

Foundation Trust Consultation Paper
for Wiltshire Health Scrutiny Committee
20th September 2007

1. BACKGROUND

NHS Foundation Trusts were established under the Health and Social Care (Community Health and Standards Act) 2003. They are one element of a wider health service reform programme, offering greater local accountability and a focus on meeting the health needs of the local communities. Foundation Trusts have greater freedoms and autonomy within a national framework of standards and inspections.

All NHS Mental Health and Acute Trusts are expected to apply for Foundation Trust status by 2008.

On 2nd July 2007 the Department of Health confirmed that Swindon and Marlborough NHS Trust could proceed with its application to become a Foundation Trust as part of the Wave 7 applications.

A key part of the application process is a 12 week public consultation. Trusts applying within Wave 7 are required to undertake consultation from 9th July 2007 until 29th September 2007.

2. ABOUT FOUNDATION TRUSTS

NHS Foundation Trusts are:

- A new type of NHS organisation, established as independent public benefit corporations, modelled on co-operative and mutual traditions
- Providers of healthcare according to core NHS principles – free care, based on need and not on the ability to pay
- Free from central government control and from strategic health authority performance management
- Not required to achieve financial breakeven but must be financially viable
- Required to present their annual reports and accounts to Parliament
- Subject to the risk of insolvency, however service provision would be protected

2.1 Key benefits of NHS Foundation Trusts are:

- Accountable to local people, who can become members or governors. The governors have a duty to appoint non-executive directors, enabling local ownership and service influence whilst maintaining local accountability
- Free to retain and build up surpluses that they generate and decide how to use these funds for the benefit of patients, service users and the communities they serve
- Able to borrow from commercial sources within limits set by Monitor (the independent regulator of NHS Foundation Trusts), but their capital requirements are not subject to central determination or prioritisation
- Greater flexibility to improve and modernise services in order to increase service capacity and efficiency.

2.2 Key constraints

Against the context of the additional freedoms there are also certain constraints placed on NHS Foundation Trusts. NHS Foundation Trusts are:

- Not able to withdraw from providing services for categories of patient and service users for whom care is unprofitable within the new system of Payment by Results, without obtaining commissioner support and/or ensuring alternative provision is available. If a Primary Care Trust (PCT) wishes to purchase a particular service on behalf of its population from a NHS Foundation Trust, that service must be provided unless there are clear clinical reasons why it should not be
- Not able to give priority to the care of private patients and neglect their responsibilities to the NHS. Under the legislation there are strict caps on the percentage of the income of an NHS Foundation Trust that can come from the care of private patients and Monitor will regulate those caps
- Required to deliver services under legally binding contracts with PCTs and therefore they are under a legal obligation to deliver within the terms of the contract they have signed
- Obligated to remain compliant with Monitor's terms of authorisation and to operate within Monitor's compliance and monitoring regime

3. THE TRUST'S PUBLIC CONSULTATION

The legislation establishing NHS Foundation Trusts, the 2003 Act, requires consultation with local communities and stakeholders. This is not a vote on whether the Trust should become a Foundation Trust, but a consultation based on the proposals that are being suggested.

Specifically, applicant trusts are required to publicly consult on

- Governance proposals
- The vision of the Trust
- Benefits and Risks of NHS Foundation Trust status for the applicant

3.1 Consultation proposals – How we would operate as a Foundation Trust

One of the key features of NHS Foundation Trusts is that while they are still part of the NHS, they are controlled and run locally, not nationally.

Outlined below are our proposals on how this will work, covering the following issues:

- A membership made up of local people, staff, volunteers, Carillion Health staff (the hospital's private provider of estates and facilities management services) all of whom will have an interest in healthcare and their local hospital
- A Council of Governors that will include governors that our members have elected to represent them and governors nominated by our partner organisations
- A Board of Directors made up of a Chair, Non-Executive and Executive Directors

3.2 Membership

Being a member will give people the chance to make a real difference to the way in which the Trust operates. Local people and staff are eligible to become members of the NHS Foundation Trust and take an active part in our future. They will be kept informed of developments within the hospital and their feedback will help shape our strategies.

Members will be able to:

- Vote for governors to represent their views on the Trust's new Council of Governors
- Stand for election as a governor
- Be consulted about our plans for future healthcare services and hospital facilities
- Contribute views and ideas to the improvement of patient care (for example, through focus groups on particular healthcare issues)
- Receive regular communication

We are proposing that members of the public can apply to become members of the Trust providing they are over 12 years of age and live within the areas outlined below.

- Swindon
 - All electoral Wards in Swindon Borough Council Area
- Wiltshire
 - All electoral Wards in Wiltshire County Council Area
- Gloucestershire, Oxfordshire and West Berkshire
 - All electoral wards in these areas.

3.3 Staff Members

We are proposing that all of our staff will automatically become members, unless they “opt-out” of becoming members. In addition, staff employed by Carillion Health and our Trust Volunteers will also automatically become members - unless they “opt-out” of membership.

We believe it is crucial that all staff have a strong voice within our organisation and have an opportunity to influence our strategic direction.

3.4 The Council of Governors

The Council of Governors will be responsible for reflecting the interests of the members and partners in the local health community. It will ensure a strong link between the views, needs and aspirations of our communities and the decisions made by the Trust Board about our services and how they should be delivered.

The Council of Governors will have powers to appoint or remove the Chair and Non-Executive Directors, approve the appointment of the Chief Executive and determine the remuneration of Non-Executive Directors.

Governors will be elected for a term of three years and will be able to seek re-election to serve a maximum of 2 terms.

There are certain restrictions about how the Council should be made up. The majority of governors must be publicly elected. There must be at least 1 Primary Care Trust Governor and 1 Local Authority Governor.

Proposed Composition

It is proposed that the Council of Governors will comprise:

Elected Governors:

- 10 Publicly elected Governors
 - 5 Elected from Swindon, 3 Elected from Wiltshire and 2 Elected from Gloucestershire, Oxfordshire or West Berkshire
- 3 Staff Governors

Nominated Governors:

- 2 Local Authority Governors
 - 1 nominated by Swindon Borough Council and one from Wiltshire County Council
- 2 PCT Governors
 - 1 nominated by Swindon PCT, one by Wiltshire PCT;
- 2 Other Partnership Governors
 - 1 nominated Higher Education representative nominated by the Swindon and North Wiltshire Healthcare Academy,
 - 1 nominated by Thames Valley Chamber of Commerce

3.5 Board of Directors

The Board of Directors will be accountable for the management of the NHS Foundation Trust and will be responsible for providing strategic leadership. It will manage the day to day affairs of the organisation.

The Board of Directors is to comprise:

- A Non-Executive Chairman
- Up to a maximum of 5 (five) other non-executive Directors, and
- Up to a maximum of 5 (five) Executive Directors
- The number of Non-Executive Directors plus the Chair must always exceed the number of executive directors

One of the Executive Directors shall be the Chief Executive

One of the Executive Directors shall be the Finance Director

One of the Executive Directors is to be a registered medical practitioner or a registered dentist

One of the Executive Directors is to be a registered nurse or a registered midwife

3.6 Our Vision for the Future

Our Aim:

- To be the best performing Hospital in England, providing the highest quality services to our local population and so be their hospital of first choice

The Trust Promise:

- Make the safety of our patients and staff our number one priority
- Listen to our patients and the community and aim to exceed their expectations
- Provide prompt, effective treatment and care that meets the needs of each person
- Work collaboratively with other organisations to ensure people have access to the right care, in the right, place, at the right time
- Be an exemplar employer who supports professional and skilled staff
- Be innovative and continuously improve the quality of the treatment and care we provide
- Seek to get the best possible value for every pound we spend

Trust Values:

- Open and honest
- Professional and friendly
- Continual improvement
- Collaborative
- Innovative and enthusiastic

Trust Strategic Objectives:

Objective 1 - Improve satisfaction and confidence in our services.

Objective 2 – Continue to be the local healthcare provider of choice for people in Swindon

Objective 3 – Increase the numbers of patients choosing our services from Wiltshire, Oxfordshire, Berkshire and Gloucestershire.

Objective 4 – Respond to increased competition and work with communities to provide more care near to home.

3.7 The Trust's Name

Once authorised as a Foundation Trust we will be required to change our name to incorporate NHS Foundation Trust. Therefore, like many applicant Foundation Trusts, we are using the consultation to seek views on two options for our new name.

We would like to hear views on whether we should be called:

Swindon and Marlborough NHS Foundation Trust

or

The Great Western NHS Foundation Trust

4. THE CONSULTATION PROCESS

The Consultation period begins on 9th July 2007 and will run until 29th September 2007.

At the end of this period, all the views and comments will be summarised and included in a final report which will influence our final decisions and will be submitted to the Secretary of State as part of our application for Foundation Trust Status.

This report will be published on the Trust's website from early October 2007.

It is very important that anyone within with an interest in our services has the opportunity to comment on our suggestions for public and staff membership, the governing council and also the future strategy of our organisation.

During the consultation our aim to reach as many stakeholders from as many differing groups and backgrounds as possible to ensure our consultation is representative of the people we serve

4.1 Consultation Document

A full and summary consultation document, entitled “Partners in Excellence” has been produced which outlines details of our proposals for Foundation Trust status and full details of the consultation process. Included within this document is a consultation reply form which asks for views around eleven key questions. A pre-paid envelope is included for members of the public and staff to give their views. The document is available in large print and other languages and formats.

4.2 Public Meetings

There will be a series of public meetings held at:

Date	Venue / Event	Time
17 th July	New College, Swindon	7pm-9pm
31 st July	Town Hall, Marlborough	7pm-9pm
1 st August	Town Hall, Malmesbury	7pm-9pm
14 th August	Town Hall, Trowbridge	7pm-9pm
15 th August	Town Hall, Chippenham	7pm-9pm
16 th August	Town Hall, Devizes	7pm-9pm
11 th September	Steam Museum, Swindon	7pm-9pm

4.3 Community Events

We plan to attend a whole range of different community events across our catchment over the course of the consultation to give out information and publicise this consultation. Here is a list of just a few of the events we will be attending:

Date	Venue / Event
21st July	Marlborough Town and Country Fair
27 th & 28 th July	West Wiltshire Show, Trowbridge
28 th July	Swindon Mela
4 th and 5 th August	Wroughton Classic car & bike show
5 th August	Wootton Bassett Festival
18 th August	Wanborough Show
25 th August	Shrivenham Fete
27 th August	Cricklade show
9 th September	Emergency Services Show, Hullavington

4.4 Trust Open Day

The Trust open day takes place on Saturday 15th September 2007 at The Great Western Hospital where there will be a chance to hear about our plans for Foundation Trust Status and for members of the public to give their views.

4.5 Staff Meetings

We will be holding further discussions with our staff regarding our proposals over the course of the consultation and our staff will have every opportunity to give their views.

4.6 Partner Organisations

We have arranged to attend a wide range of meetings with our partner organisations and stakeholder groups to explain our plans and enable us to hear their views and suggestions.

4.7 Trust Internet Site

There is a dedicated Foundation trust section on our website:
www.swindon-marlborough.nhs.uk

4.8 Local Media

We will issue information to our local media on a regular basis.

Nathan Hall

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