="checkbox"/>	Delegated Executive Function not available for Call in Details set out in the report <input type="checkbox"/>

Executive Summary

Members are asked to consider how they wish to respond to the consultation being undertaken by Leeds Teaching Hospitals NHS Trust about its application to become a Foundation Trust.

1.0 Purpose Of This Report

The purpose of the report is to seek Council Members' views on the consultation being undertaken by Leeds Teaching Hospitals NHS Trust (LTHT) about its application to become an NHS Foundation Trust.

2.0 Background Information

NHS Foundation Trusts are a new type of organisation, they are not-for-profit, public benefit corporations. They are part of the NHS and must meet national healthcare standards. They continue to provide services to patients on the basis of need and not ability to pay.

LTHT in the process of developing its application for this important change and the consultation is a way of getting stakeholder views about how the organisation will be run in the future. LTHT is required by section 35(5) of the National Health Service Act 2006 to undertake formal consultation with the staff, patients, the public and stakeholder bodies.

3.0 Main Issues

A full consultation document sets out the full range of issues involved in the Trust's application. A copy is attached at Annexe A.

The main issues are the ones arising as proposals in the consultation document. These proposals will inform the Trust's drafting of its new constitution. Monitor, the independent Foundation Trust Regulator, publishes a model core constitution. The Trust's draft constitution, based on this model core, will set out the legal framework for FT status, including provisions for:

- Membership
- Constituencies
- Board of Governors
- Board of Directors
- Elections

4.0 Implications for Council Policy and Governance

Section 9(4) of the National Health Service Act 2006 requires the aspirant Foundation Trust to appoint one or more Governors from qualifying local authorities (local authority for an area which includes the whole or part of an area specified by the Trust as the area for its public constituency). In this case the City of Leeds is a qualifying authority as it includes 9 public constituencies.

Member Consultation

This paper forms the basis of member consultation. LTHT has asked to attend all Area Committee meetings during the consultation period and has undertaken to provide speakers and presentations to other local groups such as neighborhood forums, parish or town council meetings, etc.

5.0 Legal and Resource Implications

6.0 Conclusions

The process LTHT is working through is an extended one, with three stages overseen by Yorkshire & Humber Strategic Health Authority, the Department of Health, and Monitor.

The exact timescale for the change will vary depending on how quickly approval is given at different parts of the process. The table below shows the approximate time frames.

Oct - Dec 2009	12 week formal public consultation on governance proposals
Spring 2010	Trust publishes its response to feedback given during the 12-week consultation
October 2010	Formal application submitted to the Department of Health
Spring 2011	Earliest date when the Trust could be authorised to become a Foundation Trust

8.0 Recommendations

Members are recommended to note the request for feedback on consultation. There are mechanisms for providing feedback through Officers (the Chief Executive has received a request to consider providing an Appointed Governor to the Trust's shadow Council of Governors). The Trust is also seeking feedback directly in writing or through the Trust website.