

**LAW FIRM ACTIN FOR CAMPAIGNERS GETS GO-AHEAD**

# Judicial review launched over transfer of vital hospital services

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Lawyers acting for a campaign group fighting decisions by hospital bosses to relocate vital services from South Tyneside to Sunderland have been given the green light to pursue a legal challenge through the courts.

Law firm Irwin Mitchell had previously written to NHS Sunderland and NHS South Tyneside Clinical Commissioning Groups urging them to overturn the decision to move maternity, women's healthcare, paediatric and stroke services from South Tyneside, or potentially face a judicial review in the High Court.

After the two CCGs stood by their decision, the High Court has confirmed to the law firm - acting on behalf of the Save South Tyneside Hospital Group - that it can

proceed with its legal action, with His Honour Judge Saffman saying he believed the grounds put forward were "sufficiently arguable such as to justify the granting of permission."

The decision has left the CCG's "deeply concerned about the additional delay that this legal process will bring" and say the changes have been taken to "protect services that are exceptionally vulnerable because of a severe shortage of skilled medical and nursing staff."

Matt Brown, Director of Operations at South Tyneside Clinical Commissioning Group (CCG), said: "These critical changes have been about taking steps to protect services that are exceptionally vulnerable because of a severe shortage of skilled medical and nursing staff."

"These are highly important services for our patients and the CCGs took their decision making extremely seriously, based on clear clinical evidence."

"The local NHS has set out clearly the fragility of these services and we are deeply concerned about the additional delay that this legal process will bring, preventing us from making the vital changes that are needed for our patients."

"The Trust has provided repeated reassurance that South Tyneside Hospital has a strong and vibrant future, serving local residents. These changes to services are about ensuring our services are appropriately staffed by the right numbers of skilled medical and nursing staff, so that we can provide the best possible care to local people. We are confident in our open and transparent public consultation process which has been awarded a certificate of 'Best Practice' from the independent Consultation Institute. We will continue to openly engage with staff, patients, stakeholders and elected members over the coming months as we work together to develop future plans for the best possible local hospital services. We are absolutely committed to securing the very best care for the people we serve, the residents of South Tyneside and Sunderland."

Following a review by the South Tyneside NHS Foundation Trust and City Hospitals Sunderland NHS Foundation Trust, a public consultation was held into changes of three key services at South Tyneside Hospital. The consultation closed on October 15, 2017.



Spokesman for the Save South Tyneside Hospital Campaign Group, Roger Nettleship.



A joint decision was then taken in February this year by NHS Sunderland CCG and NHS South Tyneside CCG to approve the proposals put forward by the two NHS Trusts.

Yogi Amin, a partner and head of public law and human rights at Irwin Mitchell, said: "Following our instruction, we argued that there were grounds for a judicial review of the decision taken by NHS managers at South Tyneside CCG and NHS Sunderland CCG on February 21.

"Unfortunately South Tyneside CCG and NHS Sunderland CCG have not shown a willingness to reconsider the decision, therefore we welcome the High Court's decision to grant permission to pursue a judicial review. This is the next step in the legal case to save the local NHS Hospital services."

Spokesman for the Save South Tyneside Hospital Campaign Group, Roger Nettleship said: "Our stand is to safeguard the future of South Tyneside Hospital and its acute and emergency services. Families are very concerned about their vital NHS children and women's health hospital services.

"We believe that the proposed changes will be a potential disaster for the

people of South Tyneside and Sunderland.

"We are happy that our legal challenge can continue after being granted permission for a judicial review of the proposed plans. It is disappointing that after being urged to reconsider its actions, NHS Sunderland CCG and NHS South Tyneside CCG have shown no sign of being willing to do so."

No date has yet been set for the hearing.

Helen Smith, a public law specialist at Irwin Mitchell's Newcastle office, said: "This is obviously a very important issue and one which affects thousands of people's access to much needed, potentially life-saving local NHS hospital services.

"Our legal challenge raises questions around the decisions taken by the CCGs because of a potentially flawed consultation process which breached the principles of procedural fairness and decisions made on the basis of potential flaws in the transport analysis.

"Our clients believe the proposals to transfer the NHS services to Sunderland were based on a flawed assessment of the impact on patients and that the criteria to assess the cost of this was also flawed."



**The transfer of some hospital services from South Tyneside Hospital to Sunderland Hospital will now form part of a judicial review.**