
Report to:	Overview and Scrutiny Committee (Adult Social Care and Health)	Date of Meeting:	21 March 2017
	Council		20 April 2017
Subject:	Review of Orthopaedic Services - Issue of Substantial Reconfiguration Proposals	Wards Affected:	(All Wards);
Report of:	Head of Regulation and Compliance		
Is this a Key Decision?	No	Is it included in the Forward Plan?	No
Exempt/Confidential	No		

Purpose/Summary

To submit to the Overview and Scrutiny Committee and the Council information received with regard to the review of Orthopaedic Services which is provided by the Healthy Liverpool Programme, and to formally determine whether the proposals submitted by the Healthy Liverpool Programme constitute a substantial variation in services.

Recommendation(s)

The **Committee** is requested to determine whether or not the proposals submitted by the Healthy Liverpool Programme constitute a substantial variation in services and to submit a recommendation on the matter to the Council, for approval.

The **Council** is requested to endorse the decision made by the Overview and Scrutiny Committee (Adult Social Care and Health) and determine that the proposals submitted by the Healthy Liverpool Programme constitute a substantial variation in services and authorise officers to send a formal response to the consultation on substantial reconfiguration proposals.

How does the decision contribute to the Council’s Corporate Objectives?

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being	√		
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

Reasons for the Recommendation:

The Healthy Liverpool Programme has submitted proposals for the future provision of services that could be deemed to constitute a substantial variation in services.

The Council’s Constitution requires full Council to formally respond to consultations by relevant service health providers on substantial reconfiguration proposals.

Alternative Options Considered and Rejected:

The Committee and the Council need to determine whether the proposals submitted by The Healthy Liverpool Programme constitute a substantial variation or not.

What will it cost and how will it be financed?

(A) Revenue Costs N/A

(B) Capital Costs N/A

Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

Financial	
Legal	Section 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 Paragraph 3 (o) of Chapter 4 in the Council Constitution

Human Resources

Equality

- | | | |
|----|--|-------------------------------------|
| 1. | No Equality Implication | <input checked="" type="checkbox"/> |
| 2. | Equality Implications identified and mitigated | <input type="checkbox"/> |
| 3. | Equality Implication identified and risk remains | <input type="checkbox"/> |

Impact of the Proposals on Service Delivery:

N/A

What consultations have taken place on the proposals and when?

The Head of Corporate Resources has no comments on this report because the contents of the report have no direct financial implications for the Council. (FD 4569/17).

The Head of Head of Regulation & Compliance has been consulted and has no comments on the report. (LD: No. 3852/17).

Implementation Date for the Decision

Immediately following the Council meeting.

Contact Officer: Debbie Campbell
Tel: 0151 934 2254
Email: debbie.campbell@sefton.gov.uk

Background Papers:

There are no background papers available for inspection

1. Introduction

- 1.1 At its meeting held on 28 February 2017, the Overview and Scrutiny Committee (Adult Social Care and Health) received a document entitled “Review of Orthopaedic Services”, submitted by the Healthy Liverpool Programme, setting out the case for change for the Orthopaedics Service. The document can be viewed at the following link, item no. 5 refers:-

<http://modgov.sefton.gov.uk/moderngov/ieListDocuments.aspx?CId=765&MIId=8612&Ver=4>

- 1.2 Dr Chris Grant, Hospital Services Programme Director attended the meeting on 28 February 2017 to present the case for change and confirmed that the preferred option would be presented to the Committee at its Special Meeting to consider the matter, to be held on 21 March 2017.
- 1.3 The proposals for the future provision of the service could be deemed to constitute a substantial variation in services and the Committee and the Council need to determine this.

2. Statutory Requirements and Joint Scrutiny Arrangements

- 2.1 The NHS Act 2006 (as amended by the Health and Social Care Act 2012) places a statutory duty on commissioners and providers of NHS / health services to consult local authority health overview and scrutiny committees on any proposals for significant development or substantial variation/reconfiguration in health services.
- 2.2 Section 30 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provides that where more than one local authority is consulted on proposals for significant development or substantial variation in health services, a joint overview and scrutiny committee may be established to comment on the proposals for change. Overview and Scrutiny Committees, or their equivalent, at Liverpool City Council and Knowsley Metropolitan Borough Council will also be consulted on the proposals.
- 2.3 At its meeting on 3 June 2014, the Council approved the Protocol for the establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside and a copy of the Protocol is attached for information at **Appendix A**.
- 2.4 At its meeting on 26 May 2016, the Cabinet appointed the following Members to serve on Outside Bodies for 2016/17:-

	Number of Sefton Councillors	Sefton Council Representation
Joint Health Scrutiny Committee (where 3 or less local authorities request the scrutiny of a substantial variation to a	3	Chair (Cllr Page) and Vice Chair (Cllr Dams) of the O & S Committee (Adult Social Care and Health) and one Lib Dem Member (Cllr Dawson)

service)		(Lab 2 / Lib Dem1 / Con 0 / Ind 0)
Joint Health Scrutiny Committee (where 4 or more local authorities request the scrutiny of a substantial variation to a service)	2	Chair (Cllr Page) and Vice Chair (Cllr Dams) of the O & S Committee (Adult Social Care and Health)

3. Consideration of Substantial Variations

3.1 The term “substantial” is not defined in legislation. However, it is generally considered that a substantial change or variation to a health service is one that has a major impact on services experienced by patients and/or future patients. In considering whether a proposal is substantial, local authorities are encouraged to consider the following criteria, as produced within the “Overview and Scrutiny of Health – Guidance”, issued by the Department of Health in July 2003:-

- Changes in accessibility of services – any proposal which involves the withdrawal or change of patient or diagnostic facilities for one or more speciality from the same location.
- Impact on the wider community and other services – this could include economic impact, transport, regeneration issues.
- Patients affected – changes may affect the whole population, or a small group. If changes affect a small group, the proposal may still be regarded as substantial, particularly if patients need to continue accessing that service for many years.
- Methods of service delivery – altering the way a service is delivered may be a substantial change, e.g. moving a particular service into community settings rather than being entirely hospital based.
- Potential level of public interest – proposals that are likely to generate a significant level of public interest in view of their likely impact.

3.2 The Council agreed on 25 September 2014 that any final decisions on substantial variations in Sefton will ultimately be taken by the full Council and not by the Overview and Scrutiny Committee (Adult Social Care and Health). (Chapter 4 of the Constitution refers).

3.3 In the event that the Committee agrees that proposals do constitute a substantial variation, it will need to forward a recommendation on the matter to the Council, for approval.

3.4 The Council would then formally respond to the consultation on substantial reconfiguration proposals.

4. Additional Information

- 4.1 The report submitted to the Overview and Scrutiny Committee (Adult Social Care and Health) by the Healthy Liverpool Programme is available to view via the following link:-

<http://modgov.sefton.gov.uk/moderngov/ecSDDisplay.aspx?NAME=SD2164&ID=2164&RPID=14610269>

- 4.2 At the Special Meeting of the Overview and Scrutiny Committee (Adult Social Care and Health) held on 21 March 2017, the Committee considered the matter and agreed that the proposals submitted by the Health Liverpool Programme constitute a substantial variation in terms of the Orthopaedic and Trauma service. The relevant Minutes from the meeting are attached at **Appendix B**
- 4.3 Both Liverpool and Knowsley Councils have now agreed that the proposals do constitute a substantial variation.