

**UNIVERSITY HOSPITALS OF LEICESTER NHS TRUST**

**REPORT TO: TRUST BOARD**

**DATE: 6 OCTOBER 2011**

**REPORT BY: CHIEF EXECUTIVE**

**SUBJECT: MONTHLY UPDATE REPORT – OCTOBER 2011**

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**1. KEY ISSUES**

1.1 There are two key issues to draw to the attention of the Trust Board this month, namely:-

- the financial position of the Trust: this subject is to be considered further by the Board at this meeting in the light of the reports from the Chief Operating Officer/Chief Nurse and Director of Finance and Procurement which feature elsewhere on this agenda;
- preparedness for Winter 2011: again, reports feature elsewhere on this agenda on this subject and Ms Catherine Griffiths, Chief Executive, Leicestershire County and Rutland and Leicester City PCT Cluster is to attend the Trust Board for discussion on this subject.

**2. SAFE AND SUSTAINABLE REVIEW OF CHILDREN'S CONGENITAL HEART SERVICES IN ENGLAND**

2.1 The Trust Board has previously been informed of the legal challenge by the Royal Brompton and Harefield NHS Foundation Trust opposing the consultation process of the Joint Committee of the PCTs of England as part of the National Safe and Sustainable review.

2.2 The High Court hearing commenced on 27<sup>th</sup> September 2011.

2.3. Separately, during September 2011 both the Adults, Communities and Health Overview and Scrutiny Committee of Leicestershire County Council, and the Health and Community Involvement Scrutiny Commission of Leicester City Council have considered the IPSOS Mori report of the public consultation upon the Safe and Sustainable review. It is understood that both Councils are to take the opportunity to submit further comments on the process to the Safe and Sustainable review Team.

**3. NHS MIDLANDS AND EAST: SHA CLUSTER**

3.1 The NHS Midlands and East, the new SHA Cluster covering the East Midlands, West Midlands and East of England SHAs assumed its responsibilities on 3<sup>rd</sup> October 2011.

3.2 The Chair of the Cluster is Ms Sarah Boulton, formerly Chair of NHS East of England. Sir Neil Mackay is Chief Executive of the Cluster, formerly Chief Executive of NHS East of England.

3.3 The objectives for SHA Clusters are:-

- day to day delivery – ensuring that services for patients are developed, financial control is maintained and QIPP plans are delivering. The overriding priority will be protecting and enhancing patient safety and quality;
- building the future – the Cluster will play its full part in leading the implementation of the Government's reforms at the NHS;
- supporting staff – the Cluster will step up efforts to support staff who are affected by the proposed reforms but also those working within every facet of the NHS during these challenging times.

3.4 The Chief Executive and Chairman are due to attend an NHS Midlands and East introduction session on 5<sup>th</sup> October 2011.

#### **4. HEALTH AND SOCIAL CARE BILL: TIMETABLE AND FAILURE REGIME**

4.1 The Health and Social Care Bill has cleared its House of Commons stages and is now passing through the House of Lords, with its second reading scheduled for 11<sup>th</sup> October 2011.

4.2 The Department of Health has recently published its latest amendments to the Bill which include detail on continuity of services and what will happen to Foundation Trusts and other providers that become unsustainable. The essence of these amendments is that there should be a pre-failure/distress regime which seeks to secure the turnaround of a poorly performing Trust before it reaches a point of failure. The proposed new regime allows clinical and financial problems to be addressed at a local level in order to ensure service continuity and high quality care in the long term.

4.3 The proposed amendments would mean that failing Foundation Trusts could no longer be de-authorised but that Monitor could appoint a suitably qualified person ("Administrator") to take control of the provider's 'affairs' in the event of previous interventions having been unsuccessful.

#### **5. RECOMMENDATIONS**

5.1 The Trust Board is invited to receive and note this report.

Malcolm Lowe-Lauri  
Chief Executive

29 September 2011