

# Hospital cuts to be at centre of court clash

## COURTROOM CHALLENGE BY LAW FIRM GOES AHEAD

By **KATIE DICKINSON**  
Reporter

CUTS at a Tyneside hospital are to be the subject of a courtroom clash after campaigners won the right to pursue a legal challenge.

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

Now, the High Court has confirmed Irwin Mitchell, acting on behalf of the Save South Tyneside Hospital Campaign Group, can proceed with its legal action after the two CCGs did not agree to reverse

their decision.

Granting permission, His Honour Judge Saffman said he believed the grounds put forward by lawyers at Irwin Mitchell were "sufficiently arguable such as to justify the granting of permission".

Yogi Amin, a partner and head of public law and human rights at the firm, said: "Following our instruction by the South Tyneside Hospital Campaign Group, 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.

"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."

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 last year.

A decision was taken in February by NHS Sunderland CCG and NHS South Tyneside CCG to approve the proposals of the two NHS trusts.

The three services included in the public consultation were urgent and emergency paediatrics, stroke services and maternity and women's healthcare.

Roger Nettleship, a spokesperson for the Save South Tyneside Hospital



Campaign Group, 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."

No date has yet been set for the hearing.

Helen Smith, a public law specialist at Irwin Mitchell's Newcastle office, added: "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."

Matt Brown, director of operations at South Tyneside 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... 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 pro-

cess 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."







There have been a series of demonstrations against the plan for services at South Tyneside Hospital (right)