

Date: 22 September 2020
Our Ref: OJHOSC/SoS/HortonMat3

Rt Hon Edward Argar MP
Minister of State for Health
Department of Health and Social Care
9th Floor
39 Victoria Street
London
SW1H 0EU

**Horton Joint Health Overview and
Scrutiny Committee
County Hall
New Road
Oxford
OX1 1ND**

Contact: Sam Shepherd, Policy Team
Leader
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Dear Minister,

Re: Referral of the closure of consultant-led maternity services at the Horton General Hospital for the foreseeable future

I thank you for your letter dated the 15th of September 2020 further to our representations dated 2nd December 2019.

I am however deeply concerned that you have misunderstood the issues at hand and failed to take due account of the new evidence submitted. I urge you to urgently reconsider your initial assessment and pass the matter to the Independent Reconfiguration Panel (IRP) for their detailed assessment against the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. You are respectfully reminded that although this is at the discretion of the Secretary of State, the decision on the validity of a referral must be based upon a comprehensive re-evaluation of all relevant and pertinent evidence.

Your letter suggests that the Horton Health Overview and Scrutiny Committee (HHOSC) referral from December 2019 is not a valid referral because a substantial variation has not occurred since 2017. This statement not only fails to recognise the pre-2017 existence of obstetric services at the Horton General Hospital (HGH), but it contradicts the judgements of the IRP and your predecessors. It also misses the very point of having a process and legislation around health variation and scrutiny, where since 2017 new evidence has been submitted to a new and fully representative HOSC. In December 2019 the Horton HOSC deemed a further referral necessary. I can only hope that the pressures of the pandemic have not afforded you the time and capacity to fully digest and understand the issues at hand.

The substantial variation in question physically occurred in 2016 when Oxford University Hospitals mis-leadingly badged the closure of obstetrics at the HGH as 'temporary'. Your letter indicates an acceptance of that closure as the baseline state in relation to this referral; I strongly refute this because up until 2017 obstetric services had been provided at the HGH for many years. Your initial understanding of this situation fails to acknowledge the baseline state as the Horton Hospital **with** obstetric services.

To add evidence to my assertion that the baseline state in this case is a HGH with obstetric services, the IRP advice in 2018 was to undertake further local action. If at that point substantial variation had not been deemed to have taken place, then the ensuing recommendations of the IRP would not have been necessary. As it was; the variation was deemed substantial and the IRP was very clear in determining the local actions required. The referral of December 2019 is therefore a response to, and in connection with, the substantial variation which took place before 2017. The 2019 referral is part of the same process recommended by the IRP, which we have followed in good faith.

It is clear from confirmation by the IRP in 2018 and through the evidence we have provided that due process was not followed in 2016/17; there was a mis-leading 'temporary' closure at that time to create what you are inaccurately viewing as the baseline. Had due process been followed around consultation for substantial variation in 2017, again; the IRP would not have deemed further local action necessary and we would not have created a new, fully representative HOSC committee and engaged for a two-year period with those actions. Due process was left wanting and we believe this to still be the case.

In specific response to your statement that the obstetric unit has been closed since 2016 on the grounds it could not be adequately staffed in a safe and sustainable manner, the committee considered new evidence in its work throughout 2018/19 that suggests:

- There was a disparity between the way in which staff (and the estate) at the two Oxford University Hospital Foundation Trust obstetric sites were dealt with. This "neglect" of the Horton potentially led to the resignations which then caused the problem with 'safely and sustainably' staffing the unit. A detailed examination of this assertion by the IRP would help determine whether investment in the HGH and its staff could, as we believe, make it a safe and sustainable place to work.
- The committee heard a number of offers for help with recruitment (such as that made by Cherwell District Council); none of which were aggressively pursued. An IRP examination would help determine whether all opportunities have been fully exhausted or whether, as we believe; more could be done to recruit a safe and sustainable workforce.
- There are several examples of how units with small birth numbers (and therefore with similar training accreditation challenges to the HGH) pursued innovative solutions to their workforce challenges. The committee heard how these solutions were ignored and instead, barriers sought out to confirm the HGH small unit, training and recruitment challenge. We ask that the IRP be given the opportunity to consider the new evidence found on small unit models and staffing submitted as supporting evidence to the 2019 referral.

Having now followed the IRP and Secretary of State advice for more than two years, we find ourselves in an unprecedented position where the passing of time seems to be justification to forget the history of this case. A new baseline has been arbitrarily

and unjustifiably drawn as a means of dismissing our referral. The challenges of a pandemic are real and felt by us all, but I urge you not to allow pressures within the system created by Covid-19 to allow the legislative framework of this country to be bypassed.

We are currently reviewing our position in light of the continued reluctance to consider evidence-based representation around our concerns. I am sure other well-financed parties with an interest in this matter, will also consider their next steps should the final decision of the Secretary of State be to disregard his own previous advice and that of the IRP and not pass this on for detailed examination. I therefore call upon you to please remove any doubt of the validity of this referral by requesting that the IRP undertake a detailed review of the facts of this long fought and complex local issue. It is respectfully suggested that in doing so, the Secretary of State can ensure that our local people are provided with a detailed explanation of the decision-making rationale based upon our representations to date. The people of north Oxfordshire, South Northamptonshire and Warwickshire deserve comprehensive consideration of this important issue.

I look forward to hearing your response.

Best regards,

A handwritten signature in black ink, appearing to read 'Arash Ali Fatemian', followed by a long horizontal line extending to the right.

Cllr Arash Ali Fatemian
Chair of Horton HOSC on behalf of the committee and the residents of the Horton
Catchment Area