

Elizabeth Ogunoye and Rob Larkman

LAS Commissioning and NWL Provider Performance

15 Marylebone Road

London NW1 5JD

22nd January 2018

Dear Elizabeth and Rob,

**Breach of Statutory Duties by Brent CCG**

I am writing to make a formal complaint regarding the issues described below.

1. Both the CCG and the LAS have stopped sending the Patients’ Forum performance data since August 2017. Up to that time we were receiving weekly performance reports from both the LAS and CCGs, as well as hospital queuing data.

You have told us that this data is not available to us because it is “unvalidated”.

This data is sent to all CCGs in London and is not labelled confidential or unvalidated. However, our research has shown that CCG are unaware that they are receiving unvalidated data. Clearly both CCGs and the Forum are being misled by Brent CCG.

We do not accept Brent CCG’s reasons for denying access to performance data is reasonable. We also believe that by denying the Forum access to this data through our FOI that you are in breach of the Freedom of Information Act 2000.

1. We believe that by refusing reasonable access to performance data that you are acting in way that is breach of your statutory duties toward the public. CCGs have a statutory duty to ensure public involvement and consultation in commissioning processes and decisions. This must include involvement of the public, patients and carers in:
* planning of commissioning arrangements, which might include consideration of allocation of resources, needs assessment and service specification.
* proposed changes to services which may impact on patients.

The relevant clauses the NHS Act 2006 (as amended) as they relate to CCGs are as follows: S.14Z2 Public involvement and consultation by clinical commissioning groups

This section applies to any health services which are, or are to be, provided pursuant to arrangements made by Brent CCG in the exercise of its functions.

Brent CCG must make arrangements to secure that individuals to whom the services are being or may be provided are involved (**whether by being consulted or** **provided with information** or in other ways) –

**a) in the planning of the commissioning arrangements by Brent CCG**

b) in the development and consideration or proposals by Brent CCG for changes in the commissioning arrangements where the implementation of the proposals would have an impact on the manner in which the services are delivered to the individuals

or the range of health services available to them, and

c) in decisions of Brent CCG **affecting the operation of the commissioning arrangements** where the implementation of the decisions would (if made) have such an impact.

**Reporting Requirements:**

**14Z15 of the Act** sets out the requirements that, in each financial year (other than its

first financial year) Brent CCG must prepare an annual report on how it has discharged its functions in the previous financial year**. In particular, it must ‘explain how the clinical commissioning group has discharged its duties’ under 14Z2 as** quoted above.

1. We received no documents for the CQRG meeting held in December 2017 or

any papers or notification regarding the January 2018 CQRG meeting. The Forum has only once been invited to attend a CQRG meeting.

I would be grateful for a full investigation of this formal complaint.

Best wishes



Malcolm Alexander

Master of Human Rights Laws (Birkbeck)

Chair

Patients’ Forum for the LAS

07817505193

Copy to: Anne Rainsberry, Regional Director, London

Trisha Bain, Chief Quality Officer, LAS & Garrett Emmerson, Chief Executive LAS