



Report of the Director of Adult Social Services

Executive Board

Date: 6th January 2010

Subject: 'Your Hospital Your Say' – Leeds City Council's response to the Consultation on Foundation Trust status by Leeds Teaching Hospitals Trust.

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

1. Leeds Teaching Hospitals Trust (LTHT) is undertaking a public consultation on achieving Foundation Trust status. A Foundation Trust has greater freedom to develop services to meet the needs of the local community and has strengthened accountability to the local area through a Council of Governors and a Board of Directors, which combines both elected and nominated people. The consultation document addresses a small number of key issues and follows a standard template for public consultation on the issue of Foundation Trust status. The main points are:
 - Support for the principle of Foundation Trust status and the vision for the future of Leeds Hospitals Foundation Trust;
 - The composition of the Council of Governors and restrictions on who can stand as a governor and their terms of office;
 - The arrangements for electing public governors – the largest individual group within the Council of Governors;
 - The proposed public bodies with the power to appoint one or more governors;
 - The arrangements for staff and patient representation within the governance arrangements.

The Trust has undertaken an extensive public consultation from September to December 2009. All Area Committees were scheduled within the consultation along with local forums and Parish and Town Councils. Through this consultation process has emerged a number of key strategic issues which the City Council wishes to make formal representation on. This report explains the context for each of the issues and seeks the approval of the Executive Board to formally write to the Chair of the Leeds Teaching Hospitals Trust expressing the City Council's views as part of the formal public consultation process.

1.0 Purpose Of This Report

- 1.1 This report highlights key strategic issues for the City arising from the public consultation being undertaken by the Leeds Teaching Hospitals Trust on their application to achieve Foundation Trust status. The report proposes a formal response by the City Council to these issues.

2.0 Background Information

- 2.1 In September 2009 Leeds Teaching Hospitals Trust commenced a public consultation on their intention to apply for Foundation Trust status. There is a national requirements for all NHS Trusts in England to begin the application process for Foundation Trust status. However, the process is rigorous and requires documented evidence of standards of patient care and sound financial health before Foundation Trust status is awarded. The whole process is overseen and regulated by a body independent of government, known as Monitor.
- 2.2 The consultation document follows a standard template for this type of consultation, and is intended to invite widespread participation and comment as an initial stage in building a public membership and participation in the Governing Council. The LTHT document is attached as appendix 1. Section 6 of the document contains information on how people can have their say and invites participants to address specific questions for which the Trust is seeking a specific response.
- 2.3 Whilst the closing date for the public consultation is stated as the 24th December, the Director of Adult Social Services has written to the Chief Executive of the Trust to confirm a verbal agreement that this report and its recommendations can be presented to the Executive Board in January and would be accepted as formal response by Leeds City Council to the consultation.

3.0 Main Issues

- 3.1 Leeds Teaching Hospital Trust is the main secondary provider of health care services for the city, with in patient, day case and out patient services. However, as a major teaching hospital centre the Trust also provides a range of important regional and national specialist services, one example of which is the services provided at the Bexley Wing, a regional and national cancer treatment centre. The two universities in Leeds form a major teaching and research centre for medicine and professions allied to medicine. Whilst the city and LTHT are not unique in this respect, Leeds' importance as a centre of excellence for health care provision, education and research is vitally important for the well being of the people of Leeds, employment and economic opportunities and the reputation of the city at a regional and national level.

- 3.2 The consultation document sets out the vision that LTHT has for its future, captured in three strategic goals;
- Achieve excellent clinical outcomes
 - Improve the way we manage our business
 - Become the hospital of choice for patients and staff.

The vision also stresses the importance of ‘partnerships for change’, which emphasises the importance of working in partnership with NHS Leeds and other health care providers within the city. Unfortunately the document does not stress the benefits from wider partnership working, particularly through the Leeds Initiative, in supporting either the LTHT vision or wider strategic vision as set out in the Vision for Leeds. Whilst proposals in Section 5 on partner representation through appointed governors do include wider representation, it is disappointing and a potential loss to the city that LTHT does not take the opportunity to align itself with the overall Vision for Leeds.

- 3.3 Section 5 of the consultation document addresses the governance arrangements for the Foundation Trust. Firstly there is the requirement of all Foundation Trusts to establish a broad based membership. The document sets out the benefits of membership and how Members can then be elected to sit on the Council of Governors. Public Governors make up the majority of the Council of Governors, representing a minimum 51% of the Governors. In the LTHT proposals there will be 35 Governors, with 18 elected through the membership and 3 representing ‘constituencies’ from the region and nationally. The Council of Governors is a consultative and advisory body, which advises the Board of Directors. The Directors and the Board are responsible for setting policy, strategy and the day to day running of the hospital.

- 3.4 The 18 (Leeds) Public Governors will represent 9 ‘constituencies’, - based on groups of wards, but not coterminous with area committee or the three Area boundaries adopted by the City Council and partners. To qualify for election as a Public Governor an individual will have to be an existing Member of the Foundation Trust. A map of the proposed constituencies can be found at page 10 of the consultation document (appendix 1). Concerns have been expressed at a number of the consultation events with Area Committees regarding the proposed constituencies. The most obvious option is to follow the ward arrangements for Area Committees, which would have the added opportunity of aligning the Foundation Trust’s public engagement activities with other statutory bodies within the city.

- 3.5 The consultation document asks whether there is support for a separate group of Governors representing patients. There are many well organised patient groups already in existence and in many cases they work closely with clinical teams at the hospital to improve patient care. Such arrangements should continue and there should be clarification of how such groups will relate to the Council of Governors in the future. However, the governance arrangements should recognise that all members of the public either use or in the future may use health care services in the city. Having a separate constituency for current patients may disenfranchise the wider public, and the broader perspective that brings.

- 3.6 Section 5 of the consultation document also sets out the proposals for appointed Governors on the Council of Governors. Here the document proposes that the City Council should appoint one governor. The proposals afford equal representation to

NHS Leeds, Leeds University, Leeds Metropolitan University, Leeds Partnership Foundation Trust, Leeds Chamber of Commerce, the voluntary sector, Yorkshire Forward, and the hospitals Staff Side Council.

3.7 The elected mandate of City Councillors is by its nature different to the role of all other nominated bodies. However, the stated rationale for all the bodies identified appears to ignore the leadership role that Leeds City Council plays within the city, the City Region and at a national level. Consequently, the rationale for the Leeds City Council appointed governor is identified as a provider of key services within the health community, rather than in its leadership role for the city and the City Region. Again this is disappointing and the City Council will wish to respond directly to the consultation question on whether the proposals for appointed governors are right. Considering the functions that the consultation document wishes the Appointed Governors to represent, there is a case for two City Council appointed governors.

3.8 The document sets out a list of restrictions for all Governors, whether appointed or elected. These are legal restrictions and apply nationally. A member of the Local Authority Health Scrutiny Committee can not be a Governor

4.0 Implications For Council Policy And Governance.

4.1 The proposed response to the Foundation Trust consultation will be framed within and draw attention to the overall policy framework for the City Council and the city. Appointed Governors to a Foundation Trust are a formal public appointment by Leeds City Council.

5.0 Legal And Resource Implications

5.1 There are no specific legal or resource implications associated with the response to this public consultation.

6.0 Conclusions

6.1 Three key significant and strategic issues are highlighted in this response. They relate to the overall commitment to working with partners as described in the document; the proposals for electing Public Governors around nine bespoke 'constituencies' and the designation of the City Council's appointed governor representation on the Council of Governors, leading to the allocation of one governor appointment.

7.0 Recommendations.

The Executive Board is asked to agree that a formal written response is made to the consultation document 'Your Hospitals Your Say', with specific reference to the points outlined in the conclusion to this report (section 6) and detailed in section 3 of the report.

Background documents referred to in this report:

Appendix 1 Your hospital your say – foundation trust consultation document.