

## **Maidstone Borough Council**

### **Communities Overview and Scrutiny Committee**

**Friday 26 October 2012**

#### **Kent Community Health NHS Trust - Consultation on becoming a Community NHS Foundation Trust**

**Report of:** Overview and Scrutiny officer

#### **1. Introduction**

- 1.1 The Local Government Act 2000 and the Health and Social Care Act 2001 set out statutory functions for local authorities to review and scrutinise matters relating to the planning, provision and operation of health services in the area of its local authority.
- 1.2 The Communities Overview and Scrutiny Committee has a broad remit which includes Health, Partnerships and Community Development. Following her attendance at a public meeting of the Kent Community Health NHS Trust regarding its Consultation on becoming a Community NHS Foundation Trust, the Chairman felt it important that the Committee made a response on behalf of Maidstone Borough Council.

#### **2. Recommendation**

- 2.1 The Committee is recommended to:
  - Interview witnesses about areas highlighted within the consultation document to establish the likely effect upon local health services;
  - Identify specific issues in the consultation papers that will impact upon both patients and the provision of services in the local area; and
  - Collate the evidence from the witnesses and discussion of the consultation into clear points to be included in the Committee's response to the consultation. The Committee should seek to make a recommendation in support of one of the three options being proposed.
- 2.2 Areas of questioning could include but are not limited to:
  - The public's confidence and understanding of the services available to them;
  - How will the viewpoint of members of the NHS Foundation Trust be reported upwards to the Board of Governors?
  - To what extent will the Board of Governors have decision-making powers?

- How is the public accountability structure of members and a governors different to what exists now or has done in the past?
- How will the opinions and activity of members and the Board of Governors of the NHS Foundation Trust feed into County level activity such as the Health and Well Being Boards?
- What performance management reporting mechanisms will be in place to enable members and governors to hold the Foundation Trust to account on the delivery of its priorities?
- In terms of communication and engagement with the public, how confident are the Trust of the public's understanding of the services it provides currently and how would it look to improve on this?

### **3. Background information**

3.1 On 30 July 2012 the Kent Community Health NHS Trust launched its consultation on its proposal to become an NHS Foundation Trust (**Appendix A**).

3.2 The Department of Health in its publication, 'A short guide to NHS foundation trusts' explains the differences between NHS Foundation Trusts and existing NHS Trusts:

- They are independent legal entities - Public benefit corporations;
- They have unique governance arrangements and are accountable to local people, who can become members and governors. Each NHS foundation trust has a duty to consult and involve a board of governors (comprising patients, staff, members of the public and partner organisations) in the strategic planning of the organisation;
- They are set free from central government control and are no longer performance managed by health authorities. As self standing, self-governing organisations, NHS foundation trusts are free to determine their own future;
- They have new financial freedoms and can raise capital from both the public and private sectors within borrowing limits determined by projected cash flows and therefore based on affordability. They can retain financial surpluses to invest in the delivery of new NHS services; and
- They are overseen by Monitor.

3.3 The consultation document sets out the Foundation Trust's Vision: "to be the provider of choice by delivering excellent care and improving the health of our communities..."

3.4 Its top four priorities for developing services were decided "by working with patients and families, local GPs and others working in health and social care in Kent." They are:

- To provide community-based services to stop people from becoming unwell;
- To avoid the need for people to have to go into hospital and, if they do require hospital care to provide support so they can leave earlier;
- To provide care which is closer to people's homes; and
- To continually improve patients' experiences of our services.

3.5 The main features of becoming a Foundation Trust highlighted in this consultation are the opportunities for the public, patients and carers, to become involved in the decisions about the Trust and the services provided.

3.6 The Consultation document includes a membership form. It asks all those interested in becoming a member to indicate how they would like to be involved by making a selection from the following list:

- Receive information, e.g. member's newsletter;
- Respond to surveys and questionnaires;
- Be involved in/comment on public information leaflets;
- Attend events;
- Be part of a panel or working group (relevant to your interest);
- Find out more about becoming a governor; and
- Be sent membership forms to recruit family, colleagues, etc, as members.

3.7 Members will then be encouraged to elect a Council of Governors "to represent their view and be responsible for feeding back their comments."

3.8 The Council of Governors will:

- Represent the interests of all members;
- Enable local residents, patients, staff and partners to influence decisions about the development of community services;
- Ensure that members are properly supported;
- Appoint or remove the Trust's Chairman and approve the appointments of Non-executive Directors;
- Approve the appointment of the Chief Executive;
- Be responsible to, and represent, the members by regularly attending Council of Governors meeting; and
- Be supported by the Trust's Membership Officer to keep in contact with members within their own constituency.

3.9 The proposed number of governors is 25 and will be made up of the following:

- Public Governors;

- Staff Governors; and
- Appointed Stakeholder Governors.

#### **4. Impact on Corporate Objectives**

4.1 The Committee will consider reports that deliver against the following Council priorities:

- 'For Maidstone to be a decent place to live.'

4.2 The Strategic Plan sets the Council's key objectives for the medium term and has a range of objectives which support the delivery of the Council's priorities.