

## **HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE**

**16 JUNE 2020**

### **ADDENDUM REPORT MEDWAY NHS FOUNDATION TRUST (MFT) - ACUTE STROKE SERVICES**

Report from: James Devine – Chief Executive, MFT  
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#### **Summary**

The report at Appendix 5 informs the Committee that the MFT acute stroke service will be temporarily transferred, as an emergency measure, to Maidstone Hospital and Darent Valley Hospital from early July 2020.

1. Budget and policy framework
  - 1.1. Medway Council has delegated the function of health scrutiny to the Health and Adult Social Care Overview and Scrutiny Committee and the Children and Young People Overview and Scrutiny Committee. This includes the power to report contested NHS service reconfigurations to the Secretary of State.
2. Background
  - 2.1. Details of the proposals are set out in the attached Appendix 5.
3. Consultation
  - 3.1. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 allow health professionals to make decisions without consulting health scrutiny committees where they determine that a decision has to be taken “without allowing time for consultation because of a risk to the safety or welfare of patients or staff.”
  - 3.2. However, where a consultation was not possible because of a risk to the safety or welfare of patients or staff, and the Committee considers the reasons given for

the lack of consultation were inadequate, this would be grounds for considering referral to the Secretary of State.

#### 4. Risk Management

- 4.1. NHS commissioners and providers have duties in relation to public involvement and consultation and local authority consultation. The South East Clinical Senate published a review of the potential clinical implications for local hospitals not designated as a Hyper Acute Stroke Unit (HASU) in any stroke reconfiguration. The evidence from this review highlighted a number of specific risks to the population of Medway as a result of the decision not to award HASU status to Medway Maritime Hospital.
- 4.2. In relation to the proposal to temporarily transfer, as an emergency measure, acute stroke services from MFT to Maidstone Hospital and Darent Valley Hospital from early July 2020, the move is considered to be necessary on the grounds of patient safety.

#### 5. Financial Implications

- 5.1. There are no financial implications for Medway Council arising directly from the contents of this report.

#### 6. Legal implications

- 6.1. Regulation 23 of the Health and Wellbeing Boards and Health Scrutiny Regulations 2013 states that where the NHS is considering any proposal for a substantial variation in the provision of the health service in the area of the local authority they must consult the authority concerned. The duty to consult can be dispensed with where a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff. Where an authority is not satisfied that the consultation has not been adequate in relation to the time or content or that the reasons given for not consulting are adequate a referral can be made to the Secretary of State.
- 6.2. The change being made does not represent the implementation of Hyper Acute Stroke Units (HASUs) and is a temporary measure to preserve the quality and safety of patient care. A final conclusion on the development of HASUs is not possible until legal challenges have been concluded and approval given by the Secretary of State. These challenges include the referral to the Secretary of State agreed by this Committee on 12 March 2019, the outcome of which is awaited.

#### Officer contact

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## Appendices

Appendix 5 – Report on Stroke Service Relocation from Medway NHS Foundation Trust

Background papers

None.