



Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Councillor Paul Doughty
Chair
Health and Adult Social Care Policy
and Scrutiny Committee
City of York Council

Telephone: 0300 061 6161
www.cqc.org.uk

By Email: Steven.Entwistle@york.gov.uk

13th January 2017

Dear Councillor Doughty,

Thank you for your email of 22 December 2016 and for sharing with the Care Quality Commission (CQC) the Committee's Final Report on the closure of Bootham Park Hospital, together with the NHS England Reflections, Learning and Assurance Report and the Healthwatch York report.

At CQC, we make sure that health and care services in England provide people with safe, effective and high-quality care. We monitor, inspect and rate the quality of care of providers and inform them of any improvements they need to make in their standards of care. If a provider does not meet the legal requirements, known as fundamental standards, we take action to make sure it improves.

CQC is confident that its actions in relation to Bootham Park Hospital were appropriate and proportionate to the risks that we found during our inspections. Throughout we acted to protect the health, safety and welfare of patients at Bootham Park Hospital and of potential future patients.

Our position remains that our decision in late September 2015 not to approve Tees, Esk and Wear Valley's (TEWV) variation application in relation to Bootham Park was an entirely proper exercise of our regulatory functions and that it took account of considerations which were relevant to the unusual circumstances with which we were presented. We had significant concerns about patient safety at Bootham Park and were not satisfied that action proposed by TEWV would meet those concerns.

It was also unusual for a significant change in provider to take place within the short timescales set by the Vale of York CCG. Normally, where there is a change of provider, the transfer date is moveable. CQC requested an extension of the contract to ensure that Leeds and York Partnership Foundation Trust remained responsible for the regulated activities at Bootham Park Hospital. The Vale of York CCG would not agree to this. It appears that the CCG did not understand that CQC has the right to refuse applications for registration, including adding an additional location, where providers are unable to satisfy us that the regulations will be met.

CQC gave full consideration to the impact of a closure of Bootham Park Hospital and as outlined above did consider alternatives to allow for an ordered closure. We do recognise how difficult it was for patients, their families and carers. However, CQC did inform Leeds and York Partnership NHS Trust of its concerns and its proposed regulatory intentions much earlier than the four or five days alluded to within the report. The Trust was aware of the significance of the concerns as early as October 2014, following the announced comprehensive inspection, and these were reinforced immediately following the unannounced inspection of 9 and 10 September 2016.

CQC welcomed the opportunity to be a part of the NHS England Reflections, Learning and Assurance review and accepted the findings of that review. We recognised that CQC was one of a number of organisations whose actions contributed to the decision to remove the location Bootham Park Hospital from Leeds and York Partnership NHS Foundation Trust which at that time was commissioned to provide services from there.

We have, since the review, completed all of the actions identified for CQC with one exception - the joint working protocol that describes what the roles of the various system players are when a hospital closes. We have now indicated our willingness to sign this and the protocol is back with NHS England for finalisation.

CQC has worked closely with Tees, Esk and Wear Valleys NHS Foundation Trust to ensure that services return to York as quickly as possible. We are confident that the proposed new mental health hospital will provide the people of York with a modern mental health facility that is fit for purpose. We look forward to working closely with Tees, Esk and Valleys NHS Foundation Trust to play our part in delivering that facility.

Once again, I would like to thank you for your review and hope that you are assured that CQC continues to use these opportunities to inform our learning and improvement.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Behan', with a large, stylized initial 'D'.

Sir David Behan
Chief Executive