

Subject:	Brighton & Sussex University Hospitals Trust (BSUH) and Western Sussex Hospitals NHS Foundation Trust (WSHT) Merger Proposals		
Date of Meeting:	09 December 2020		
Report of:	Executive Lead, Strategy, Governance & Law		
Contact Officer:	Name:	Giles Rossington	Tel: 01273 295514
	Email:	Giles.rossington@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 In July 2020, BSUH and WSHT announced intentions for a merger of the two NHS Trusts.
- 1.2 The HOSC Chair has asked BSUH to present on their merger intentions at the December 2020 HOSC meeting.

2. RECOMMENDATIONS:

- 2.1 That members note this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Brighton & Hove University Hospitals Trust (BSUH) is an NHS Trust which provides acute hospital services to the populations of Brighton & Hove and Mid-Sussex as well as significant numbers of people in East and West Sussex. BSUH also provides tertiary (specialist) services to the whole of Sussex. BSUH manages the Royal Sussex County Hospital: RSCH (Brighton), Princess Royal Hospital: PRH (Hayward's Heath), the Royal Alex Children's Hospital, and the Sussex Eye Hospital.
- 3.2 Western Sussex Hospitals NHS Foundation Trust (WSHT) is an NHS Trust which provides acute hospital services to West Sussex residents. It manages Worthing and St Richards (Chichester) Hospitals.
- 3.3 In April 2017, BSUH was placed under the executive management of WSHT following BSUH being placed in Special Measures in response to a Care Quality Commission (CQC) inspection report. At this time WSHT was ranked by the CQC as an Outstanding Trust. Subsequently, WSHT has become the first hospital Trust in England to be rated as Outstanding in every domain; and BSUH has

become the fastest improving hospital Trust in England, ranking as Good Overall and Outstanding for Caring in its most recent CQC inspection.

3.4 In July 2020, BSUH and WSHT announced their intention to merge the two Trusts into a single NHS Trust operating across four major hospital sites in West Sussex and Brighton & Hove.

3.5 Under the NHS Act (2006), HOSCs have a statutory duty to act as a formal consultee to NHS bodies planning to make Substantial Variations in Services (SViS). However, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations (2013) exclude matters relating to the creation, dissolution or constitutional change of NHS Trusts from SViS duties. Plans to merge BSUH and WSHT are consequently exempt from health scrutiny legislation and there is no legal duty for the Trusts to consult with their local HOSCs.

3.6 It is nonetheless possible for HOSCs to have informal conversations with local NHS bodies, especially where NHS plans are of interest or concern to local people, and BSUH has agreed to present on its merger plans to the HOSC. Members may be particularly interested in the steps that a merged Trust would take to ensure that there is a continuing focus on Brighton & Hove as a locality with distinct health needs.

3.7 The Trust Board is considering a Business Case for a merger at its 03 December meeting. BSUH will update on this at the 09 December HOSC meeting.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 Not relevant to this report for information.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None in relation to this report for information.

6. CONCLUSION

6.1 Members are asked to note the contents of this report which introduces proposals to merge BSUH and WSHT NHS Trusts.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 Not relevant to this report for information.

Legal Implications:

- 7.2 As noted in para 3.5 above, constitutional changes alone do not constitute a substantial development or variation under Regulation 24 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations (2013). In the absence of any other information to indicate a SViS, the statutory requirement to consult provided for by Regulation 23 is not considered to apply in this instance.

Lawyer Consulted:
Simpson

Victoria
Date: 4.12.20

Equalities Implications:

- 7.2 Members may wish to explore how a merger of BSUH and WSHT could lead to improved outcomes for protected groups, specifically including disabled people, people from BAME communities and older people. Members may also want to explore whether the merger plans may have a negative impact on any of these groups, and if so, what mitigations are being considered.

Sustainability Implications:

- 7.3 None directly to this report. Members may be interested to explore whether BSUH has identified sustainability opportunities and risks as a consequence of the merger: e.g. whether procurement of supplies at a greater scale could be carbon-positive; whether the opportunities to rationalise service across multiple sites that a merger may offer have the potential to be carbon-negative or positive in terms of patient/staff journeys.

Brexit Implications:

- 7.4 Insofar as a merged Trust is likely to offer enhanced opportunities for career advancement, a merger may make it easier for BSUH/WSHT to recruit and retain staff. This may prove advantageous if post-Brexit trade/immigration arrangements have a negative impact on recruitment of EU nationals.

Any Other Significant Implications:

- 7.6 None identified

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents

None

