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Date: 18 March 2010

Dear Mr Skelly,

**Women's and Children's Services at Maidstone and Tunbridge Wells NHS Trust**

Thank you for your letter dated 12 March relating to the referral by the Health Overview and Scrutiny Committee at Kent County Council of the plans for the substantial variation to women's and children's services at Maidstone and Tunbridge Wells NHS Trust.

I am disappointed that although you acknowledge the Committee's right to refer matters of this kind to the Secretary of State for Health, this issue is being protracted and we have had no indication that as yet the referral has been laid before the Secretary of State personally for a decision in this important matter.

To clarify this matter, the primary grounds of referral are under section 4(7) of The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (No. 3048). As my original letter made clear, there remain questions about the original consultation, but the other nine main grounds which were outlined all provide support for the case that 'the proposal would not be in the interests of the health service in the area of the committee's local authority.' For your convenience, the original letter of referral is enclosed as this explains these main grounds in detail.

In large part due to the lack of ongoing effective communication of the developing proposals and dearth of effective local engagement, it may have taken time for public concerns to manifest themselves, but once the level of public unhappiness became apparent the Committee set up a Task and Finish Group to explore the issues further and to see if there were any grounds for local compromise.

**Geoff Wild** LL.B, Dip.LG, Solicitor  
Diretor of Law & Governance

**CHIEF EXECUTIVE'S DEPARTMENT**



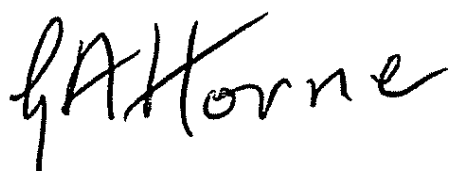
This process led to the unanimous decision by the Health Overview and Scrutiny Committee on 19 February to refer this matter to the Secretary of State for Health. The draft Minutes of this meeting are now available and are enclosed for your information.

Section 4(7) states the Committee 'may report to the Secretary of State in writing who may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he may direct.' It is to him we now look for a resolution.

I trust this provides the clarity you were seeking. If you have any further questions, please contact Paul Wickenden, Overview, Scrutiny and Localism Manager, in the first instance on 01622 694486 or at [paul.wickenden@kent.gov.uk](mailto:paul.wickenden@kent.gov.uk).

I look forward to hearing from you.

Yours sincerely



Councillor Godfrey Horne MBE  
Chairman  
Health Overview and Scrutiny Committee

**Geoff Wild LL.B, Dip.LG, Solicitor**  
Diretor of Law & Governance

**CHIEF EXECUTIVE'S DEPARTMENT**

