

Public questions and answers from the Primary Care Commissioning Committee held on 10 December 2024

First questioner

- 1. Will the Primary Care Commission take note of the Norfolk Health Overview and Scrutiny Committee action from the 5th December to request a pause for the action to close the Toftwood Surgery?**

The Norfolk Health Overview and Scrutiny Committee (HOSC) unanimously agreed to request that the Secretary of State for Health and Social Care call in this matter. The process for doing so does not require the commissioner to pause its process and HOSC has not requested the ICB to pause the process.

- 2. Will the Primary Care Commission take note of the fact that if the decision is made to close the Surgery the decision will be forwarded to the Secretary of State for review?**

Yes, the committee will be briefed on this when the report is presented and the chair has already been briefed.

- 3. Will the Primary Care Commission recognise that one of the Dereham surgeries which Toftwood residents are proposed to be transferred (Theatre Royal) does not the capacity and there are no Contingency plan currently in place?**

The premises issues are set out in the report to the Committee and this has been published online. The practice has various contingency measures in the planning stage and is being supported by the ICB estates team. They will finalise these once a decision has been made.

- 4. Will the Primary Care Commission recognise that the no plans for the modular extension at Theatre Royal surgery have not been even drawn up, let alone submitted to Breckland Council for Full Planning Permission as this structure would require that level of planning would require Full Planning permission.....and also the fact that Planning permission is not guaranteed?**

The ICB has received plans from the contractor providing the modular extension and understands that the full planning permission process will need to be followed. As noted above, the practice has various contingency measures in the planning stage.

- 5. Will the Primary Care Commission recognise that the current Landlord has given a proposal to the ICB which was discounted, even though a timescale was proposed?**

We are grateful for the support provided by George Freeman MP in facilitating meetings with the landlord and we note Cllr Webb was in attendance at those meetings. There were five issues with the premises which were under discussion. We were able to reach agreement on two of these issues, but we were unable to fully resolve the remaining three issues, which meant officers could not be confident enough to put forward a different recommendation.

6. Will the Primary Care Commission recognise the high volume of traffic already recognised from Toftwood to Dereham and the increase volume of traffic approval of the closure will cause?

This was a concern raised during the consultation. The ICB has agreed to join the Dereham Action Planning Group and, if the Committee agrees the recommendation, will work with both Orchard and Theatre Royal Surgeries during the mobilisation phase to consider how to offer appointments to patients, such as moving to digital and remote appointments where clinically appropriate and offering appointments at quieter times.

7. Has the Primary Care Commission recognised the high level of already approved development of over 1,000 houses resulting in an additional 3,000 plus residents and the high-level future development planned in Toftwood/Dereham?

There is already sufficient physical capacity within the Orchard Surgery to take on the additional Toftwood patients and continue to accommodate more patients from housing growth in the short to medium term. Once the modular extension is in place, Theatre Royal Surgery will also have additional capacity.

8. Has the Primary Care Commission recognised the impact of the proposed transfer on other services resulting from closure - for example, Walk In Centres, A&E and Ambulance?

Patients will still be registered with a GP practice in Dereham, and both practices have been working on their plans to increase their workforce to respond to the additional patient needs. It is not expected to increase demand for emergency services. The Toftwood Pharmacy is unaffected by these proposals and will continue to offer medicines services and Pharmacy First services to local residents.

Second questioner

1. Following the Norfolk Health Overview and Scrutiny Committee meeting on 5th December, a unanimous decision was made by Councillors to write to The Secretary of State for Health requesting him to call-in the decision if the PCCC decided to close Toftwood Medical Centre. Will you take this into consideration when making your decision about the future of our surgery in Toftwood?

The Committee will be briefed on the HOSC decision when the report is introduced.

- 2. Are you aware that Theatre Royal Surgery has yet to submit planning permission for the modular extension it seeks, and that planning permission may not be granted. What is the proposal should this happen?**

The ICB estates team is working closely with the practice to support the process, and to liaise with the council. The estates team is also supporting the practice to develop contingency measures.

- 3. Theatre Royal surgery and Orchard surgery patients have anecdotally shared their struggles to get appointments, with reports of having to wait 6 weeks for a routine appointment being the norm. Are you aware that these surgeries are operating at this unsustainable capacity, particularly Theatre Royal Surgery?**

The annual GP Patient Survey results were published in July 2024. This is a survey undertaken for NHS England by Ipsos Mori and is sent to a random selection of patients from each practice in the country. The results for all three practices have been analysed. Using the good or very good satisfaction with overall experience with the surgery, Toftwood Medical Centre scores 75%, Orchard Surgery scores 78% and Theatre Royal Surgery scores 83%. The ICB average is 77% and the national average is 74%.

- 4. I have been told by two families whose loved ones are terminally ill and being cared for at home. Both were registered at Theatre Royal and Orchard Surgery. Both families were informed by their respective surgeries they would receive responsive and supportive care from Toftwood Medical Centre, as they are struggling to home visits, so their care will not be met?**

All three practices operate under the same contractual requirements, and should a patient be assessed as clinically requiring a home visit they would receive one. If patients are concerned about their care, we encourage them to complain to the practice directly, or to the ICB as the commissioner of services and this would be fully investigated.

- 5. The basic rules of consultation - according to Coughlan and Gunning, have not been lawfully met for the following reasons.**

The consultation was not done at the time the proposals were at the formative stage. And according to case law this was not followed. The formative stage was not October 2024 when the consultation began as there have been many issues since the lease expired in 2010. In 2018 the Elham Practice was awarded the APMS contract to run Toftwood Medical Centre (at a time when the lease had already expired). In 2020 the practice was put at risk. Why wasn't the practice put at risk in 2010, and why was a solution not found at this time? In 2021 talks with the landlady had started. In 2022 the ICB found an alternative site and secured funding but this fell through. In 2023 talks between the ICB and the landlady ceased. Why was

a consultation not done at this time, when GP contracts were due to expire at the end of March 2025?

We do not accept the ICBs explanation that they have done everything possible to find a resolve. They have sat on this for a considerable amount of time. They say they have been looking at alternative sites and was asked during the Norfolk HOSC meeting for details of these sites, none have been produced. Will full details of these properties be provided and the reasons why they were not deemed suitable?

We have serious concerns about the governance of this consultation. Having read all the papers the ICB submitted to the HOSC meeting, there was considerable amounts of information not included as part of the consultation process. There is a legal obligation, where the decision-maker has access to important documents which are material to the determination, whose contents the public would have a legitimate interest in knowing, then those documents should be disclosed in the consultation process. We do not believe the process was conducted fairly or transparently and also excluded members of the community as the consultation papers, and responses were only available online, or in the surgery in paper format. How were the documents sent to hard to reach groups, i.e. those in care and residential homes, those who are mentally unwell, housebound patients who do not have internet access. We were also only offered two drop-in sessions during the day. I had to ask the ICB to arrange an evening session which they did, but said it was a ticketed event. They only provided online access in which to obtain tickets. I and others contacted the ICB to request other access options. The reason for tickets was for our comfort. We conclude that the process was initially designed deliberately to exclude groups of people who work and who could not complete the online or paper forms, their voices have gone unheard. The timings were also too tight to enable us to fully engage with the consultation. Not everyone has NHS knowledge and the terminology without further explanation, was difficult to understand, and therefore, we felt we did not have the knowledge to comment on. Specifically, GP contract types, one type being 30% more expensive (30% more of what?) The paper mentioned that the ICB review has highlighted a range of challenges and issues but they did not elaborate on this. On receipt of the consultation paper, we all agreed that the decision had already been made to close our Surgery. Does the committee agree that the ICB should have had an open mind when consulting with us as we feel this has not been the case and therefore consider this unfair?

Will the committee agree with HOSC that there are governance concerns with the process by which the commissioning body has taken the proposal forward?

We had not made a decision about the future of Toftwood Medical Centre before we launched the consultation. As set-out in the consultation document, we wanted to hear people's ideas before the committee made a decision, in order to see if there were other suggestions that we had not considered. We did run the

consultation with an open mind, for example we engaged with the local MP and the landlady in discussions about potential solutions during the consultation period. As part of the consultation we also asked people about the potential impact of the proposal on patients and carers. We asked this to help ensure the committee had the information it needed to make an informed decision about whether or not to go ahead with the proposal.

Whenever we run a public consultation we always try to give people sufficient information and to make the information we provide clear, and try to avoid overcomplicating what we write so that people are not put off from responding and sharing their views. We wouldn't and don't expect members of the public to be experts in the NHS, but they are experts in their own health and care, and can help us understand the potential impact of a proposal based on their own experiences and views. We are grateful to everyone who shared their experiences and views about the future of Toftwood Medical Centre.

We took a range of steps to make the consultation accessible to different groups of people. These included using a range of different methods to make people aware of the consultation, including text messages, letters, social media posts, information on our website, press releases, radio interviews and posters in the three practices. We also gave people different ways to respond and to ask questions, including an online survey, a paper survey (copies of which could be collected from the three practices or requested by emailing or calling the ICB), and attending an in-person event (one in the morning, one in the afternoon and one in the evening – places could be booked online or by calling the ICB). We received responses both directly from patients and from people supporting others to respond to the consultation. Prior to launching the consultation we spoke with the Chair of the Norfolk Health Overview and Scrutiny Committee about the consultation process and timescales, who was content with our approach.

Here is the information that we provided members of the Norfolk Health Overview and Scrutiny Committee with on 6 December about the alternative sites considered:

Westfield Road – favoured site and option

This is a former Jewson outlet and yard, the buildings on which were demolished in 2020. This site is located a short distance away from the existing practice building (c. 5-8 minute walk). The landowner has had planning permission for residential dwellings refused on two occasions.

Please note we met to discuss this with the Chair of the Norfolk Health Overview and Scrutiny Committee at the time.

South Green

This brownfield site, in Toftwood, was granted planning permission for residential dwellings, but it was thought possible that the owners may wish to discuss a temporary building being placed on site. This is a potential site, but further away from the existing practice building than the preferred location.

Greens Road

This hard-standing site, adjacent to a lorry park, is within a heavy industrial area and available to rent. The site is not in Toftwood and not considered suitable for a surgery to be located.

Dereham Business Hub

This is a new business park on the outskirts of Dereham – not far from the Breckland Council HQ building – where several retail units have been established. The undeveloped part of this site may be suitable for a temporary building if ground works and surfacing was completed. This is a potential site, but further away from the existing practice building than the preferred location.

Anemas Nursery site – Shipdham Road

This is a site including a garden nursery and some commercial units on the outskirts of the Toftwood settlement boundary on the road towards Shipdham. Several large glass houses on site were destroyed by a fire in 2019 and it is this cleared land which may be available for a modular building to be sited. This is a potential site, but further away from the existing practice building than the preferred location.

Breckland HQ building

The Council have indicated that 353m² of office space will become available on their HQ ground floor during 2021: a large open plan space which would need refitting to provide a clinical working environment. Access would be problematic as the space is at the rear of the building and works may be required to enable this to operate effectively for a patient facing service. This building is not far from Toftwood (1.2 miles from the existing practice building) and located to the rear of a supermarket on a busy retail industrial estate. The cost of the refit is considered to be too high for this to be a viable option.

These options were when we were looking to site a modular unit sized to replace all of the existing surgery and add some expansion space. For a long term solution an updated search will be needed to reflect whatever the agreed size of a new premises ends up being.

- 6. While both Theatre Royal and Orchard surgery have been rated as good by CQC, Theatre Royal was judged to be inadequate in the Responsive category. From what we have been hearing from patients at Theatre Royal, they have been experiencing long delays in appointments, not being able to get an appointment, not responding to home visits when required. Therefore, does the committee agree that the ICB citing the rating as good to use as justification to move more patients into an already overstretched surgery is realistic and feasible and can provide responsive and safe care?**

The CQC undertook an inspection at Theatre Royal Surgery in 2018 and rated them Good overall with Requires Improvement in the Responsive domain. The CQC inspection report highlighted the practice had been seeking to recruit more staff, which it has now done. This year the practice has installed a new cloud-based telephony system which enables greater functionality for patients.

The annual GP Patient Survey results were published in July 2024. This is a survey undertaken for NHS England by Ipsos Mori and is sent to a random selection of patients from each practice in the country. The results for all three practices have been analysed. Using the good or very good satisfaction with overall experience with the surgery, Toftwood Medical Centre scores 75%, Orchard Surgery scores 78% and Theatre Royal Surgery scores 83%. The ICB average is 77% and the national average is 74%.

All three practices operate under the same contractual requirements, and should a patient be assessed as clinically requiring a home visit they would receive one. If patients are concerned about their care, we encourage them to complain to the practice directly, or to the ICB as the commissioner of services and this would be fully investigated.

- 7. The consultation just focused on one proposal, if the real reason why the ICB wishes to cease the current contract is to 'save money', they should have explicitly stated this and provided the information within the consultation report (not after it) to justify this recommendation to close Toftwood Medical Centre. Does the committee agree that this would have been a more honest approach with the public given the NHS has a duty of candour?**

The key reason for this recommendation is the challenges faced over the years with resolving the premises issues, which are set out in the report. The consultation document references in addition to this the current contract is more expensive than neighbouring practices.

- 8. In the information not released to us, the ICB conducted what appears to be a desk top exercise to justify saying that Theatre Royal and Orchard surgeries are within 10 mins drive, and about a half an hour walk. There is also a bus service, and a car scheme available. Is the committee aware of the following? 10 minutes might have well been calculated using Google maps, but in the real world there is heavy congestion in Dereham and a car journey can take 20 minutes or more. On top of this, the car parks at the surgeries are full with queues to get into them. There is a bus service, but it is not regular, and disabled people have said they cannot get on or off the bus, and people with mental health issues, struggle with public transport. The bus does not stop near to Orchard surgery, but in Dereham town centre. The car scheme has only just started operating, they are not fully resourced with drivers, and their main work is taking patients to Norfolk and Norwich hospital. It is therefore highly doubtful that there will be a car available when one has an appointment. Also, the ICB have said that they could arrange to have appointments in less congested times, we believe this is not feasible when it is a very real challenge to get appointments at all, let alone in periods of less congestion. How do they intend for this to work in practice? Will the Committee agree with us, that the ICB have conducted nothing more than a desk top exercise, and seen things advertised and thrown together what they think is suitable mitigation without conducting a full and proper investigation into workable alternatives?**

The ICB has undertaken a health profile assessment of Toftwood and the patients registered with the practice, as part of its usual commissioning processes and in fulfilling its statutory duties. This takes data from a range of sources, including Census data, NHS Digital and Shape mapping. We have used these data alongside information from the public consultation process to form our Equality Impact Assessment and develop mitigating actions to take should the Committee approve the recommendation.

We have been meeting weekly with Toftwood Medical Centre, Orchard Surgery and Theatre Royal Surgery for the last two months to work through the themes arising from the consultation, and to consider how we could potentially support patients who may struggle most with the transition, if we were to go ahead with the proposal in the consultation.

9. The risk assessment only focuses on the location and buildings. Would the committee agree that when risk assessments are conducted for people with disabilities, that it is the disability that is assessed, and not the physical locality and buildings?

The Equality Impact Assessment was published alongside the report to the Committee and was updated further to the themes and feedback from the public consultation. We have been meeting weekly with Toftwood Medical Centre, Orchard Surgery and Theatre Royal Surgery for the last two months to work through the themes arising from the consultation, and to consider how we could potentially support patients who may struggle most with the transition, if we were to go ahead with the proposal in the consultation.

10. Has the Primary Care Commission recognised the high level of already approved development of over 1,000 houses resulting in an additional 3,000 plus residents and the high level future development planned in Toftwood/Dereham? Has the Primary Care Commission recognised the impact of the proposed transfer on other services resulting from closure - for example, Walk In Centres, A&E and Ambulance?

There is already sufficient physical capacity within the Orchard Surgery to take on the additional Toftwood patients and continue to accommodate more patients from housing growth in the short to medium term. Once the modular extension is in place, Theatre Royal Surgery will also have additional capacity. Patients will still be registered with a GP practice in Dereham, and both practices have been working on their plans to increase their workforce to respond to the additional patient needs. It is not expected to increase demand for emergency services. The Toftwood Pharmacy is unaffected by these proposals and will continue to offer medicines services and Pharmacy First services to local residents.

11. Will the committee agree with us that the proposal to close Toftwood Medical Centre is clearly not in the best interests of the health service and residents in the authority area. We the public await with anticipation for the decision from the Committee, and we would like our questions answered and notwithstanding HOSC decision to ask the Secretary of State to

consider intervening, into your consideration. We need more GPs not less to safely and adequately meet the increased housing targets, and resultant population growth.

The Committee meets on Tuesday 10 December and will consider the report alongside any clarification questions from members of the public before it makes a decision on the proposal.

Third questioner

- 1. I have read the ICB report leading to their proposal for closure of the Toftwood surgery and I have serious concerns that the report was written to satisfy a pre-judged decision to close the surgery and that presentation to your committee is intended to garner them a tick in the box.**

Their report conclusions are at variance with the evidence from their own surveys and data gathered at the various public and closed meetings.

Examples being:

ICB say that Orchard Surgery (OS) and Theatre Street (TS) Surgery can cope with current patient load and the additional patient load from Toftwood as well as that expected from known additional housing planned for the area. The surgery staff and surveys, etc contra this by saying they cannot cope with existing patient loads, never mind future loading. Each surgery has even posted on social media that patients should attend a walk in centre clinic when local appointments are declined.

Folk also say that car parking at OS is inadequate and often they have to queue for a slot meaning they could miss their appointment time. Similarly TS has no dedicated parking and the adjacent public car park is tagged by Breckland council to become a pay to park facility.

There are several other instances of variance between the ICB conclusions and the data gathered which worry me that the report is little more than a jargonised white-wash.

Why is there scant detail in the report about the alternative sites considered and why they were rejected to replace the surgery.

I note in further evidence that Toftwood surgery has not had any formal complaints lodged against it in the system, whereas the other two surgeries have including some made to an MP.

Finally why after 14 years of procrastination by ICB and their predecessors has this decision been brought to a head at the eleventh hour. It seems like a 'clear that one of the books' to me.

Unfortunately I may not be able to attend the Teams meeting, but would wish my thoughts to be taken into account.

The ICB and its predecessor organisations have made every possible effort to resolve the current issues over many years. This has included seeking alternative sites and extending the current premises, however all options have been unsuccessful. This is either because the sites were unsuitable or became unavailable or, in the case of the proposed extension, we were unable to agree outstanding matters with the landlord. Following a period of public consultation as part of the review of the ICB proposal, the Primary Care Commissioning Committee, having considered the report and recommendation, agreed the proposal to close the Toftwood Medical Centre was the best way to secure stable and resilient services for registered patients.

We had not made a decision about the future of Toftwood Medical Centre before we launched the consultation. As set-out in the consultation document, we wanted to hear people's ideas before the committee made a decision, in order to see if there were other suggestions that we had not considered. We did run the consultation with an open mind, for example we engaged with the local MP and the landlady in discussions about potential solutions during the consultation period. As part of the consultation we also asked people about the potential impact of the proposal on patients and carers. We asked this to help ensure the committee had the information it needed to make an informed decision about whether or not to go ahead with the proposal.

We are grateful for the contribution of local people and stakeholders during our public consultation process. The feedback received has informed the ICB's equality impact assessment and the actions we will take to support the change of registration for patients when Toftwood Medical Centre closes.

Both Orchard and Theatre Royal Surgeries are rated Good overall by the Care Quality Commission and both have an above average patient satisfaction score with their overall experience of the surgery in the national annual GP Patient Survey run by Ipsos Mori on behalf of NHS England. Notwithstanding this, the ICB will continue to work with Toftwood Medical Centre, Orchard and Theatre Royal Surgeries to support the transition and ensure the most vulnerable patients are offered support.

Here is further information about the alternative sites considered:

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