

Elizabeth Ogunoye

Deputy Director

LAS Commissioning and NWL Provider Performance

15 Marylebone Road

London NW1 5JD

20th October 2017

Dear Elizabeth,

**Public Participation duties of Brent CCG**

 I am writing to express concern that you have stopped sending the Patients’ Forum performance data and have also removed the Forum from the mailing list for the CQRG and access to ‘deep dives’.

In the case of the performance data I should point out that the data was not labelled confidential nor un-validated, and Brent CCG’s reasons for denying access and refusing access through the FOI therefore appear inconsistent with your statutory duties toward the public. I have enquired of several CCGs, none of whom knew they were getting un-validated data. It therefore appears that CCGs may have misunderstood the status of the data.

As you know 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**

1) 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.

2) 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.

It would appear that by denying the Patients’ Forum access to performance data, CQRG papers and the outcomes of ‘deep dives’ into service quality that the CCG has acted in contravention of its statutory duties.

Best wishes



Malcolm Alexander