

Subject:	Possability People Disability Advice Centre Funding		
Date of Meeting:	17 July 2019		
Report of:	Executive Lead for Strategy, Governance & Law (Monitoring Officer)		
Contact Officer:	Name:	Giles Rossington	Tel: 01273 295514
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Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

Glossary:

- **CCG:** Brighton & Hove Clinical Commissioning Group – local NHS commissioning body.
- **Possability People:** local voluntary sector organisation which runs a range of services supporting people with disabilities.
- **SViS:** Substantial Variation in Service – NHS bodies are legally required to consult with HOSC when planning to make substantial changes to local services.
- **EIA:** Equality Impact Assessment – assessment undertaken by public sector bodies to measure the potential impact of service change plans on people with protected characteristics.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report is in response to separate referrals to HOSC from Cllr Yates and (former) Cllr Taylor, both concerning a recent CCG decision to cease funding the local Disability Advice Centre run by Possability People.
- 1.2 The member referrals are included for information as **Appendix 1**; a statement from the CCG is included as **Appendix 2**; and information supplied by Possability People is included as **Appendix 3**.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the contents of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Possability People is a local voluntary sector organisation which runs a range of services to support people with disabilities. The city council and the CCG both commission services from Possability People. Amongst the services that Possability People runs is a Disability Advice Centre. The Centre is partly funded by the city council and partly by the CCG.
- 3.2 In February 2019 the CCG announced that it would cease funding the Disability Advice Centre. The CCG's rationale for this decision is set out in the statement in **Appendix 2**.
- 3.3 The city council has announced that it is not planning to withdraw its funding for the Disability Advice Centre. However, this leaves a shortfall in funding. Possability People have attempted to bridge this gap in the short term with a crowdfunding appeal, but have stated that the Centre cannot be maintained in the long term without replacement funding. Possability People's position is further explained in their submission (**Appendix 3**).
- 3.4 NHS bodies are required by law to consult with local HOSCs when planning to make Substantial Variations in Service (SViS). In his referral, Cllr Yates notes his surprise that there had been no consultation with HOSC in advance of this decision being implemented.

There has been no engagement with the HOSC on this issue to date. However, while there is no statutory definition of SViS, it is clear from NHS guidance and from national practice in health scrutiny that SViS is intended to cover major changes to health services. The CCG decision to cease funding for the Disability Advice Centre is not likely to be reasonably considered a SViS should this matter be referred by HOSC to the Secretary of State on the grounds of inadequate consultation. This is because the Secretary of State would take into account the number of patients affected and the impact of the service on the wider community. This is not to say that the closure of the service may not have a significant impact on some of its users, just that, in terms of health scrutiny legislation and Guidance, the plan is not likely to be considered by the Secretary of State to be a 'substantial variation'.

Some HOSCs have a protocol agreed with local NHS commissioners and/or providers, which sets out what kind of plans should be considered to be SViS. Such protocols may also include agreements to inform or engage with HOSCs on plans which do not fall within the category of SViS but which may nonetheless be of interest to local people. Brighton & Hove HOSC does not currently have such a protocol in place, but its potential utility is clear, and council and CCG officers are actively exploring developing a protocol.

- 3.5 Although there is no statutory requirement for the CCG to consult with the HOSC where a service change is not considered to be a SViS, the issue clearly falls within HOSC's constitutional remit and is therefore a valid matter for the committee to scrutinise and make comment on the proposals.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Not relevant to this report for information.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Possability People were invited to contribute to this report.

6. CONCLUSION

6.1 Members are asked to note the information provided regarding the CCG decision to cease its funding of the Possability People Disability Advice Centre.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1

Finance Officer Consulted: Name

Date: dd/mm/yy

Legal Implications:

7.2 There is no legal definition of SViS. However, the Guidance is clear that the key feature is that there is a major change to services experienced by patients and future patients. The Health Overview and Scrutiny Committee is able under its terms of reference to ask questions and make comment about proposals relating to Health Services in its area and this is not limited to SViS S. Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the 2013 Regulations”) “A local authority may review and scrutinise any matter relating to the planning, provision and operation of the health service in its area”.

Lawyer Consulted: Elizabeth Culbert

Date 210619:

Equalities Implications:

7.3 The CCG undertook an Equality Impact Assessment before deciding to cease funding the Disability Advice service.

Sustainability Implications:

7.4 None identified.

Any Other Significant Implications:

7.5 None identified.

SUPPORTING DOCUMENTATION

Appendices:

1. Letters to HOSC asking for scrutiny of the CCG's decision to cease funding the Disability Advice service from a) Cllr Yates; and b) (former) Cllr Taylor
2. Statement from Brighton & Hove CCG
3. Information provided by Possability People

Documents in Members' Rooms

None

Background Documents

None