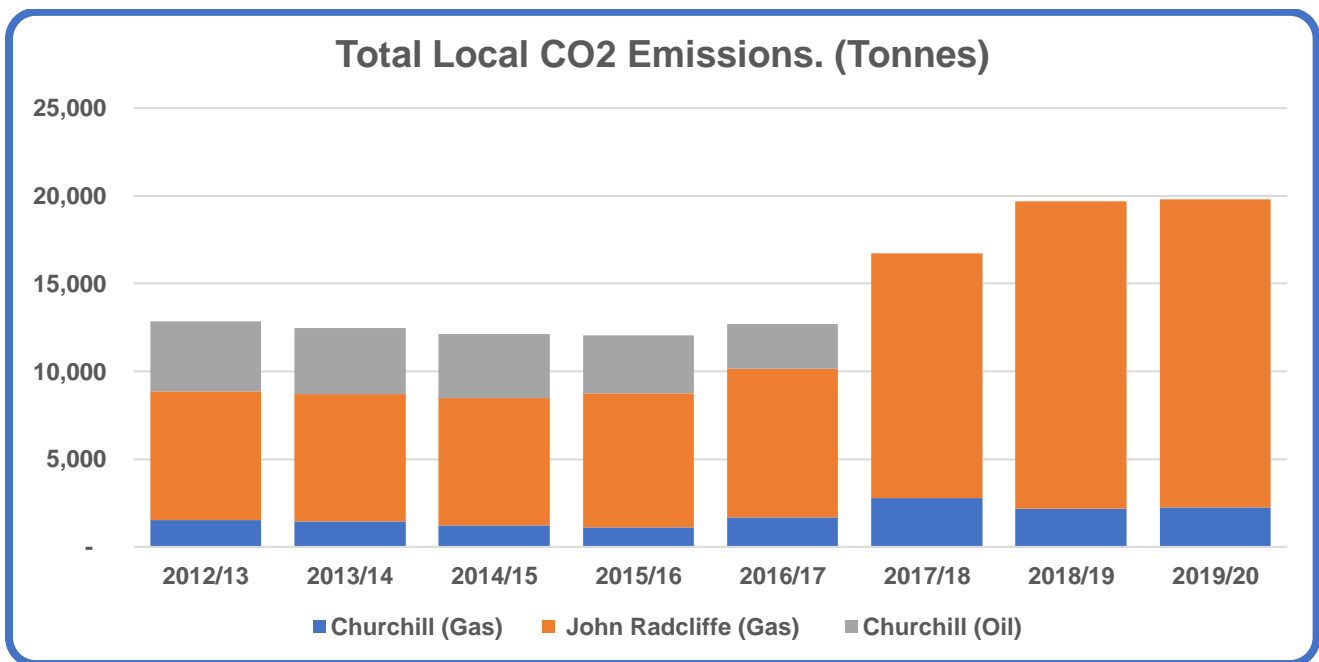


## Progress Report No 1 Dated 8<sup>th</sup> October 2020

Dear All

Please find below additional, and very pertinent information, that I hope will influence you to take positive actions to persuade the OUH Trust to reduce the carbon emissions occurring at the John Radcliffe and Churchill hospital sites. I apologise for the length of the report, but I believe that it is necessary to keep the now much wider circulation, more fully informed. I don't think you can still sit 'on the fence' based on the information provided, so I would be really grateful if you would let me, and the Trust, know if you agree or disagree with the policies that the Trust are pursuing and what action you are proposing.

You have seen my two reports and numerous emails regarding the failure of the OUH Trust to meet its own objectives, of paying £14.7millions (+?) over 25 years, to reduce energy and carbon emissions. Very few councillors even bothered to acknowledge the updated report, but generally the Oxford City or County Councils, councillors, and our local MP, totally ignored the report, none bothered to check the facts with me, refute or even agree with the conclusions, despite you seeing the trend charts of the Trust energy and carbon emissions that have occurred over recent years; the CO<sub>2</sub> emission chart only is shown below, for information. The only responses to the Trust during the 16 months that have elapsed since the first report was published, were e-mails from four councillors and our MP that were sent last year, '*expressing a concern*' and one replying that the City Council could do nothing. In fact, none have bothered to even acknowledge receipt of the updated report or the related e-mail circulated last week! We, the tax and local rate payers have now been put into the ludicrous position of effectively funding the Trust, (*a health service!*) to pollute our environment, and then pay additional tax / rates for the introduction of local bus gates / Low Traffic Neighbourhoods to reduce pollution!



I was recently rebuked by a councillor for attempting to resolve a problem raised by a member of the community that I represent, that had recently failed, requesting that I try an alternative approach to the one used by the councillor. The alternative approach failed, but instead of thanking me for trying, the councillor suggested that I should have discussed the problem with, and left it to her, as an elected representative to resolve the issue. One of our local councillors also advised me that it was his intention to reduce the Trust's carbon emissions to zero. I sent him a copy of both Energy Reports, but have not had a reply, or an acknowledgement since the first report was circulated! The lack of a response to date, plus these two examples show how communities are not always represented properly by their councillors!

As most of you know and probably very tired of hearing, the Trust selected Vital Energi from four contractors, who had proposed designs to resolve the Trust's poor management of their estate, which had left their key engineering plant in a poor state of repair, necessitating an urgent investment of approximately £14.7m by the contractor. The Vital Energi design was radically different from the other three, by incorporating an 'Energy Link' which routed significant heating pipework and electrical cabling across

Headington's main roads and residential areas, via a 2.2km\*2m\*2m trench, and incorporated a singular Combined Heat and Power plant to serve the John Radcliffe and Churchill hospital sites.

It became apparent that Trust had not undertaken any consultations with the residents or businesses in Headington prior to the work commencing; neither the Trust, or the 'experienced' contractor, had applied for planning permission, nor had it obtained s50 licences to dig the 'Energy Link' trenches before the contractor started work either. Nevertheless when the application for the s50 licences to construct the trenches were made, I and a small group of Headington residents, objected to the application citing illegality, disruption, congestion, traffic and construction pollution, plus the proposed energy saving and carbon emissions would not be achieved; the objections were overruled, but all of the objections raised were subsequently experienced and/or proven! Interestingly our 'evidence' was apparently used in a similar situation in Scotland and the Council refused the application!

At the completion of the project in **November 2017**, a formal 'Opening' was attended by Annaliese Dodds, our local MP, and the claims made by the Trust at the commencement of the project that costs, energy usage and carbon emissions would all be reduced, were confirmed in the local media and publicised in a booklet produced by the Trust. However, I obtained the energy, cost and carbon emission data from the Trust over the following year and produced a report which severely criticised the management of the project and proved that whilst the costs had reduced, energy usage and carbon emissions had increased, the latter significantly.

I forwarded a draft version of the report to Jason Dorsett, The Chief Finance Officer / Director of Estates in **June 2019**, with a view to meeting him to ensure that my facts were correct, and possibly resolving the issues, before publishing the report, but was met by a reply of *'interesting, but too busy'*. The report was published immediately after this response.

I did obtain a copy of a 'Dr Holthof ' signed letter sent to Annaliese Dodds, dated **27th Sept**, that Annaliese copied to me, that considered issues not raised in the report, but did not answer the questions raised, so I continued to 'chase' the Trust and councillors for answers and support, but very little was given. Eventually, probably due to writing to the Chairman of the Trust, Professor Sir Jonathan Montgomery, (with no response!) and submitting several formal complaints, Jason requested a meeting with me in **November 2019**. I was concerned that the request was a ploy to get me 'off the Trust's back', but nevertheless we met and agreed -

1. That the report was substantially correct. The only disagreement being that my belief that CO2 emissions were hazardous to people's health and contributed to global warming, he did not.
2. That he had difficulty managing the project because of a shortage of technically capable and responsible staff.
3. That energy usage and carbon emissions were increasing.
4. That there were insufficient remote monitoring / management facilities to manage the heating / hot water requirements, despite the energy contract provisions.
5. The Vital Energi contract was confirmed as a PFI contract and it was extremely difficult to amend. (It was initially denied that it was a PFI contract!)
6. In view of the potential for conflict between the contractor and Trust on a partial payment v results element of the contract, I asked a previous Director of Estates, who was providing independent monitoring of the costs and energy usage, to be advised that it was the Carbon Trust. However, Jason confirmed that the Carbon Trust were not involved, so it appears that no independent authority is scrutinising and matching the energy consumption and payments.

At this point I offered, due to my past work experience of being a Chartered Engineer, a Design and Maintenance Director and a Business Development Manager for the NHS, an engineering consultancy and a PFI contractor respectively in this field of work, to determine if I could be of assistance to the Trust in reducing energy usage, carbon emissions and reviewing the contract conditions. Jason drafted a letter, which I amended to read (see Letter 1 below), to ensure that we had a firm basis on which to work. This

offer was welcomed as you can see, but never taken up. This confirmed to me that the meeting was actually the ploy I suspected and did not deter me!

I continued to obtain the Trust's data sets, that resulted in the circulation of an updated Energy report, issued in **June 2020**, which confirmed that the energy usage and carbon emissions had continued to increase, but now the cost savings were starting to reduce. Again, it was given to the Trust and councillors etc, but it was met with complete silence! In view of the lack of a response from the Trust, I issued a Freedom of Information (Fol) request to the Trust on **the 23rd August** requesting-

1. A response to the report.
2. The Trust's Environmental / Green policies.
3. The Trust's Complaints Procedures.

The only item that arrived, courtesy of the Complaints Dept, rather than the Trust's Fol Dept, was a copy of the Complaints Procedure that had recently been updated, which I examined and found that there were no sanctions for non-compliance, which made me wonder what was the purpose of the procedure! In addition, it clearly confirmed my view that the Trust's procedures had not been complied with and that Dr Holthof was directly responsible for its implementation. I therefore issued another Fol to determine 'the paper trail' of my numerous complaints against the Trust; this Fol was issued on the **9th September 2020**.

After the expiry date of the first Fol (**21st Sept**), I reminded the Trust that the time allowed had elapsed and that I had reported the Trust to the Fol Commissioner accordingly. However, on the **23rd Sept**, I received Letter 2 below, from Sam Foster (Chief Nursing Officer) that didn't reply to any of the questions raised, comments made or the recommendations in my dated report; in fact, as you can read, the Trust refuses to provide any further information which is totally non-compliant with the Fol regulations. I have since asked the Trust for a copy of the 'regular' correspondence regarding my reports referred to in the letter to ensure that I have not 'missed' any. (No reply!)

You will note that Sam Foster, (the CNO) has allegedly 'discussed' my concerns extensively with Jason Dorsett, (CFO/ DoE) however the 'extensive discussions' appears to be simply an email from Jason complaining that *he did not understand my 'frustration'* and that the updated report did not materially change from the original and that *'we are locked into a long term contract ... and will continue to burn gas for many years to come... and cannot unwind the contract..'* despite my offer to help, possibly with 'unwinding' the PFI contract using my previous experience of where to look for loopholes in contract conditions! What was really surprising was the Trust also even considering whether to acknowledge receipt of my Fol request and forward it to their own Fol team!

However on the **6th October**, I received an email from the Trust, clearly prompted by the Information Commissioner's Office, confirming that

1. I had been provided with the Complaints Procedure and that there were no penalties for non-compliance.
2. The Trust did not have environmental policies, particularly with reference to carbon emissions.
3. A response to the Report *'was being considered by the Executive Team'*

Referring to item 2, I would assume that if the Trust did not have bespoke environmental policies, the 'fall back' position would be compliance with NHS policies, that are to have a 34% reduction in carbon emissions by 2020 as a target; a 60% increase from 2017 seems a little contradictory!!

Referring to item an adequate response has been waiting for nearly 16 months to date!

The Instruction from the Information Commissioner's Office has clearly instructed the Trust to respond within 20 days of receipt of their e-mail.

In addition, and contrary to Jason's comments, recommendations are made in the updated report that are not in the original report, one of which is to restrict electrical generation to meet the hospitals requirements only and not sell excess capacity to the national grid, thereby reducing proportionately, the carbon emissions into the local environment. The updated report also refers to the NHS guidelines which are being totally ignored. At present, the arrangements mean that the Trust receives the extra financial benefit from the supply to the grid; the local residents get the benefits of extra carbon emissions.

## Comment

1. The Trust is clearly in breach of the Fol Act as it has not responded properly, within time, to both Fol requests and its' management should be held to account accordingly.
2. The Trust has effectively admitted that my reports are correct and that the carbon emissions have increased significantly, yet it is not prepared to take any action to reduce the emissions, despite them being in contravention of NHS guidelines.
3. Jason criticises the contract conditions by admitting there is no 'wiggle room' in the 25 - year PFI contract, which is basically a criticism of his own Trust's negotiations with the contractor and shows an element of haste and naivety, to get the defective engineering plant replaced urgently. He seems to have forgotten that the Trust (Dr Holthof) was not forced into signing the contract without insisting on clauses being included in the contract that gave the Trust some flexibility, particularly in view of the increasing environmental concerns and NHS policies prevailing at the time. In my experience it is, and always has been, a 'battle' between clients and contractors to insert / reject clauses that give either party any 'wiggle room'. Clearly the Trust 'lost' and this shouldn't be considered a criticism of Vital Energi; they appear to have completed an excellent engineering project in accordance with their contract!
4. It is clear, and it has been to me since the outset of this project, that the main objective of the project has been the cost reduction achieved by not buying electricity from the national grid and improving income by re - selling electricity generated by the CHP plant, when appropriate. Proposed energy and carbon emissions savings were purely incidental.
5. It is clear that the Trust has misled you and the public from the outset of the project about its intentions.
6. It is clear that the Trust are content to do nothing, whilst continuing to burn approximately 20,000 tonnes of CO2 / annum, as they have done since 2017, until **2042**, of which **8,000 tonnes** are primarily due to the use of the CHP plant purely for financial benefits, at the expense of Oxford City residents and businesses, particularly those living and working in Headington and Marston.
7. You will be aware that a copy of the previous email has been sent to Matt Hancock; I have evidence that enquiries are beginning to be made by Public Health England and the National Institute for Clinical Excellence about the issue.

## Questions for readers!

- 1. If you purchased an Energy project for £15m, payable over 25 years, but the energy usage actually increased from day 1, would you just sit back, try and get your money back, or change the contract?**
- 2. If you were a public organisation having spent and requesting a small fortune from the government to prevent excessive pollution in your area, would you complain if you knew that another public organisation in your midst, was increasing their carbon emissions from 12,000 to 20,000 tonnes / annum?**

I look forward to a response.

Regards

Peter West

Chair - St Anne's, Gathorne and Margaret Roads, Rock Edge Res Ass

Chair - Headington and Marston Community Forum

**Letter 1 Jason Dorsett (Chief Finance Officer / Director of Estates) to Peter West**



**Oxford University Hospitals**  
NHS Foundation Trust

The John Radcliffe  
Headley Way  
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Tel: 01865 221000

Mr Peter West  
By Email: [peejwee01@gmail.com](mailto:peejwee01@gmail.com)

27<sup>th</sup> November 2019

Dear Peter,

Thank you for taking your time to meet me recently to discuss the Energy Project at Oxford University Hospitals and your report and subsequent complaints. I think we both found this a more productive way of working than the Trust's somewhat imperfect response to your previous e-mails. We had substantial agreement on the general objectives of the project and your report and complaints, but agreed to differ on whether or not local CO2 was a form of pollution, but irrespective of that discussion, the Trust was incorrect in claiming that local CO2 would reduce.

We covered a wide range of issues, including the process by which the Energy Link was planned and communicated, that fell well below the Trust's expectations of how a project should be managed, however the project started before I joined the Trust, but I repeat the apologies given in the past for failure to engage with the community and obtaining planning permission before work on the link started. You accepted these apologies with good grace which I appreciate.

Thinking about the future we talked about how we may reduce our energy usage and carbon emissions and how you might help us informally with advice in this area and I look forward to working with you on how we can get the best out of our investment and the long term contract that we have committed to.

Yours sincerely,

Jason Dorsett  
Chief Finance Officer

*# Director of Estates!  
PW comment!*

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From the Chief Finance Officer's office  
Oxford University Hospitals NHS Foundation Trust





## Oxford University Hospitals

NHS Foundation Trust

The John Radcliffe

Headley Way

Headington

Oxford

OX3 9DU

Tel: 01865 226889

Our Ref: 9359ACRA

23 September 2020

Mr P West

Via email: [peejwee01@gmail.com](mailto:peejwee01@gmail.com)

Dear Mr West

I write further to your recent email of 9 September 2020, addressed to Dr Bruno Holthof, Chief Executive Officer. I have discussed your concerns extensively with Jason Dorsett, Chief Finance Officer, who I know has been in regular correspondence with you in the last year. I understand you also met with him face to face to discuss your concerns on 8 November 2019, following the formal response sent to you on 27 September 2019.

Whilst I appreciate you do not feel the Trust has actively addressed your concerns, the Trust, at this stage, has nothing further to add to the information already provided. You can, of course, approach the Parliamentary & Health Services Ombudsman (PHSO) who may decide to independently investigate the issues on your behalf. Further information on the PHSO can be found at <https://www.ombudsman.org.uk/>.

Yours sincerely

**Sam Foster**  
Chief Nursing Officer