

## Report of the Head of Scrutiny and Member Development

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

**Date: 3 December 2012**

### **Subject: Review of Children's Congenital Heart Services in England: Update of Judicial Review proceedings**

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Not applicable		
Appendix number: Not applicable		

### Summary of main issues

- Following the review of Children's Congenital Cardiac Services in England, at its meeting on 4 July 2012, the Joint Committee of Primary Care Trusts (JCPCT) agreed consultation Option B for implementation. The JCPCT also agreed the designation of congenital heart networks led by the following surgical centres:
  - Newcastle upon Tyne Hospitals NHS Foundation Trust
  - Alder Hey Children's Hospital NHS Foundation Trust
  - Birmingham Children's Hospital NHS Foundation Trust
  - University Hospitals of Bristol NHS Foundation Trust
  - Southampton University Hospitals NHS Foundation Trust
  - Great Ormond Street Hospital for Children NHS Foundation Trust
  - Guy's and St. Thomas' NHS Foundation Trust
- Following the JCPCT's decision, a legal challenge was initiated by the Children's Heart Surgery Fund (now being taken forward by Save Our Surgery (SOS) Ltd.). A copy of the 'Letter before action' issued to the legal team acting on behalf of the JCPCT is attached at Appendix 1. This identifies some of the main points on which the legal challenge is based. Representatives from SoS Ltd. will be attending the meeting to provide an on the current status and progress of the legal challenge.
- On 21 November 2012, there was a case management discussion at which SOS sought to have the proceedings stayed (deferred) pending the outcome of the referral of the matter to the Independent Reconfiguration Panel (IRP) and following the Secretary of State's for Health decision. For Information, a submission on behalf of the

Department of Health is attached at Appendix 2. The author of the submission has been invited to attend the meeting to discuss its content.

4. The purpose of this report is to update the Joint HOSC in terms of the judicial review proceedings, with representatives from SoS Ltd. and the Department of Health being invited to the meeting to contribute to the discussion.

### **Recommendations**

5. That the Joint HOSC notes the information presented and determines any other appropriate actions and/or scrutiny activity at that may be required.

### **Background documents<sup>1</sup>**

6. None used

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.