

29 January 2018

**Via email**

Dear Dr Halpin

**Re: Meeting with NHS NEW Devon CCG Chair and Head of Governance –  
Friday 19<sup>th</sup> January 2018**

Many thanks for meeting with both myself and Clare Doble, Head of Governance on Friday 19<sup>th</sup> January to discuss your requests for information from the CCG and the LMC.

Following our discussion, it is clear that your enquiry was to seek assurance from us that the Board members, and specifically the locality board members, had been elected appropriately, and in line with NHS England guidelines and the CCG's Constitution during the transition from NHS Devon Primary Care Trust to NHS Clinical Commissioning Group.

I confirmed that NHS Northern, Eastern and Western Devon CCG was authorised without conditions by NHS England (previously known as the NHS Collaborative Board), following rigorous key lines of enquiry, on 01 April 2013. I was also able to confirm my own process of election and those of the clinical members who were elected on behalf of the localities, and agreed with your comment that during the infancy of the CCG some language used in the minute taking was not clear, such as the use of the term 'selected', rather than 'elected'.

Please find attached a copy of the notes from our discussion in relation to your queries which I hope captures the response and clarification that you are seeking, and reassures that NHS Northern, Eastern and Western Devon CCG has met its constitutional obligations in relation to this matter.

It must be noted that we did on occasion veer off topic and talked clinician to clinician in terms of personal thoughts and opinion about the wider arrangements across the NHS landscape and the emerging challenges, and as Clare mentioned during the meeting only the detail around your request was noted.

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Also, please find attached the additional minutes from the Northern, Eastern and Western Locality Boards during shadow form specifically detailing the elected members, which I hope you feel supports that due diligence was undertaken from Shadow to authorisation of the clinical commissioning group.

If I can be of any further assistance please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Burke', with a stylized flourish at the end.

Dr Tim Burke  
Clinical Chair  
NEW Devon CCG

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NOTES FROM MEETING 19 JANUARY 2018 14.30 – NEWCOURT HOUSE,  
ACCOUNTABLE OFFICERS MEETING ROOM

IN ATTENDANCE:           Dr Tim Burke, Clinical Chair  
                                  Dr Halpin, Retired Orthopaedic Consultant  
                                  Dr Jameson-Evans (attended at 14.45), Retired  
                                  Orthopaedic Consultant  
                                  Mrs Clare Doble, Head of Governance

**MEETING NOTES 19 JANUARY 2018**

Note taker: Clare Doble, Head of Governance

Dr Tim Burke welcomed Dr Halpin to Newcourt House and the CCG offices, and highlighted the conflict of interest in respect of potentially preserving his position, prior to understanding the full detail underpinning Dr Halpin's written requests for information.

Dr Halpin mentioned that he is a retired orthopaedic surgeon, and has been defending Ashburton and other community hospitals. In September 2015 he wrote to the Chief Executive for Northern Devon Healthcare Trust and has never received a response in relation to his questions. He was therefore encouraged to go to Devon Healthwatch for a trusteeship, and it became apparent that the election process had preferred candidates and he wanted to understand that the process of election was not politically driven for the CCG elections.

On 19 February 2017, Dr Halpin was on a BBC panel with Dr David Jenner in his capacity as Eastern Locality Chair and Dr Halpin posed the question that CCGs were political appointees. Dr Jenner commented that the CCG clinical members were all elected by their peers. Dr Halpin therefore sought evidence that this was an elected process and wrote to the CCG in March 2017, but the documents that Dr Halpin received did not give reassurance on the process, detail or clarity as to how the clinically elected membership of the CCG had arisen.

Dr Jameson-Evans arrived and was welcomed at 14:45 hours.

TB explained the timeline of the development of CCGs under the shadow form of NHS Devon as the statutory body tasked by the NHS Collaborative Board (now known as NHS England) to develop Clinical Commissioning Groups using a detailed framework with parameters designed to develop commissioning within the specifically assigned geographical areas.

TB further outlined that the election process was designed by the NHS Commissioning Board. The first step in this process was the election process of the

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Chair of the developing CCG and this was undertaken in the Summer of 2012 through an independent scrutiny but Nationally managed for all CCGs by the Hague Group who were a national assessment centre and recruitment agency acting on behalf of NHS England. This process was an initial competency based test including a 360 review, various tests to ensure that the elected Chairs met the criteria to fulfil the position of Chair on the CCGs Governing Body. TB confirmed that there was no political influence on this process.

TB further explained the shadow form and the requirement for the authorisation process overseen by NHS England required a number of key lines of enquiry (KLOE's) to be evidenced and documented. The shadow CCG provided this evidence which included how its Board (Governing Body) members were constituted, which included, at that time, the Accountable/Chief Officer, Chair, relevant executives from the executive structure, two lay members and three locality clinical chairs for (Northern, Eastern and Western Locality) and TB confirmed that the CCG was authorised without conditions on 01 April 2013 as a result of meeting all requirements set out in the KLOE's.

TB further explained the nuances of each of the locality boards construction.

**Northern Locality Board** – Of the individuals who put themselves forward for election onto the Northern Locality Board, although Dr Womersley was not the highest voted elected member he was the only one that wanted to stand for the position of Clinical Locality Chair. The Northern Locality Board Minutes dated 26 September 2012 (shadow form outlined the dissolution of the shadow locality board and introduction of the incumbent board) First minutes with Dr J Womersley as Chair dated 31 October 2012 – shadow form.

**Eastern Locality Board** – There were only eight seats available and nine individuals who put themselves forward for election onto the Eastern Locality Board all of whom took up position as elected members – Dr David Jenner received the highest number of votes following election of Clinical Locality Chair.

**Western Locality Board** – There were only five individuals who put themselves forward for election onto the Western Locality Board which left one seat vacant. The detail of election is outlined in the minutes of the Extraordinary Western Locality Board dated 18 December 2013.

Following discussion Clare Doble, Head of Governance believed that the evidence Dr Halpin was initially requesting included the following – Eastern Locality as described above:

- Northern Locality Board Minutes dated 26 September 2012 and 31 October 2012

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- Western Locality Board Minutes dated 18 December 2013
- Election process outlined by the LMC including appointment timeline 01 June 2013
- LMC Options appraisal for CCG elections in NEW Devon 09 March 2012

TB acknowledged that Dr Halpin had received a delay in receiving the evidence from the LMC in terms of the action that was assigned to Rebecca Harriott in the Governing Body minutes which was a 'LMC to communicate in writing outcome of election/votes' and apologised for this.

Dr Halpin referred to his original questions:

Q1: *Some might think that CCG board members are 'political appointees' given, for instance, that no dissent is reported even though what can be predicted as very damaging policies are driven through. And there were no public reports of elections for board membership. However, in the attachments you sent to Bindman's I do learn that you were elected to the position of Chairman. **Response from TB: Confirmed that the election process of clinical members to the CCG is not in anyway political, but through an election process run by an independent body, in this event the LMC, and is overseen by a voting process as outlined in the attached documentation to this letter.***

Q2: *Were CVs or any other paperwork relating to candidates for board membership sent to NHSE or the Department of Health? **Response from TB: NHSE and/or Department of Health were not sighted on any CVs ahead of the election process, but these did form part of the key lines of enquiry (KLOEs). The Chair, in terms of officer role, and the Governing Body construct was defined by NHSE, but the clinical appointees were required to have an elected clinical majority which NHS NEW Devon CCG chose to construct by locality from its geographical area.***

Q3/Q4: *Was my email to Dr Jenner read by him soon after it was received? If it was, why was it passed to Ms Keri Ross, Communications Manager for her to deal with it in an obscure way? **Response from TB: We believe that the email was read by Dr Jenner – however, on further review the email arrived just as Dr Jenner was retiring from the position of Eastern Locality Chair so his emails would have been managed by the most appropriate individuals in the CCG, and in this instance appears to have been forwarded to the FOI team for action and response.***

Q5: *Dr Jenner was in the best position to answer my email. Would it not have saved NEW Devon CCG and my time if he had done so? **Response from TB: Yes.***

Q6: *Dr Jenners response on air was untruthful was it not? **Response from TB: Dr Jenner was correct in respect that the clinical members for NEW Devon CCG were***

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*elected by a clinical majority overseen by the independent body of the LMC, as described in the conversation today.*

**End**

Enclosures:

- LMC election process – shadow form of CCG – letter from Mark Sandford-Wood
- Timeline – paper by Annette Benny
- Minutes of shadow Northern Locality Board
- Minutes of shadow Western Locality Board
- Minutes from shadow Eastern Locality Board

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