

Councillor John Illingworth

Chair, Scrutiny Board
(Health and Wellbeing and Adult Social Care)
3rd Floor (East)
Civic Hall
LEEDS LS1 1UR

Sir David Nicholson KCB CBE
Chief Executive of the NHS
Department of Health
Richmond House
79 Whitehall
London SW1A 2NS

E-Mail address	john.illingworth@leeds.gov.uk
Civic Hall Tel.	0113 39 50456
Civic Fax	0113 24 78889
Your ref	
Our ref	JI/SMC
Date	2 October 2012

Sent via email only

Dear Sir David,

I Chair the Joint Health Overview and Scrutiny Committee for Yorkshire and the Humber (JHOSC). On behalf of the constituent local authorities, the JHOSC was formed by the 15 top-tier local authorities across Yorkshire and the Humber to act as the statutory body to scrutinise the proposals for Children's Congenital Cardiac Services and the associated decisions of the Joint Committee of the Primary Care Trusts (JCPCT).

It should be noted that the primary purpose of the JHOSC is to consider the implications of any proposals and/or decisions in terms of local health services and the people they serve, i.e. the population and local health services across Yorkshire and the Humber.

However, I feel that the work of the JHOSC is being severely hampered by the JCPCT and its Secretariat failure to respond to reasonable and legitimate requests for additional information, as detailed below:

Relevant agendas, reports and minutes

In my capacity as Chair of the JHOSC, I wrote to the Chair of the JCPCT (Sir Neil McKay) on 5 July 2012:

“As Chair of the Joint HOSC I would also ask you provide the agendas, reports and minutes of any (formal or informal) meeting of the JCPCT and its secretariat, associated with the drafting and agreement of the Decision-Making Business Case document. In my view, such information may form a key part of the Joint HOSC’s consideration of yesterday’s formal decision and the processes leading up to it.”

To date, and as we approach the 3-month anniversary of my initial request, the full details requested have still not been provided. Moreover, there appears to be a significant reluctance within the JCPCT and its Secretariat to do so.

Nonetheless, it is now apparent that the full decision-making process was spread over several years from 2007 to the present day. The interaction spread considerably wider than the JCPCT and its Secretariat, with several other NHS committees receiving reports and contributing to these decisions.

Cont./

The enclosed Excel spreadsheet lists meetings that have been compiled using details I have been able to discover and cross reference. The details may be incomplete, but in the absence of comprehensive disclosure by the JCPCT it is the best that I can achieve. As such, I reserve the right to make further requests once all the, yet to be released, material has been provided and analysed in a similar way.

There has been a particular problem over the release of detailed reports, in addition to the agendas and minutes of meetings. Throughout local government disclosure of reports is normally automatic, seven days **before** each meeting takes place, with draft minutes available to the public on council websites within a couple of days of the decision. Please can you ensure that I receive all the reports that were considered by the JCPCT and its various advisory / steering committees without further delay? Electronic copies would be ideal. So far I have received only those reports that were considered in public on 4 July 2012, and I have not received any papers whatsoever from the JCPCT meeting held on 14 December 2011.

In order to fully understand what has taken place, I am confident that you will recognise the importance of members of the JHOSC having access to the agendas and minutes from all these various NHS bodies, as well as seeing relevant reports. I perhaps need hardly remind you of the commitments in the NHS Constitution in relation to transparency and patient choice. Sadly, I have to report that JCPCT are presently falling far short of these central objectives. Disclosure has been slow, reluctant and incomplete, yet hardly any of this information is even slightly confidential, and I can see no good reason why it could not be immediately released under the Freedom of Information Act.

Sir Ian Kennedy's expert panel scores

You will be aware that various hospitals with an interest in Children's Cardiac Surgery Services were visited by an expert panel led by Sir Ian Kennedy in Spring / Summer 2010. This Panel produced a report in December 2010, which included weighted average scores derived from 35 separate assessment criteria in nine groups.

To help have a better understanding of how the Panel arrived at a consensus score for each surgical centre, I would like to see the individual assessments and scores from each member of Sir Ian Kennedy's expert panel, under each assessment criterion, for each institution that this team visited. Again, repeated requests for this information have been made to the JCPCT and its Secretariat. To date, such requests have been refused.

Nationally commissioned Services

It appears that the reorganisation of children's cardiac surgery was also discussed by the National Commissioning Group (NCG), the National Specialised Commissioning Group (NSCG) and the Advisory Group for National Specialised Services (AGNSS) in addition to the work of JCPCT. Please could we see all the agendas and minutes from NCG, NSCG and AGNSS since 2007, plus any reports relating to paediatric transplants, ECMO or children's congenital cardiac surgery?

Some limited material from this category has already been published on the Specialised Services website, and other material been released by London NHS following a request under the Freedom of Information Act. A block of agendas and minutes from NCG meetings held between February 2008 and April 2009 was posted onto the Specialised Services website on 11 September 2009. This part of the site has not been subsequently updated. Similar partial disclosures, but covering different time periods, have also been published for NSCG and AGNSS.

Cont./

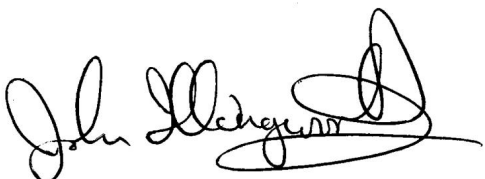
I have enclosed a copy of the Excel spreadsheet that summarises the current position as far as I am able to determine. I do not know all of the meeting dates for NCG, but am aware that AGNSS started work in September 2010. Nonetheless, please could I be provided with a full set of agendas and minutes for all these various committees, plus any relevant reports?

In summary, I believe the work of the JHOSC is being severely impeded by the excessive and wholly unnecessary secrecy surrounding the work of Specialised Services and the JCPCT, and by their inordinate delays in responding to legitimate inquiries and requests for information.

Please be aware that I am preparing a formal complaint to the Information Commissioner about the conduct of these organisations. In addition, patients or carers from across Yorkshire and the Humber who have been adversely affected by the needless secrecy and delay may alternatively choose to complain about the lack of transparency to the Parliamentary and / or the Health Service Ombudsmen.

I sincerely hope that none of this will be necessary, and that I will receive a comprehensive response to our various inquiries and requests without further delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Illingworth', with a large, stylized flourish at the end.

Councillor John Illingworth
Chair, Joint Health Overview and Scrutiny Committee (HOSC), Yorkshire and the Humber

Enc.

cc Secretary of State for Health, Jeremy Hunt
Professor Sir Bruce Keogh, NHS Medical Director
All Members of Parliament (Yorkshire and the Humber)
All Yorkshire and Humber Local Authority Leaders
All Members of the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)
Cllr. Lisa Mulherin, Executive Board Member for Health and Wellbeing, Leeds City Council
The Editor, Yorkshire Evening Post
Jamie Coulson, British Broadcasting Corporation