

**HERTFORDSHIRE COUNTY COUNCIL**

**SPECIAL HEALTH SCRUTINY COMMITTEE  
WEDNESDAY, 21 MARCH 2018 AT 10.00AM**

**BACKGROUND PAPER FROM HERTFORDSHIRE COMMUNITY NHS TRUST FOR  
THE COMMITTEE'S SCRUTINY OF HERTS VALLEYS CLINICAL  
COMMISSIONING GROUP'S PROPOSAL TO WITHDRAW £600,000 FUNDING  
FROM NASCOT LAWN NHS RESPITE CENTRE (THE "PROPOSAL")**

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**1. PURPOSE OF THE REPORT**

- 1.1 To provide members with a response to the scrutiny questions to be addressed at the Special Health Scrutiny Committee taking place 21 March 2018.

**2. BACKGROUND**

- 2.1 Members will be seeking information to address the following questions

**2.1.1 *Is the Proposal in the interests of health services in Hertfordshire?***

The Trust considers that the question of whether the Herts Valleys Clinical Commissioning Group's (HVCCG) decision is ultimately in the interests of health services in Hertfordshire is essentially a commissioning issue and the Trust is neutral in respect of this question, provided that:

- (1) Alternative models of care to the children and parents currently using Nascot Lawn (and in the future) and which provide a safe and sustainable service and which comply with statutory responsibilities can be agreed and implemented or
- (2) The services are retained at Nascot Lawn in current form or as re-modelled.

What has and continues to be detrimental to "the interests of health services in Hertfordshire" is the protracted and current uncertainty around the future of Nascot Lawn and the services provided. However, the Trust understands that the CCGs and the Council may now be close to agreement on a way forward.

Contractually, and in line with the judgement handed down by Mr Justice Mostyn on 21<sup>st</sup> February, the current position for the Trust is to continue to provide the service at Nascot Lawn as though HVCCG's decision in November 2017 to withdraw funding had never been made. Should the CCG make a further decision to withdraw their funding, the Trust is contractually entitled to

six months' notice, but would consider earlier termination if agreement is in place which is to the satisfaction of all parties.

Two notices of withdrawal of funding and their subsequent rescission in 2017 and 2018 have made it very difficult for the Trust to retain and recruit staff at Nascot Lawn in such an uncertain environment and it has thereby been difficult to staff the service sustainably to the full commissioned levels". (The precarious staffing position has been repeatedly raised with all parties throughout the judicial review processes).

The staffing position and need to maintain a safe service has invariably impacted upon the level of service which the Trust has been able to provide.

The Trust would however like to acknowledge the recognition of the difficulties by all parties, including the parents. The Trust also publicly expresses our appreciation for the continued commitment and the care given by the staff at Nascot Lawn.

The Trust has employed its best efforts and wide-ranging initiatives to recruit and retain staff and continues to do so and, HVCCG has also requested that the Trust submit a plan by 15th March 2018 detailing "how delivery will return to commissioned levels".

The current position is that the Trust is reasonably confident that a safe, sustainable service can be maintained at Nascot Lawn until the middle of May 2018, but the position is currently uncertain beyond that point, despite the Trust continuing with best endeavours.

Members of the Scrutiny Committee are requested to note that in the event that the Trust has no choice but to give notice to the Clinical Commissioning Groups (CCG's) that it has to close Nascot Lawn on the grounds of being unable to provide a safe service and that there is no time for consultation because of a risk to safety or welfare of patients or staff, it is the Trust's understanding that s.23 of the Local Authority (Public Health & Wellbeing Boards and Health Scrutiny Regulations) 2013 will have further relevance.

Such closure would constitute "substantial variation" under the Regulations. However, formal consultation with the Local Authority (as currently being undertaken by virtue of the current scrutiny) would not be required, but the CCG as commissioner will need to notify the Council immediately of the decision taken and the reason why no consultation has taken place.

**2.1.2 *Are there any alternative service proposals available to HVCCG and the County Council that would address the current and future needs of CYP with complex health and social care needs requiring respite care in Hertfordshire?***

The Trust considers that this is an issue for HVCCG and the council (and to a lesser extent East & North Herts CCG as “minority funder”) to agree and resolve. The Trust has to date, and will continue to be a party to negotiations and will be responsive and supportive to any agreed way forward between the CCGs and the Council.

The Trust also recognises a duty of care and will continue to support the children and their families as commissioned and as far as reasonably possible and practicable in the context of any agreed service model, setting or transitional arrangements.

**2.1.3 *How will the integration and joint responsibilities between HVCCG and the County Council be arranged and managed going forward?***

Please see 2.1.2 above.