

Report to: **East Sussex Health Overview and Scrutiny Committee (HOSC)**

Date: **30 November 2007**

By: **Director of Law and Personnel**

Title of report: **Sussex Partnership NHS Trust – Application for Foundation Trust Status**

Purpose of report: **To summarise Sussex Partnership NHS Trust’s consultation on becoming a Foundation Trust and to highlight areas for further consideration.**

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## **RECOMMENDATIONS**

**HOSC is recommended to:**

**1. Consider and comment on Sussex Partnership NHS Trust’s plans to become a Foundation Trust.**

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### **1. Foundation Trusts**

1.1 Foundation Trusts represent a key part of the Government’s reform programme for the NHS. They are a new type of NHS organisation, established as independent public benefit corporations and are intended to be free from central government control and strategic health authority performance management. However, they remain providers of NHS healthcare which is free at the point of delivery and are expected to conform to the same national standards in relation to clinical quality and safety.

1.2 The key features of Foundation Trusts relate to their governance arrangements and their financial regime. In terms of governance, Foundation Trusts are accountable to local people who form a membership. From this, public Governors are elected to form part of a Council of Governors which works alongside the Trust Board. In terms of finance, Foundation Trusts are free to retain any surpluses they generate for reinvestment, to borrow in order to support this investment, and to make their own decisions about what capital investment is needed to improve services. These freedoms and increased local accountability are designed to encourage innovation in local service delivery.

1.3 Foundation Trusts are regulated by an organisation called Monitor. In order to become a Foundation Trust an NHS Trust must be approved by the Department of Health to apply to Monitor and must then meet a range of criteria, particularly relating to their financial stability, governance arrangements and plans for the future.

1.4 The first Foundation Trusts were established in April 2004 and there are currently 77 across England, including acute hospital, mental health and specialist Trusts. There is an expectation that all Trusts will eventually become Foundation Trusts.

### **2. Sussex Partnership NHS Trust’s consultation**

2.1 In October 2007 Sussex Partnership NHS Trust launched a 12 week consultation on its plans to become an NHS Foundation Trust which closes on 28<sup>th</sup> December. Committee members have previously received a copy of the consultation document which is also available on the internet at [www.sussexpartnership.nhs.uk](http://www.sussexpartnership.nhs.uk)

2.2 It is important to note that the consultation is not about whether or not the Trust should become a Foundation Trust. Instead, the consultation relates to how the governance arrangements of the proposed Foundation Trust should work and the Trust’s future plans. The

consultation document also invites local people to become members of the Trust and to consider standing for election as a Governor.

2.3 In terms of plans for services the Trust's key proposals are to:

- change the way service users are supported ensuring each person is treated as an individual
- change the way services are planned to give a greater voice and great ownership to local communities so that services fit people's needs
- provide more specialist services locally for the first time and provide care as close to people's homes as possible
- set up new partnerships with people who use the Trust's services, carers, community organisations, employers and the public sector
- build on links with education providers and forge a stronger strategic partnership with Brighton and Sussex Medical School and other universities by becoming a teaching Trust.

2.4 In terms of governance the Trust's key proposals are:

- To adopt a new name, 'Sussex Partnership NHS Foundation Trust';
- To offer membership to people who use the Trust's services and those who have used services in the last five years; carers of those people who use the Trust's services or who have used services in the last five years, and the general public – grouped by whether they live in Brighton and Hove, East Sussex or West Sussex;
- All Sussex Partnership permanent staff, those on a fixed term contract of at least 12 months, social care staff who work in the trust and all volunteers will automatically be offered membership. (Anyone who does not want to be a member can turn down this offer);
- To have a Council of Governors made up as follows:

|                                   |   |
|-----------------------------------|---|
| Elected Governors (22 in total)   | Staff (6); People who use the Trust's services (7)<br>Carers (3); General public (6) – two from each of Brighton and Hove, East Sussex and West Sussex  |
| Appointed Governors (14 in total) | 1 – East Sussex Downs & Weald PCT; 1 – Hastings and Rother PCT; 1 – West Sussex PCT; 1 – Brighton & Hove PCT; 1 – NHS acute trust<br>3 – Social services authorities – 1 each from Brighton & Hove City Council, East Sussex CC, West Sussex CC<br>1 – from Brighton University or the University of Sussex<br>1 – local business – nominated by Sussex Enterprise<br>3 – third sector organisations including 1 with a particular interest in learning disability; 1 – Sussex Police |

### 3. Issues for further consideration

3.1 The Committee may wish to consider and comment on the following areas:

- The Trust's future plans and how Foundation Trust Status will benefit these;
- How the Trust can best meet its future aims;
- How the views of children and young people can best be represented through the membership and Council of Governors;
- The make-up of the Council of Governors;
- The division of the membership into categories for services users, carers, general public (further divided by the two counties and Brighton & Hove) and staff.
- How the Trust can effectively communicate and engage with its membership.

### 4. Recommendation

- 1) **To consider and comment on Sussex Partnership NHS Trust's plans to become a Foundation Trust.**

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