



South Tyneside Council

Meeting of South Tyneside and Sunderland Council Joint Health Scrutiny Committee

Monday 30 April 2018, 2pm South Shields Town Hall, Committee Suite, Westoe Road, South Shields, NE33 2RL

Agenda

1. **Declarations of Interest**

Members to declare an interest in any agenda item.

2. **Minutes of 10 April 2018**

3. **Chairman's Urgent Items**

To consider any items which the Chairman has agreed to accept as urgent business.

4. **Clinical Commissioning Group's response to the draft referral to the Secretary of State**

To consider the CCG's response to the draft referral to the Secretary of State, and following discussion, to decide whether to pursue the referral and if any amendments are required.

At a meeting of the SOUTH TYNESIDE AND SUNDERLAND JOINT HEALTH SCRUTINY COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on TUESDAY 10th APRIL, 2018 at 2.00 p.m.

Present:-

Councillor N. Wright in the Chair

Councillors (Sunderland) Davison, Heron, Dianne Snowdon and G. Walker

Councillors (South Tyneside) Dix, Brady, Flynn, Hetherington, Peacock and Purvis.

Also in attendance:-

South Tyneside Council:

Mr P Baldasera, Strategy and Democracy Officer

Sunderland City Council:

Mr N Cummings, Scrutiny Officer

Mr D Noon, Principal Governance Services Officer

The Chairman welcomed everyone to the meeting and introductions were made.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Hay, Leadbitter and McClennan.

Declarations of Interest (including Whipping Declarations)

There were no declarations of interest made.

Minutes of the Meeting of the South Tyneside and Sunderland Joint Health Scrutiny Committee held on 9th March, 2018

1. RESOLVED that the minutes of the last meeting of the South Tyneside and Sunderland Joint Health Scrutiny Committee held on 9th March, 2018 (copy circulated) be confirmed and signed as a correct record.

Cllr Hetherington referred to the top of page 3 of the minutes where it was recorded that she had proposed that a vote of no confidence in the CCGs was considered as she felt they had failed to meet their duty of care to the residents of South Tyneside by allowing services to deteriorate to the point where they were now. Cllr Hetherington asked for an update on the position.

Mr Baldasera replied that he had taken legal advice on that matter and while the Committee had no power to issue a vote of no confidence as it had no executive control over the organisations, it was entirely appropriate that if the Committee felt it had lost confidence in the CCGs, that reference to this was made in the referral letter to the Secretary of State. This course of action was agreed accordingly. The Chairman advised Councillor Hetherington that she would pick this up as part of the resolution arising from the following item of business together with any other recommendations arising from the discussion.

Joint Health Scrutiny Committee Referral to the Secretary of State for Health

The Head of Member Support and Community Partnerships submitted a report (copy circulated) which briefed members on the process to be followed in respect of the Joint Committee's (JHOSC) resolution to refer the Sunderland and South Tyneside Clinical Commissioning Groups (CCG's) Path to Excellence decisions to the Secretary of State for Health.

(for copy report – see original minutes)

Mr Cummings presented the report drawing members' attention to paragraph 4.1 which detailed the criteria laid down in the regulations under which the JHOSC could make the referral to the Secretary of State. The grounds on which the JHOSC had made its decision to refer were on the adequacy of the consultation and that the proposals would not be in the best interests of the health service in the area. He also drew members' attention to appendix 2 of the report which provided further information on what could potentially happen once the referral was received by the Secretary of State and the role of the Independent Reconfiguration Panel.

With regard to paragraph 5.2.1 Mr Cummings confirmed that a draft referral letter had now been circulated to Committee Members for their consideration and for the benefit of the public gallery, he summarised the key points of the draft letter as follows :-

i) Gunning Principles

The JHOSC believed that the consultation did not comply with the Gunning Principles, in particular that the consultation was not at a time when the proposals were still at a formative stage (Gunning 1) and that the product of the consultation had conscientiously been taken into account when finalising proposals (Gunning 4).

ii) Paediatric Emergency Services

Throughout the consultation period there were disagreements between the Paediatric and A&E Consultants and staff from South Tyneside NHS Foundation Trust and the two CCGs about the most effective and safe model of care going forward.

The JHOSC had outlined in its response that until these matters were resolved and a consensus reached, Members could not be assured that the proposed model was appropriate and safe. There were also concerns about the safety of the proposed service to be provided at South Tyneside District General Hospital (STDGH) for sick

and injured children who presented themselves during the night without Paediatric Consultant support.

Also in the longer term the development of a nurse led paediatric minor injury and illness facility at STDGH to replace the Consultant led service which would only be operated during the day would represent a major loss of a much needed service to South Tyneside residents and would greatly increase concerns about the safety of services to children in the Borough.

iii) Maternity Services

The JHOSC had received no assurances with respect to the reliability and timely ambulance transport from the maternity-led unit in South Tyneside to the Obstetric-led unit at Sunderland of prospective mothers who move from low to high risk. There had also been no assurances about the continued viability of the Maternity-led unit in South Tyneside should the number of births per year reduce as a result of the proposed changes.

iv) Stroke Services

The JHOSC acknowledged that the centralisation of the hyper-acute stroke service was in line with national policy and was planned to address the shortage of experienced stroke consultants however the Committee had yet to receive details of the provision for stroke aftercare in both South Tyneside and Sunderland. This was felt to be essential if the model was to work. Adequate aftercare and rehabilitation should be in place prior to any permanent centralisation of acute stroke services on the Sunderland Royal Hospital site.

There was also conflicting clinical views being given to members with respect to the stroke services that should be available at each hospital as discussed at a recent meeting of the Northumberland, Tyne and Wear and North Durham STP Overview and Scrutiny Committee

v) Viability of the South Tyneside Hospital and Sunderland Royal Hospital Sites

The service proposals all involved services being transferred from South Tyneside to Sunderland. This followed a trend over recent years of services being transferred from the South Tyneside District General site to other hospitals throughout the region (eg in patient paediatric services, in patient adult mental health services and abortion services). As a result, this raised concerns over the viability of the South Tyneside General District Hospital site as a functioning general hospital serving the needs of the population of South Tyneside and the capacity for Sunderland Royal Hospital to cope with the extra work load and traffic coming to the site.

The letter also provided details to support the Joint Committee's concerns and also the steps taken to reach agreement with South Tyneside and Sunderland CCGs in relation to the proposals.

Mr Cummings advised that the Joint Committee would need to agree the contents of the referral letter and informed the Chairman that he would pause to allow her to seek any comments, or points they may wish to raise or have included in the final response.

The Chairman then invited comments from members.

Cllr Davison referred to section 6 of the letter (Evidence to support referral) and in particular paragraph 6.2 (Paediatric Emergency Services). She felt that the evidence could be strengthened by reference to the areas of multiple deprivation prevalent across many communities in Sunderland and South Tyneside to provide both context and highlight the disproportionate effect the proposals would have on the residents of these areas.

Cllr Hetherington agreed absolutely and suggested that the evidence should include extracts of the colour coded maps produced in respect of the indices of multiple deprivation which would highlight Cllr Davison's point in the most graphic and effective manner.

Cllr Hetherington referred to paragraph 7.7 and believed that it should be strengthened to fully reflect the extent of the Committee's concerns in relation to the wording of the press release issued by the CCGs prior to the Committee's meeting to consider the decisions made by the CCGs regarding the Path to Excellence consultation. Consideration was given to this with members expressing their opinion of the press release. The Chairman summarised that the Committee felt it to be 'threatening, inflammatory, inappropriate, irresponsible and disrespectful.' In addition, Cllr Hetherington was particularly aggrieved by the statement that lives would be put at risk if the Committee made the decision to refer. In addition to how she felt about this personally, she believed that it also represented an attempt to exert undue influence over the Committee. Cllr Walker concurred and believed it reflected the CCGs' lack of respect for due process and contempt for the Joint Committee.

There being no further questions the Chairman drew the debate to a close by stating that the Committee may not have the power to put forward a vote of no confidence, 'but if we did we would undoubtedly do that'.

1 RESOLVED that:-

a) approval be given to the wording of the referral letter to the Secretary of State subject to the following:-

i) the strengthening of paragraph 6.2 onwards by reference to the areas of multiple deprivation prevalent across Sunderland and South Tyneside, (including the submission of the colour coded maps produced in respect of the indices of multiple deprivation) to provide both context and highlight the disproportionate effect the proposals would have on the residents of these areas,

ii) the strengthening of paragraph 7.7 (including the submission of the relevant press article) to fully reflect the extent of the Committee's concerns in relation to the wording of the press release issued by the CCGs which Members' felt to be threatening, inflammatory, inappropriate, irresponsible, disrespectful and an attempt to exert undue influence over the Committee, and

iii) reference to be made the Committee's loss of confidence in the CCGs over the matter and whilst accepting that it had no power to put forward a vote of no confidence, the Committee was of the opinion that if it did, it would undoubtedly have done so.

b) approval be given to the proposed two week period for local resolution and that following which, consideration be given to any feedback provided by the CCGs before submission of the referral to the Secretary of State for Health.

Secretary of State Referral Timeline

The Head of Member Support and Community Partnerships submitted a report (copy circulated) which provided an update on the timeline for referral to the Secretary of State in relation to the Path to Excellence Consultation.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

At this juncture Cllr Walker offered his thanks and congratulations to the Scrutiny Officers supporting the Joint Committee (Nigel Cummings at Sunderland and Paul Baldersera at South Tyneside) for the quality of the work they had provided on behalf of the Committee which he felt had been exemplary.

The Chairman echoed Cllr Walker's comments and in addition paid tribute to the support provided by the Governance Services Officers of both Authorities (Brian Springthorpe at South Tyneside and David Noon at Sunderland) together with the Legal staff, Officers at the CCGs for their points of clarification, witnesses before the Committee, members of the public and everyone else who had contributed to the process.

Most importantly the Chairman wished to offer her personal thanks to the members of the Joint Committee for the massive contribution they had made and for their effort and their energy. She believed they had acted with integrity through a process which had been difficult and complex.

In reply Cllr Walker informed the meeting that Cllr Wright would be retiring from the Council at the end of the municipal year. On behalf of the Committee he thanked her for her stewardship of the Committee through what had been a challenging process and a road the Committee would have struggled to navigate without her guidance.

The Chairman thanked Cllr Walker and wished to acknowledge the collective contribution made by the Committee. It was now up to others to take the next steps forward and she wished them well. The Chairman then closed the meeting having thanked Members and Officers for their attendance and contributions to the meeting.

(Signed) N. WRIGHT,
Chairman.

VERBAL

Chairman's Urgent Items

VERBAL

CCG's response to draft referral
to Secretary of State