



Report of the Head of Scrutiny and Member Development

Scrutiny Board (Health)

Date: 24 November 2009

Subject: Leeds Teaching Hospitals NHS Trust – Foundation Trust Consultation

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

1.0 Purpose of this Report

1.1 The purpose of the report is to:

- Present the Scrutiny Board (Health) with a range of information on the consultation being undertaken by Leeds Teaching Hospitals NHS Trust (LTHT) about its application to become an NHS Foundation Trust.
- Seek the views of the Scrutiny Board (Health) on the consultation plan presented; and,
- Seek the views of the Scrutiny Board (Health) on the Trust's application to become an NHS Foundation Trust.

2.0 Background

2.1 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.

2.2 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 Foundation Trust – consultation

- 3.1 The full consultation document (attached at Appendix 1) sets out the full range of issues involved in the Trust’s application. The main issues are those proposed in the consultation document and these 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 Foundation Trust status, including provisions for:
- Membership
 - Constituencies
 - Board of Governors
 - Board of Directors
 - Elections
- 3.2 The Foundation Trust 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.
- 3.3 The exact timescale for the change will vary depending on how quickly approval is given at different parts of the process: Nonetheless, the table below provides an indicative timetable.

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

Consultation

- 3.4 Consultation on the proposals is a key element of the Foundation Trust process. An outline of the Trust’s consultation plan is presented at Appendix 2, with more detailed information relating to specific events presented at Appendix 3.
- 3.5 This paper forms part of the overall member consultation, with LTHT presenting similar information to local Area Committee meetings. LTHT has also undertaken to provide speakers and presentations to other local groups such as neighbourhood forums and parish or town council meetings.
- 3.6 Representatives from LTHT have been invited to attend the meeting to address any questions and/or areas of clarification.

Membership

- 3.7 A specific matter which may be of interest to members of the Scrutiny Board relates to membership of an NHS Foundation Trust.
- 3.8 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.

4.0 Recommendation

4.1 Members of Scrutiny Board are asked to consider the information presented and:

4.1.1 Comment on the robustness of the consultation plan presented by LTHT;

4.1.2 Identify and agree and specific matters, by way of a response on the proposals presented and determine any specific action the Board may wish to take; and,

4.1.3 Identify and agree any other matters that may require further scrutiny.

5.0 Background Papers

None