

Report of the Head of Scrutiny and Member Development

Report to the Joint Health Overview and Scrutiny Committee (Yorkshire and the Humber)

Date: 19 December 2011

Subject: Review of Children’s Congenital Heart Services in England: Joint Committee of Primary Care Trusts (JCPCT) - update

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Not applicable Appendix number: Not applicable	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Joint Health Overview and Scrutiny Committee HOSC (Yorkshire and the Humber) forms the statutory overview and scrutiny body to consider and respond to the proposed reconfiguration of Children’s Congenital Heart Services in England – taking into account the potential impact on children and families across the region.
2. The Joint HOSC submitted its formal consultation response to the Joint Committee of Primary Care Trusts (JCPCT) on 5 October 2011. A formal report was subsequently submitted to the JCPCT on 10 October 2011. In line with the *Overview and Scrutiny of Health – Guidance (Department of Health (DH) (July 2003))* a formal written response to the report and its recommendations within 28 days of receipt was requested.
3. Members of the Joint HOSC will already be aware that during the period of public consultation, the Royal Brompton and Harefield NHS Foundation Trust had sought a Judicial Review in an attempt to quash as flawed and unlawful the consultation by the JCPCT) concerning the reconfiguration of children’s congenital cardiac services.
4. The ruling from the High Court was published on 7 November 2011 and found ‘*the consultation exercise was unlawful, and must therefore be quashed*’. A full copy of the judgement and its findings is attached at Appendix 1.
5. On 24 November 2011, the JCPCT lodged the application to appeal the above ruling, following a unanimously agreement at its meeting on 17 November 2011.

6. While a hearing date for the appeal is expected to be in early 2012, the full impact on the review process and timetable is not yet known. The Yorkshire and Humber representative on the JCPCT will be attending the meeting to provide an up-to-date position and address any questions raised by the Joint HOSC. The Director of Yorkshire and Humber Specialised Commissioning Group will also be in attendance.

Recommendations

7. Members of the Joint HOSC are asked to note the update provided and determine what, if any, additional scrutiny action should follow.

Background documents

- Overview and Scrutiny of Health – Guidance (Department of Health (DH) (July 2003)
- A new vision for Children’s Congenital Heart Services in England (March 2011)
- Scrutiny Inquiry Report: Review of Children’s Congenital Cardiac Services (October 2011)