

Mike Farrar
Chief Executive
Direct Line: 0161 625 7113
E-mail: Mike.Farrar@northwest.nhs.uk
Reference:

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Mr Josh Mynott
Overview and Scrutiny Manager
County Secretary and Solicitor's Group, Office of the Chief Executive,
Lancashire County Council
PO Box 78, County Hall,
Preston
PR1 8XJ

Dear Mr Mynott

**Adult Social Care and Health Overview and Scrutiny Committee
Report of the Lancashire Care Trust – Lancaster Preferred Site Selection
Task Group**

Thank you for your letter 1st October 2008 and final report of the OSC Task Group.

NHS North West and NHS North Lancashire have considered the findings and recommendations and would like to jointly make the following response.

We are aware that public consultation on the Mental Health Matters service model was PCT-led, prior to the establishment of both the North West Strategic Health Authority (NHS North West) and the current configuration of Primary Care Trusts. We also note that subsequently the Joint OSC supported the Trust's view (supported by external legal advisors) that formal public consultation on site selection was not necessary and that instead stakeholders would be engaged by the Trust in the process of selecting sites in line with the requirements of Section 242 of the NHS Act 2006. We note that finding 2 acknowledges that the Trust had met its duties under Section 242. We agree with the implication in finding 4 that the Trust did in practice undertake a much more thorough process than would be required to meet the legal duty and fulfil the requirements agreed with the Joint OSC about site selection.

Finding 17

Both of our organisations were, as the finding states, aware of the engagement process planned by Lancashire Care Trust but did not approve

the process as such. SHA's were only ascribed the role to ensure that effective involvement and consultation are undertaken, and to approve proposals for change prior to formal public consultation, in guidance issued by the Department of Health in May 2008. The guidance says that Primary Care Trusts should in future normally lead the development of and consultation on proposals for major service change at local level.

NHS North West does seek to maintain an awareness of all local NHS consultation and engagement activity and in this case we did monitor the plans and activity associated with the site selection process, including attendance at a public engagement event in relation to one of the other proposed sites. Whilst SHA's have no formal authority to monitor engagement activity by NHS Foundation Trusts, Lancashire Care Trust was willing to provide updates on the engagement process after they had become a Foundation Trust on 1st December 2007.

Recommendation 1

A number of sets of relevant national guidance exist that relate to consultation and engagement which we would consider more than adequately set out expectations and requirements of local NHS organisations. These include:

- *'Strengthening accountability - involving patients and the public; policy and practice guidance: Section 11 of the Health and Social Care Act 2001' (DH 2003);*
- *'Code of Practice on Consultation' (Better Regulation Executive July 2008);*
- *'Change for the better: Guidance when undertaking major changes to NHS service (DH March 2008);*

The section 11 guidance referred to above is due to be replaced within the next month by more comprehensive guidance being developed by the Department of Health in relation to Section 242 of the NHS Act 2006.

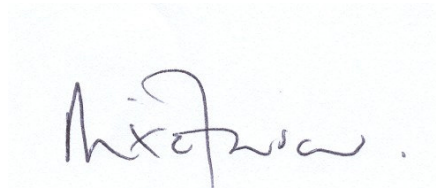
NHS North West works with all PCTs to identify and share learning from consultation and engagement activities. Rather than develop additional guidelines, PCTs are signposted to existing guidance or sources of advice.

NHS North West and NHS North Lancashire share the Committees aspiration to ensure high standards of public engagement and consultation. Our commitment to this is clearly signalled in the recent report 'Healthier Horizons for the North West: A new vision for health and healthcare in the North West' which includes 10 touchstone tests which the public might apply to know if we are delivering on the vision, the first of which is "I will be more involved in decision made by the NHS", together with a series of commitments regarding engagement with patients and the public. Such strong public engagement will be emphasised within NHS North Lancashire's forthcoming Strategic Plan, building on the large public engagement exercise (Health Fast Forward) undertaken within North Lancashire over the past 12 months and the development of its Affiliate Scheme (PCT membership scheme) which has now over 6000 members.

In addition NHS North West has recently developed an Assurance Framework for the delivery in the North West of recent Department of Health Guidance on major changes in NHS services which has been circulated to all local NHS organisations.

We would therefore welcome your involvement in discussing how to improve consultation and engagement over major service changes in Lancashire. In addition we would of course be very happy attend a future meeting of the committee to present and explain our response. We would also offer the suggestions that we have a joint discussion between the 4 PCTs covered by Lancashire County Council to discuss a shared approach for the future.

Yours sincerely



Mike Farrar
Chief Executive
NHS Northwest



Ian Cumming,
Chief Executive,
North Lancs PCT

c.c.

Dave Tomlinson, Lancashire Care Trust
Alison Tonge, NHS North West
Andy Bacon, NHS North West
David McNally, NHS North West
Chris Dent, NHS Northwest
Sue Henry, NHS Northwest