

HEALTH AND ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Up-date on the Outcome of a Judicial Review process related to changes to local health services proposed by Dorset Clinical Commissioning Group and Up-date on the Independent Reconfiguration Panel process following referral to the Secretary of State of local health service changes proposed by Dorset CCG
Meeting date	2 September 2019
Status	Public Report
Executive summary	This Report provides an update for the Committee on the outcome of a Judicial Review relating to the proposed changes to the delivery of health services in Dorset. It also provides a further update following the one to the last meeting of the Committee about the referral to the Secretary of State and the work of the Independent Reconfiguration Panel (IRP).
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) The Committee notes the current position, and</p> <p>(b) Requests a further report be provided to the Committee when additional information is available</p>
Reason for recommendations	To ensure that the Committee is kept up to date about the progress of the referral and related legal proceedings.

Portfolio Holder(s):	Councillor Lesley Dedman, Portfolio Holder for Adults & Health
Corporate Director	Jan Thurgood, Corporate Director, Adult Social Care
Contributors	Tanya Coulter, Director, Law & Governance
Wards	All wards
Classification	For Update and Information

Background

1. The Committee received a Report at its meeting on 22 July 2019 which set out the background to this matter and the legislative framework which is applied to a referral made to the Secretary of State.
2. In addition, and separately to the referral made to the Secretary of State, a challenge to the proposed re-organisation of health services in Dorset was made by way of Judicial Review by a local resident and this application was initially refused by the High Court. An appeal against this refusal was heard by the Court of Appeal on the 24 July 2019.

Update on Current Position

3. The Court of Appeal considered the appeal and refused permission to appeal against the judgement of the High Court. The Judgement of the Court and the Order are attached for information so that members of the Committee can be fully appraised of the issues considered by the Court in this matter. They are attached as Appendix A and B respectively.
4. The challenge by way of Judicial Review is a separate process to the referral to the Secretary of State. The Independent Reconfiguration Panel will consider the matters raised with the Secretary of State, as set out in the previous Report.
5. As at the date of the previous Committee meeting, the IRP were awaiting information from the CCG as part of the standard process. This information is provided on a pro-form used for this purpose in each case by the IRP. This information has been sent to the IRP and is attached for information at Appendix C. This is to ensure members of the Committee have all available information which has been presented to the IRP and are kept fully informed of the process.
6. At the time of preparing this Report no further information about the timescale for completion of this Review has been received by the Council. Officers will endeavour to find out further information in this respect before the date of the Committee meeting and will update members of the Committee verbally in this regard.

Summary of financial implications

7. There are no financial implications arising from this report.

Summary of legal implications

8. The referral was made pursuant to the relevant Regulations and statutory process. The Secretary of State has to consider the referral and will do so taking account of the independent advice of the Independent Reconfiguration Panel. The Council may be asked to provide further information pursuant to the referral and the Committee will be advised should this be the case.

Summary of human resources implications

9. There are no human resources implications arising from this report.

Summary of environmental impact

10. There are no environmental implications arising from this report.

Summary of public health implications

11. There are no public health implications arising from this report.

Summary of equality implications

12. There are no equality implications arising from this report.

Summary of risk assessment

13. The referral has been made by a predecessor Council and the Council is obliged to engage and provide information in line with the statutory process which applies. There is a potential risk of delay in the process which could cause uncertainty in regard to future arrangements, however the Council is not in a position to mitigate this risk other than to ensure that it provides information if requested to do so in a timely manner.

Background papers

None

Appendices

Appendix 1: Court of Appeal judgement

Appendix 2: Court Order

Appendix 3: Submission of information to IRP by CCG