

Collected correspondence NEW CCG re election

**ELEVEN**

26-06-17

Dear David,

Thank you for your email.

We are sorry to learn you are dissatisfied with our response.

We can confirm the CCG do not hold the requested information and in that regard our response dated 22 June stands.

Best regards,

Freedom of Information Office

NHS Northern, Eastern and Western Devon Clinical Commissioning Group

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**TEN**

22-06-17

Dear FOI - NEW CCG anon,

Your response is inadequate in all respects. It would appear that the NEW CCG is intent on concealing simple facts. The LMC might have been involved in fielding candidates for election to the board but it was a NEW CCG Shadow Meeting, chairman Dr Burke who took nominations/appointments according to the signed minutes, and presumably over the 'phone - second attachment. See Elections. There are two parts to answer -

***DJ asked if election results had been received formally from the LMC.***

a. ***It was confirmed there (sic) were only received verbally (presumably by 'phone')***. I have asked for the record of that important input. Even a parish council with a budget of £2000 has strict rules to observe.

b. ***ACTION: RH to contact LMC for formal outcome to include ranking.***

Ms Harriott will have a record of the formal outcome/s

My questions about this election process are crystal clear. The process stands apart from the good advice given by Ms Annette Benny, (a board member now.)

We are talking about nomination/appointment/co-option to a board with the widest and deepest responsibilities and with a budget of over £1 billion. If I do not get a satisfactory response within 4 working days, I will not go to the Information Commissioner but instead to a senior in the DoH with whom I have corresponded previously.

I am sure you are fully aware that, for the time being, this is still our NHS.

yours sincerely

David Halpin MB BS FRCS

bcc to my secretary

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**NINE**

22-06-17

Dear David,

Thank you for your Freedom of Information request. Please find attached a response letter from the Northern, Eastern and Western Devon Clinical Commissioning Group.

This is further to our acknowledgement letter reference FOI1355

Best regards,

Freedom of Information Office

NHS Northern, Eastern and Western Devon Clinical Commissioning Group

*Healthy people etc, living healthy lives, in healthy communities*

### **Our response**

**Devon Local Medical Committee (LMC) ran a process on behalf of its GP**

**member practices, in relation to the appointment of clinical leads to NHS**

**Northern, Eastern and Western Devon Clinical Commissioning Group's (NHS**

**NEW Devon CCG) localities and Governing Body in 2012, and all elections**

**since that time.**

**Should you require further information about this process, you may wish to**

**have direct communication with the Devon LMC directly.**

**Their contact details are:**

**Devon Local Medical Committee**

**Deer Park Business Centre**

**Haldon Hill**

**Kennford**

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**EIGHT**

2-06-17

Dear Darryl,

Thank you. I am sure you agree that the minutes of the meeting chaired by Dr Burke are plain. Given the importance of the proposals for board membership that he was receiving over the telephone, it is obvious that a record would have been made. That, and any associated records, is what I am seeking. As I have noted, 12 weeks have elapsed since I started my enquiries, these being spurred by Dr Jenner's insistence on air that an election took place. I ask with respect that I get an answer well within 21 days.

for truth and with best wishes

David Halpin FRCS

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**SEVEN**

On 02/06/17 10:30, Corporate Services (NHS NORTHERN, EASTERN AND WESTERN DEVON CCG) wrote:

Dear David,

Thank you for your Freedom of Information request. I can confirm that we are currently identifying if we hold this information and we will reply to you within 20 working days of the date your request was received.

Our FOI log number for this request is 1355.

With best wishes,

Darryl Nicholas

On behalf of the NEW Devon CCG FOI Team

**SIX**

**From:** David Halpin [<mailto:david@infoaction.org.uk>]

**Sent:** 30 May 2017 12:41

**Subject:** Re: Election of CCG members

Dear Keri,

You are obviously having difficulty in getting some details from the Local Medical Committees.

I wish to 'convert' my questions of 31-03-17 formally to a Freedom of Information request. I first sought clarification re the election of GP members of the NEW CCG from Dr Jenner 3/3/17 - 12 weeks away. This should have been resolved in a week given that the election, however performed, was a central act for the inception of the NEW CCG. I have put in bold that which requires exact clarification. Would you please pass this e-mail and the preceding correspondence to the officer dealing with FOI requests.

Thank you

best wishes

David (Halpin MB BS FRCS)

'Keri' wrote twice following this saying she was trying to get details from the Local Medical Committees.

**FIVE**

31-03-17

Dear Keri,

Thank you for your help in this most important matter - the method of election of the medical officers of the NEW CCG. I say this because the CCGs came out of a statute as you know - The Health and Social Care Act of April 1st 2012. Thus, as a statutory body the election of officers should be impeccable.

I have spent time going through the 6 attachments. I have read the recommendations by Ms Annette Benny \*\* for election and they are formal and proper. BUT the last relevant minute, signed as correct by Dr Burke, shows the election was anything but proper or lawful. See the attached three quotes and the full minutes.

The question arises of course as to whether the NEW CCG was properly and lawfully constituted -

but I am no lawyer.

I ask, **from Dr Jenner**, for the facsimile transcript of the **verbal votes** taken over the telephone. Aside from its importance in law, this is also of public importance.

(My original letter to Dr David Jenner is at the foot of this e-mail. Dr David Jenner's refutation of my assumption was broadcast on Radio Devon 19/01/17 during the panel discussion.)

thank you again for your help

David

\*\* biography <http://www.deltservices.co.uk/team>

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## **FOUR**

Dear Dr Halpin,

Please find attached the following which formed part of the election process suite of documents at the pre-authorisation of the CCG. The CCG sought the advice and support from the LMC who led the election process at that time, and we have included shadow minutes and the letter that was circulated by the LMC to all practices at that time for your visibility

- Options appraisal for CCG elections in New Devon CCG 090312 - The LMC were engaged with to independently oversee the process of elections on behalf of the CCG.
- Election process appointment timeline – outlines the process and job description
- Standard Operating Procedure for locality board election process – this was the process used at the onset of the CCG
- Approved minutes of the extraordinary board Dec 2013 (Western locality board)
- Notes of an extraordinary meeting NEW Devon shadow CCG 300512
- Final notes of NEW Devon Shadow CCG Governing Body 080812
- Governing body minutes can be found <http://www.newdevonccg.nhs.uk/about-us/governing-body/governing-body-meetings/public-papers-and-archive-/100198> dating back to July 2013 (first formal meeting in public)

I trust that this answers your questions.

**Keri Ross**

Communications Manager

NHS Northern, Eastern and Western Devon Clinical Commissioning Group

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Mobile: 07916301432

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### THREE

**From:** David Halpin [<mailto:david@infoaction.org.uk>]

**Sent:** 06 March 2017 21:30

**To:** CorporateServices (NHS NORTHERN, EASTERN AND WESTERN DEVON CCG)

**Subject:** Re: Election of CCG members

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**Quote from e-mail below – (letter of DSH to Dr Jenner.) 'I should be very grateful if you would link me to the minutes where and when this election took place for the NEW CCG board.'**

Dear Keri,

I have done my best with the link you provide but it is complex.

Samples of some use :-

2.2.2 Seems the most helpful path but **the link is dead**. I should like to read this document.

2.3.3 (Quickly) Member practice '**nomination**' by individual practice

Eligibility - '**appointed**' by a practice'

b. **Internal process** for each member practice

I should be grateful for the text/s which ONE record **election** of the GP members to the board  
TWO the individual practice members. Dr Burke has insisted that the board members were elected.

Many thanks

David

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### TWO

On 06/03/17 14:56, CorporateServices (NHS NORTHERN, EASTERN AND WESTERN DEVON CCG) wrote:

Dear David,

The election process is set out in the CCG's constitution  
<http://www.newdevonccg.nhs.uk/who-we-are/our-plans/100092>

Appendix C standing orders (section 2) describes the election process.

**Keri Ross**

Communications Manager

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**ONE**

**From:** David Halpin [<mailto:david@infoaction.org.uk>]

**Sent:** 03 March 2017 21:01

**To:** CorporateServices (NHS NORTHERN, EASTERN AND WESTERN DEVON CCG)

**Subject:** Election of CCG members

FAO Dr David Jenner Chair, Eastern Locality and Mid Devon sub-locality

Dear David,

You will recall that I spoke on that Radio Devon 'panel' with you. I said on air that the GPs on the CCGs were political appointees. I think I had assumed that because I had not been aware of an open process at the start. You corrected me, saying that the members were elected, and I imagined through the LMCs, or more widely.

My sister Mary, and myself, have hunted through the internet for records of this election process, but to no avail. I should be very grateful if you would link me to the minutes where and when this election took place for the NEW CCG board.

many thanks and with kind regards

David H