

# WIRRAL COUNCIL

## Families and Wellbeing Policy and Performance Committee

8<sup>th</sup> July 2014

<b>SUBJECT:</b>	<b>Clatterbridge Cancer Centre – Proposed Reorganisation</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>Clare Fish (Strategic Director of Families &amp; Wellbeing)</b>
<b>Portfolio Holder</b>	<b>Cllr Chris Jones (Adult Social Care and Public Health)</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report provides information regarding the proposals of Clatterbridge Cancer Centre (CCC) NHS Foundation Trust to reorganise service delivery. Members are requested to consider whether the proposed changes are a substantial development or variation to service.
- 1.2 If the changes are considered to be a substantial development or variation to service, the Committee is requested to appoint two Members to the proposed Merseyside and Cheshire Joint Scrutiny Committee, where detailed scrutiny of the proposals will take place.

### 2.0 BACKGROUND

- 2.1 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 require relevant NHS bodies or health service providers to consult local authorities on any proposals under consideration which are a substantial development of the health service in the area of the local authority or a substantial variation in the provision of such service. Ultimately legislation gives overview and scrutiny committees the power to refer a proposal to the Secretary of State if they believe that it is not in the interests of the health service or if they have not been adequately consulted on a proposal.
- 2.2 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.

### **3.0 CLATTERBRIDGE CANCER CENTRE**

- 3.1 Clatterbridge Cancer Centre NHS Foundation Trust (CCC) is consulting on proposals to re-configure the non-surgical oncology services. The proposal is for CCC to build a new cancer centre in Liverpool to provide all oncology inpatient services and associated radiotherapy, chemotherapy and outpatient services that the Trust is responsible for. The Trust's Wirral site would be retained and continue to provide outpatient radiotherapy and chemotherapy treatments for patients who would find it easier to access the Wirral site rather than Liverpool.
- 3.2 A series of documents, including details of the proposals, background and consultation plan, have been provided to enable Elected Members to determine whether the proposals are deemed to be a substantial development or variation to service for Wirral residents:
- Letter to the Chair of Wirral Families and Wellbeing Policy & Performance Committee regarding 'Arrangements for Overview and Scrutiny consultation on proposed changes to provision of services by Clatterbridge Cancer Centre NHS Foundation Trust
  - The case for change: 'An opportunity to significantly improve the delivery of cancer services across the Merseyside and Cheshire cancer network'
  - Communication and Consultation Plan : January 2014 to September 2014
  - Comprehensive Cancer Centre Pre-Consultation: Qualitative Analysis Report (Liverpool John Moores University)
  - Clatterbridge Cancer Centre Stakeholder Matrix Model
  - Strategic Communication and Engagement Plan
- 3.3 In addition, officers from CCC will attend the meeting on 8<sup>th</sup> July to highlight key issues.

### **4.0 JOINT SCRUTINY ARRANGEMENTS**

- 4.1 New Health Scrutiny Regulations came into effect last year from 1<sup>st</sup> April 2013. Where more than one local authority's health scrutiny arrangements consider a proposed change in NHS services to be substantial in terms of the impact on its area, the regulations place an obligation on the local authorities to establish a joint health scrutiny committee. There is no provision within the regulations for a local authority to undertake its own scrutiny into a proposed substantial variation if the service is provided across local authority boundaries and is deemed to be substantial by more than one authority.
- 4.2 Members will be aware of the development of a protocol for the establishment of joint health scrutiny arrangements for Cheshire and Merseyside. The protocol was approved by the Policy and Performance Coordinating Committee (1<sup>st</sup> April 2014) and Annual Council, Part 2 (9<sup>th</sup> July 2014):

<http://democracy.wirral.gov.uk/ieListDocuments.aspx?CId=123&MId=4356>

- 4.3 The protocol covers the local authorities of Cheshire and Merseyside:
- Cheshire East Council
  - Cheshire West and Chester Council
  - Halton Borough Council
  - Knowsley Council
  - Liverpool City Council
  - St. Helens Metropolitan Borough Council
  - Sefton Council
  - Warrington Borough Council
  - Wirral Borough Council
- 4.4 In the event of members determining that the CCC proposals are a substantial development or variation in service, it will be necessary to appoint members to the Joint Scrutiny Committee. Council (9<sup>th</sup> July 2014) delegated the approval of nominations to the Families and Wellbeing Policy and Performance Committee. The protocol states that:
- *A joint committee will be composed of Councillors from each of the participating authorities within Cheshire and Merseyside in the following ways:*
  - *where 4 or more local authorities deem the proposed change to be substantial, each authority will nominate 2 elected members*
  - *where 3 or less local authorities deem the proposed change to be substantial, then each participating authority will nominate 3 elected members. (Note: In making their nominations, each participating authority will be asked to ensure that their representatives have the experience and expertise to contribute effectively to a health scrutiny process)*
- 4.5 In this particular case, it is envisaged that 4 or more Local Authorities will deem the proposed change to be substantial. Therefore, it is anticipated that Wirral will be entitled to nominate 2 members.
- 4.6 The joint scrutiny protocol does not specifically mention the use of deputies at meeting of the Joint Scrutiny Committee. However, there is provision within the protocol for the first meeting of the Joint Scrutiny Committee to determine the procedural rules for the operation of that Committee. In the event of the joint committee opting to allow deputies and given the likely timescale for meetings, it would be sensible for the provision of nominated deputies to be in place, if required. It is proposed that for each of the two nominated members of the Joint Committee a maximum of two deputies are also nominated.

## **5.0 RELEVANT RISKS**

- 5.1 There is no provision within the regulations for a local authority to undertake its own scrutiny into a proposed substantial variation if the service is provided across local authority boundaries and is deemed to be substantial by more than one authority.
- 5.2 As part of the joint scrutiny of the proposals, a thorough assessment of the implications on local services will need to be undertaken.

## **6.0 OTHER OPTIONS CONSIDERED**

6.1 N/A

## **7.0 CONSULTATION**

7.1 This agenda item is part of the formal consultation process. In addition, during the development of the protocol, a briefing session was held for the Chair, Vice Chair and Party Spokespersons of the Coordinating Committee and the Families and Wellbeing Committee on 11<sup>th</sup> March to identify any issues and seek any clarifications.

## **8.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS**

8.1 N/A

## **9.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

9.1 N/A

## **10.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

10.1 N/A

## **11.0 LEGAL IMPLICATIONS**

11.1 The Access to Information Regulations shall apply to any Joint Scrutiny Committee.

11.2 Where it is determined under the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside' that a proposed health service change covers two or more local authority areas, the Council will be delegating its health scrutiny to a joint health committee in accordance with and as determined by the said Protocol pursuant to The Local Authority (public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

## **12.0 EQUALITIES IMPLICATIONS**

12.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?  
(c) No because of another reason which is: The report is for information to Members and there are no direct equalities implications at this stage.

## **13.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS**

13.1 N/A

## **14.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

14.1 N/A

## **15.0 RECOMMENDATION/S**

15.1 That the Committee notes the proposals of the Clatterbridge Cancer Centre (CCC) NHS Foundation Trust seeking to reorganise service delivery affecting Wirral as outlined in this report.

15.2 That the Committee confirms, in response to the formal consultation undertaken in respect of the proposals of Clatterbridge Cancer Centre NHS Foundation Trust, whether or not the proposals are a substantial development or variation in service for Wirral.

15.3 In the event that the Committee, in response to 15.1, confirms that, the proposals are a substantial development or variation in service for Wirral, it shall appoint members and deputies (if required) to the Joint Health Scrutiny Committee, which shall further consider the proposals relating to Clatterbridge Cancer Centre NHS Foundation Trust in accordance with the 'Protocol for the Establishment of Joint Health Scrutiny Arrangements for Cheshire and Merseyside'.

## **16.0 REASON/S FOR RECOMMENDATION/S**

16.1 The recommendations will ensure that Committee members will fulfil the requirements of the formal consultation process regarding the proposals of Clatterbridge Cancer Centre NHS Foundation Trust.

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