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Councillor Godfrey Horne MBE
Chairman
Health Overview and Scrutiny Committee
Legal & Democratic Services
Session House
County Hall
Maidstone
Kent ME14 1XQ

12 March 2010

Dear Councillor Horne

**WOMEN'S AND CHILDREN'S SERVICES AT MAIDSTONE AND
TUNBRIDGE WELLS NHS TRUST**

I refer to your letter of 24 February 2010 to the Secretary of State for Health regarding plans for the reconfiguration of women's and children's services at Maidstone and Tunbridge Well NHS Trust.

As you will be aware, an Overview and Scrutiny Committee has the right to refer under the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002. Having read your letter and taken Departmental legal advice on the matter, we do not believe there is sufficient information in your referral to enable the Secretary of State for Health to consider this in its current form.

We understand that in December 2004 the then Kent Health Overview and Scrutiny Committee agreed with the proposed changes you now appear to be contesting and that the current Kent Health Overview and Scrutiny Committee's task and finish group recently agreed that the original proposals are right.

We note that you have referred on the grounds of a growth in public concern. Essentially, however, there are two grounds for the basis of referral (i) reg 4(5) where it provides the OSC can refer when it has not been satisfied that there has been adequate consultation and (ii) reg 4(7) where the OSC considers that proposals for change are not in the best interests of the local health services.

You should formally outline your grounds for referral in full. Your referral should make clear whether you are referring under regulation 4(5) inadequate consultation, or 4(7) proposals not in the interest of the local health service, or indeed both, and should fully explain your reasons in either case.

Finally, we have not yet received a copy of the minutes of the task and finish group 19 February 2010 you refer to in your letter. I would be grateful if you could forward a copy of these minutes with your reply.

I look forward to your response.

Yours sincerely

James Skelly

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