

**BCUHB**

21 November 2013

Further to my email of 7 October 2013, I am now in a position to respond to your request for information of 2 October 2013 which you subsequently clarified on 24 October 2013. Your clarified request was:

*Can you please supply early drafts that BCUHB received in June of the Wales Audit Office and Health Inspectorate Wales report into governance at BCUHB.*

*Please also supply any correspondence (electronic or otherwise) between WAO and the Welsh Government (excluding HIW) on this matter*

I am withholding the draft reports that you request, and some of the correspondence between the Wales Audit Office and the Welsh Government, for the following reasons:

Disclosure of the information would be likely to prejudice the audit functions of the Auditor General for Wales. The disclosure of such information would discourage co-operation with auditors and would prejudice the effectiveness of the audit process, and in particular the robustness of the report clearance process. The information therefore falls within the exemption provided by section 33 of the Freedom of Information Act 2000 (FOIA). There is public interest in wider public knowledge of the workings of public sector auditors. However, the public interest in maintaining effective public audit by avoiding loss of co-operation, and prejudice to the report clearance process, that would arise on disclosure is greater than the public interest that lies in disclosure. Such co-operation is necessary for maintaining efficient and effective audit processes. I have therefore decided that the balance of the public interest is such that the exemption provided by section 33 should be maintained.

The section 36 exemption (prejudice to the effective conduct of public affairs) provided by the FOIA is also applicable because information provided to inform the audit process, draft reports, and other related clearance communications, are provided to allow the free and frank exchange of views for the purposes of deliberation in order to enable facts to be fairly presented. Disclosure of such information would inhibit the free and frank exchange of views for the purposes of deliberation. There is public interest in disseminating knowledge of the workings of public sector auditors, including the process of ensuring reports are not only factually accurate but also fair and balanced. However, the public interest in maintaining effective public audit and inspection, by avoiding the prejudice to such processes that would arise on disclosure, is greater than the public interest that lies in disclosure. The Auditor General for Wales has therefore decided that the balance of the public interest is such that the exemption should be maintained.

Please find attached the following documents that meet your request for correspondence between the Wales Audit Office and the Welsh Government on this matter:

1. Letter from David Sissling to Huw Vaughan Thomas dated 7 September 2012;
2. Letter from Huw Vaughan Thomas to David Sissling dated 11 September 2012;
3. Letter from David Sissling to Huw Vaughan Thomas dated 25 September 2012;
4. Letter from Huw Vaughan Thomas to David Sissling dated 27 September 2012;
5. Letter from David Sissling to Huw Vaughan Thomas dated 31 October 2012;
6. Letter from Huw Vaughan Thomas & Kate Chamberlain to Mark Drakeford AM dated 26 March 2013;
7. Letter from Mark Drakeford AM to Huw Vaughan Thomas and Kate Chamberlain dated 8 April 2013;

8. Letter from Huw Vaughan Thomas to Mark Drakeford AM dated 15 April 2013;
9. Letter from David Sissling to Huw Vaughan Thomas dated 23 April 2013; and
10. Letter from David Sissling to Huw Vaughan Thomas and Kate Chamberlain dated 23 May 2013.

If you and/or Llyr Huws Gruffydd would like to meet to discuss any aspect of the BCUHB governance report, then the Director of Health & Social Care at the Wales Audit Office (Dave Thomas) is happy to meet with you. Please let me know if you would like to attend such a meeting.

If you wish to complain about my handling of your request, please email or write to me.

I must also refer you to section 50 of the Freedom of Information Act under which you may apply to the Information Commissioner for a decision on whether or not your request has been dealt with in accordance with the Act. The Information Commissioner's contact details are:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
email : [casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk)

Tel: 01625 545745  
Fax: 01625 524510

You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website <http://www.informationcommissioner.gov.uk>.

If you have any queries, please do not hesitate to contact me.

Yours sincerely

Ian Phillips

Yr Adran Iechyd, Gwasanaethau Cymdeithasol a Phlant  
Cyfarwyddwr Cyffredinol • Prif Weithredwr, GIG Cymru

Department for Health, Social Services and Children  
Director General • Chief Executive, NHS Wales



Llywodraeth Cymru  
Welsh Government

Mr Huw Vaughan Thomas  
Auditor General for Wales  
Wales Audit Office  
24 Cathedral Road  
Cardiff  
CF11 9LJ

Our Ref : DS/TLT

7 September 2012

Dear Huw

I understand that some financial governance concerns have been raised with Wales Audit Office by members of the Betsi Cadwaladr University Health Board. I appreciate that these are internal governance issues at this point in time and that your team are helping and supporting the Board to work through those concerns.

I have however, today written formally to the Chief Executive Ms Mary Burrows seeking my own assurance that these matters are being properly worked through.

I intend to meet formally with Mary on my return to ensure that these concerns have been fully and satisfactorily resolved. I would also welcome the opportunity to meet with you and Mike on my return to follow this up.

I will ask my office to make the appropriate arrangements.

Yours sincerely

David Sissling

- c. Kevin Flynn, Director of Delivery, Welsh Government  
Alan Brace, Director of Finance, Welsh Government



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Date: 11 September 2012  
Our ref: HVT/1720/fgb  
Page: 1 of 1

Mr David Sissling  
Director General  
Department for Health, Social Services and Children  
Welsh Government  
Cathays Park  
Cardiff CF10 3NQ

Dear David

### **BETSI CADWALADR UNIVERSITY HEALTH BOARD**

Thank you for your letter of 7 September, regarding the various governance concerns that have been raised with both the Welsh Government and the Wales Audit Office by members of Betsi Cadwaladr University Health Board.

Given the potential significance of these concerns, I warmly welcome your suggestion that Mike Usher and I should meet with you on your return from leave.

I should very much appreciate Peter Higson's presence for that discussion as well, in order that we can properly triangulate the external perspectives that we each hold regarding the current situation at the Health Board, and together assess the organisation's prospects for resolving these concerns in a timely and appropriate manner.

I look forward to our meeting, and I understand that we also have a telephone call scheduled for next Monday in advance of your meeting with Mary Burrows.

Yours sincerely,

**HUW VAUGHAN THOMAS**  
AUDITOR GENERAL FOR WALES

cc *Kevin Flynn, Director of Delivery, Welsh Government*  
*Alan Brace, Director of Finance, Welsh Government*

Direct Line: 029 2032 0510

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Our Ref : DS/TLT

25 September 2012

Dear Huw

#### **Betsi Cadwaladr Health Board**

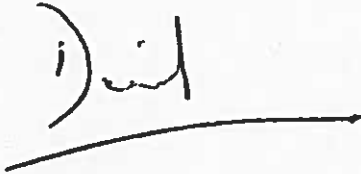
Our discussion yesterday was helpful. We were able to share our perspectives on the developing position of the Health Board. On a positive front the Board is now properly acknowledging the scale and nature of the challenges it is facing. These are wide ranging and there are clearly some considerable risks to the delivery of financial and non-financial priorities. I think it is also fair to say that the leadership and cohesion of the Board is currently being tested as it works to formulate necessary operational and strategic responses.

We discussed how we might align our efforts to support the Board over coming weeks and months:

- HIW – will be undertaking a review of governance arrangements.
- WAO – will be carrying out the structured assessment and interacting with the Board on relevant issues.
- Welsh Government – will, of course, have the primary responsibility to oversee performance, develop capability, intervene as necessary and hold to account. We are, as far as possible, seeking to secure appropriate assurance of the Board's plans and actions rather than assume direct responsibility for delivery. We are particularly focusing on aspects of Board and Executive leadership which we see as being critical.

We agreed that the response to what is clearly a difficult situation is satisfactory. We will continue to interact – sharing information and intelligence. I also believe it would be wise for us to meet again in 4-6 weeks time to assess progress. I will ask my office to make the necessary arrangements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David', with a long horizontal line extending to the right from the end of the signature.

**David Sissling**

- c. Peter Higson, Health Inspectorate Wales
- Many Collins, Health Inspectorate Wales
- Kevin Flynn, Welsh Government
- Alan Brace, Welsh Government
- Mike Usher, Wales Audit Office



WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

Wales Audit Office / Swyddfa Archwilio Cymru

Date: 27 September 2012  
Our ref: HVT/1728/hcj  
Page: 1 of 2

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Mr David Sissling  
Director General  
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Dear David

### **BETSI CADWALADR UNIVERSITY HEALTH BOARD**

Thank you for your letter of 25 September, reflecting on our very helpful discussion last Monday regarding the various concerns that have been raised with both the Welsh Government and the Wales Audit Office by members of Betsi Cadwaladr University Health Board.

It appears to me that these concerns can be grouped within three broad themes:

- the ability, or otherwise, of the Health Board to live within its approved resource limit for 2012-13;
- the financial sustainability of the Health Board in the medium-term, given the scale and significance of the service reconfiguration challenges that it faces; and
- various matters of internal governance, accountability, ownership and delegation, including both Board and executive management team effectiveness.

I entirely agree with the views expressed in your letter, which helpfully summarises the way forward that we agreed at our meeting. I have asked Mike Usher and Dave Thomas to liaise closely with both Alan Brace and Mandy Collins over the next few weeks, to help ensure that our respective strands of work in respect of the Health Board are closely aligned. You and I can also keep in touch on developments as necessary, and I understand that our next meeting on this topic is now in both our diaries for 30 October.

Direct Line: 029 2032 0510

E-mail: huw.vaughan.thomas@wao.gov.uk

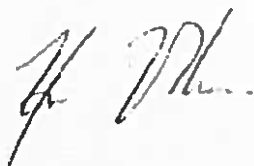
Date: 27 September 2012  
Our ref: HVT/1728/hcj  
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Looking more widely at the financial health of NHS Wales, as I mentioned to you when we spoke on 26 September the Public Accounts Committee is intending to consider my recent report on Health Finances during the autumn term. As part of that process, I will need to provide the Committee with a short update paper on the emerging 2012-13 financial position. Gillian Body and her team will be leading on the preparation of that paper for me, in discussion with your officials.

I currently intend to base my update paper on the 30 September (Month 6) returns from the NHS bodies to the Welsh Government. I think that I will also need to provide the Committee with some material in respect of the announcement by the First Minister in plenary yesterday that there exists some limited scope for additional 2012-13 financial support to be provided by the Welsh Government to NHS bodies. Given our discussion, I have asked Gillian's team to discuss this with your officials over the next few weeks.

Copies of this letter go to Peter Higson and Mandy Collins at HIW, and to Kevin Flynn and Alan Brace within your department.

Yours sincerely,



**HÜW VAUGHAN THOMAS**  
AUDITOR GENERAL FOR WALES



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Department for Health, Social Services and Children  
Director General • Chief Executive, NHS Wales



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Our Ref : DS/TLT

31 October 2012

Dear Huw

**Betsi Cadwaladr University Health Board**

Our discussion yesterday was helpful and timely. Clearly we share a number of concerns and are pursuing work – individually and together – to provide assurance or trigger responsive action.

I believe another meeting – late November or early December would be appropriate and I will ask my office to arrange.

Yours sincerely

**David Sissling**



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WALES AUDIT OFFICE  
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Wales Audit Office / Swyddfa Archwilio Cymru

Date: 26 March 2013  
Our ref: HVT/1840/fgb  
Page: 1 of 2

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Professor Mark Drakeford AM  
Minister for Health & Social Services  
Welsh Government  
Cardiff Bay  
Cardiff CF99 1NA

Dear Mark

## **BETSI CADWALADR UNIVERSITY HEALTH BOARD**

You will no doubt be aware that we have, in recent months, maintained a close dialogue with your senior officials on issues relating to corporate, financial and clinical governance at Betsi Cadwaladr University Health Board.

We have had growing concerns about the effectiveness of the Board's collective leadership in these crucial areas of governance based on the audit and inspection work that we have recently undertaken at this health board, and also on intelligence that has been shared with us by stakeholders, and through direct communications we have received from individuals on specific issues of concern.

We understand that our concerns are shared by the Welsh Government. Notwithstanding any actions that you and your officials may already be taking to address issues of Board and executive leadership, the Chief Executive of Healthcare Inspectorate Wales and I have agreed that it is appropriate and necessary for us to undertake a specific and urgent piece of external review work. This will pull together the various strands of our work and present a single and independent view of the areas that we think that the Health Board needs to address. We think that this will be particularly timely, given the extent of the changes that the Health Board is currently going through.

In taking this decision we are very mindful of the lessons which have emerged from the Francis inquiry, and the need to act early to address any issues of concern that are emerging in relation to organisational governance, that may ultimately impact on the quality and safety of services. As external review bodies we have a responsibility to properly examine these concerns and report them clearly, openly and in a way which supports improvement and any "turnaround" which is necessary.

Direct Line: 029 2032 0510

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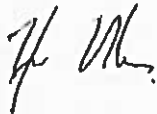
Date: 26 March 2013  
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The work we are proposing would draw upon, and where necessary update, findings from the Wales Audit Office 2012 Structured Assessment and other local audit work, Healthcare Inspectorate Wales's current work on quality and safety issues, as well as its 2012 review of patient care at Glan Ciwyd Hospital. The output would be a joint Wales Audit Office and Healthcare Inspectorate Wales report that would be ready in draft form in late May / early June 2013.

The purpose of this letter is to alert you to our intention to undertake this work, and to invite any observations you may have on the proposed approach and timings. We are currently developing more detailed plans that set out the precise scope and focus of the work, and we will share these with you and your officials in due course. We are today also writing to the acting Chief Executive of the Health Board (with a copy to the Chair) to inform him of the proposed work, and to indicate where we will need the Health Board's co-operation in undertaking the work.

We will maintain a close dialogue with your senior officials as the work progresses, and would be happy to arrange to brief you directly at an appropriate time if you felt that was helpful.

Yours sincerely



**HUW VAUGHAN THOMAS**  
AUDITOR GENERAL FOR WALES



**KATE CHAMBERLAIN**  
CHIEF EXECUTIVE, HIW

cc *Mr David Sissling, Chief Executive NHS Wales & Director General, Department Health, Social Services and Children*

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref HVT/1840/fgb

Huw Vaughan Thomas  
Auditor General for Wales  
Wales Audit Office  
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Dr Kate Chamberlain  
Chief Executive  
Healthcare Inspectorate Wales  
Van Road  
Caerphilly  
CF83 3ED

8<sup>th</sup> April 2013

*Dear Bob,*

I refer to your letter of 26 March 2013 informing me about the concerns which have arisen from your separately conducted audit and inspection work of Betsi Cadwaladr University Health Board's governance arrangements and that you now intend to undertake a joint review of the areas causing concern.

I am aware that my officials have expressed similar concerns about aspects of the Health Board's governance and performance. I am therefore grateful that you have agreed to undertake a joint review. I am anxious that this work should be progressed quickly and within the timescale you have proposed. Should any issues arise which you feel are likely to impact adversely on patient safety or care quality I would clearly want them to be identified and addressed as a matter of urgency.

I would be grateful if you would keep me informed, via officials of your plans and the scope and focus of the work and in time your emerging findings and conclusions. I would also appreciate a full briefing from you at an appropriate time during the course of this work, so that any necessary action can be taken

Yours sincerely

*Mark Drakeford*

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay  
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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Date: 15 April 2013  
Our ref: HVT/1864/fgb  
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Professor Mark Drakeford AM  
Minister for Health and Social Services  
Welsh Government  
Cardiff Bay  
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*Dear Mark*

### **BETSI CADWALADR UNIVERSITY HEALTH BOARD**

Thank you for your letter of 8 April 2013 in relation to the work that ourselves and Healthcare Inspectorate Wales plan to undertake at Betsi Cadwaladr UHB. I can confirm that good progress is being made in scoping and planning the joint review work, and that we are still working to our original timetable.

Our work has perhaps assumed greater importance since we have learnt, in confidence, that the relationship between the Chair of the Health Board and its Chief Executive has recently become increasingly strained.

I am very worried that any breakdown in the relationship between a Health Board's two most senior leaders is likely to have a significant and debilitating effect on the board's ability to effectively run the organisation, and to plan and deliver healthcare services. It comes at a time when, more than ever, the board needs to be working cohesively to address the significant challenges it faces in terms of service reconfiguration, achieving financial balance and making the necessary improvements to its governance arrangements and organisational structures.

These latest developments heighten the concerns that led to the joint review. Kate Chamberlain and I will be meeting David Sissling in mid-May to brief him on the emerging conclusions of our joint work but will also bear in mind your request that we should seek an earlier meeting if we feel patient safety is being compromised by developments at board level.

**HUW VAUGHAN THOMAS**  
AUDITOR GENERAL FOR WALES

cc *Mr David Sissling, Chief Executive, NHS Wales & Director General, Department of Health, Social Services & Children*  
*Dr Kate Chamberlain, Chief Executive, Healthcare Inspectorate Wales*

Direct Line: 029 2032 0510

E-mail: huw.vaughan.thomas@wao.gov.uk

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Department for Health and Social Services  
Director General • Chief Executive, NHS Wales



Llywodraeth Cymru  
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Mr Huw Vaughan Thomas  
Auditor General  
Wales Audit Office  
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Our Ref : DS/TLT

23 April 2013

Dear Huw

**Betsi Cadwaladr**

I thought it might be helpful to update you on proposals to strengthen management arrangements. These will be considered by the Board this week.

1. There are now site management arrangements in place. 3 experienced Managers are undertaking these roles. They have been given full authority to address all operational issues and in particular those relating to unscheduled care. These posts, if confirmed by the Board, will then be advertised externally.
2. A Chief of Operations/Director of Services is proposed. This post will have responsibility for all operational matters. The Clinical Programme Groups will be accountable to the Chief of Operations as will the Site Managers.
3. A Director of Commissioning is proposed. I am seeking further clarification regarding the specific responsibilities of such a role.
4. A Director of Therapies will be appointed – jointly with Bangor University.
5. The reporting arrangements – of CPG's and Site Managers to the Chief of Operations will be supported by Accountability Agreements which will be in place from 1 May.
6. The appointment will be subject to a mixture of internal and external recruitment. There is moreover recognition that there will be a need to further strengthening of management in certain areas.
7. A Board Development Programme has been commissioned.



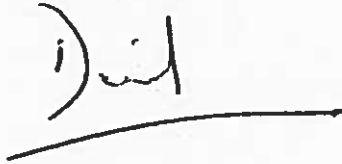
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I apologise if you are aware of the above from the work you are currently undertaking. However, I felt it was relevant and timely to advise you of these significant developments.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David', with a long horizontal line extending to the right from the end of the signature.

**David Sissling**

Yr Adran Iechyd a Gwasanaethau Cymdeithasol  
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Department for Health and Social Services  
Director General • Chief Executive, NHS Wales



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Our Ref : DS/TLT

23 May 2013

Dear Huw/Kate

**Betsi Cadwaladr University Health Board**

When we met on 14 May I emphasised the benefits, from my perspective, of an early conclusion to the joint review work you are undertaking. I would welcome an update on progress and your anticipated timeframes for a draft/finalised report. If possible I would welcome an opportunity to meet with you as soon as the report is available to discuss.

Yours sincerely

**David Sissling**

- c. Kevin Flynn, Director of Delivery, Welsh Government  
Ruth Hussey, Chief Medical Officer, Welsh Government