

Council

22 July 2014

FRIARAGE HOSPITAL

Report of Corporate Director – Strategy & Governance

All Wards
Key Decision = N

1.0 Purpose of Report

- 1.1 The purpose of this report is to inform Members of the advice provided by Philip Havers QC and to recommend a course of action based upon that advice.

2.0 Decisions Sought

- 2.1 Members are asked to agree not to pursue legal action to challenge the decision of the CCG and Members views are requested regarding further Scrutiny work concerning accessibility of medical services particularly for those living in remote rural areas.

3.0 Link to Corporate Priorities

- 3.1 This report concerns the issues relating to sustainable rural communities

4.0 Introduction & Background

- 4.1 Members will recall a report previously considered by Council seeking authority for Counsel's opinion on the merits of bringing a legal challenge against the decision of the CCG to downgrade children's and maternity services at the Friarage Hospital, Northallerton. Members will also recall that Council formally endorsed the alternative option submitted by Cllr John Blackie for consideration by the CCG as part of the consultation process.
- 4.2 The legal advice has been obtained and based upon that advice a series of further questions were raised by the Corporate Director. These further questions formed the basis of a conference held between the QC, the Leader of the Council and the Legal Services Manager. The record of the conference has been circulated to Members as an exempt item.
- 4.3 Members will note from the summary of the conference that the QC considered both the specific points raised by the Corporate Director and also a number of supplementary points raised by the Leader of Council. In my view this demonstrates that the Council went as far as was reasonably possible in pursuing the alternative option which it endorsed.

- 4.4 The result of the QCs opinion is that the recommendation to Council is that a legal challenge is not pursued as based upon his advice and on the balance of probabilities there is a realistic chance that the legal action would be unsuccessful. Generally officers do not advise the expenditure of public funds in promoting or defending legal actions unless there is a probability of success.
- 4.5 If Members agree with this approach then it is appropriate to assess how much the campaign achieved in raising awareness of the problems in accessing medical care for rural communities and how, in its role as advocate for rural issues, the Council wishes to continue the campaign. This concern was the main motivating factor behind the campaign and the development of the alternative RDC option and the legal discussions described above and ties in with the resolution from Corporate Board on 8 July 2014 that RDC should act as an advocate for rural issues in seeking to resolve some of the negative impacts of rural living.
- 4.6 It is expected that the CCG will now implement their decision which means that whilst the midwife led services will operate from Northallerton, residents in Richmond will have to travel to James Cook or Darlington Memorial Hospital to receive consultant led services. This means that the issues of accessibility described in the alternative option will become a reality with the knock on effect that many more Richmond residents are going to become patients at Darlington Memorial Hospital.
- 4.7 It was acknowledged by all parties during the consultation that Darlington Memorial is only half a mile further away than the Friarage for many Richmondshire residents so inevitably whilst the Friarage offers first class midwife led services the Darlington Hospital will now become the hospital of first choice for many residents requiring 24/7 consultant led maternity and paediatric services. It is also important that this proximity of consultant led services is communicated to those living in our rural communities as many of those residents historically would not have viewed Darlington as their first option for medical care.
- 4.8 As a result of this Members are asked to consider whether they wish Scrutiny to continue the work that they have started in looking into the problems associated with accessing medical care for those residents located in deeply rural areas.
- 4.9 Members are also asked to confirm whether they wish to develop links with Darlington Borough Council's own Scrutiny team as the Darlington Memorial Hospital is set to become more important to Richmondshire residents in providing health care.

5.0 Recommendations

- 5.1 Based upon the advice of Philip Havers, QC. Members agreed not to pursue any legal challenge against the decision of the CCG.
- 5.2 Scrutiny Committee 2 further develop their links with Darlington Borough Council's Scrutiny team and continue their work concerning the issue of access to medical services for those living in deeply rural areas.
- 5.3 That the accessibility of Darlington Memorial Hospital and the availability of 24/7 consultant led paediatric and maternity services is communicated to those rural communities who previously used the Friarage and who expressed concerns during

the consultation based upon safety due to the distance and time it would take to access consultant led care.

6.0 Corporate Implications

6.1 Scrutiny Consultation

None

6.2 Community Engagement

None

6.3 Environment & Sustainability

n/a

6.4 Financial Implications

| | |
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| The cost of this proposal is : | There are no financial consequences from the proposal not to pursue the legal challenge |
| This will be funded by: | |
| This will impact on the medium term budget position by : | |

6.5 Legal Implications

There are no legal implications arising from the proposal not to pursue legal action

6.6 Risk Implications

None arising directly directly from this report.

6.7 Human Resource Implications

n/a

6.8 Equalities Implications

None arising directly from the report

6.9 Health & Safety Implications

None

7.0 Further Information

7.1 Background Papers – Council report dated 25 February 2014

7.2 File Reference – None

7.3 Appendices – None

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