

**Subject:** **Sussex Partnership Trust: planned developments of Brighton & Hove services**

**Date of Meeting:** **23 July 2008**

**Report of:** **The Director of Strategy and Governance**

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**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 Officers of the Sussex Partnership Trust have sought to present their plans to develop Brighton & Hove services to the Health Overview & Scrutiny Committee (HOSC).
- 1.2 Section 7 of the Health and Social Care Act (2001) requires NHS Trusts to consult with their local HOSC(s) prior to instituting changes which amount to a “substantial variation or development in services”.
- 1.3 There is no definition in statute of what constitutes a “substantial variation”. In some cases it will be clear that proposals do fall into this category and appropriate consultation will follow. However, in many other cases, because it is less clear, it is widely, but informally, accepted that substantial variations are effectively determined by HOSCs (i.e. if a HOSC chooses to view an initiative as a substantial variation, then NHS Trusts will generally accept this identification and proceed accordingly).
- 1.4 In bringing its current plans to develop local healthcare services to the HOSC, it is the intention of the Sussex Partnership Trust to determine whether HOSC members consider that any of these issues constitutes a “substantial variation.”
- 1.5 If members do require more information about particular plans, Sussex Partnership Trust officers have indicated that they are happy to work with the HOSC to explore these issues. The Sussex Partnership Trust will assume that plans not specifically identified by HOSC members as constituting a

substantial variation may be implemented without further recourse to the HOSC.

- 1.6 Sussex Partnership Trust officers have also been asked to use this opportunity to address HOSC concerning some other issues affecting the Trust, including the Trust's NHS Foundation Trust application, enhanced access to Cognitive Behavioural Therapy and other "talking therapies", and the implications of the Personalisation of Care agenda.

## **2. RECOMMENDATIONS:**

- 2.1 That members consider whether HOSC would wish to take the view that any of the Sussex Partnership Trust development plans (Appendix A) constitute a substantial variation in services.

## **3. BACKGROUND INFORMATION**

- 3.1 The Sussex Partnership Trust has supplied a briefing paper for this Item (reprinted in Appendix A to this report).
- 3.2 A briefing paper prepared by Scrutiny Support officers will also be circulated to HOSC members prior to the 23 July 2008 meeting.

## **4. CONSULTATION**

- 4.1 No formal consultation was undertaken in preparing this report.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 This information has not been sought. No financial implications are anticipated from this report on SPT plans for the Trust's future activity.

### Legal Implications:

- 5.2 As Section 7 of the Health and Social Care Act (2001) places the duty on the NHS Trusts to consult with their local HOSC(s), it is primarily a matter for the NHS Trusts to decide whether proposed changes are likely to amount to "substantial variations or developments in services". If they miscalculate, it is they who are chiefly at risk of the Courts finding against them and having to deal with any consequences which may flow. However, in any given case a Court may be willing to take account of the views of the local HOSC and, if the HOSC felt that a matter was not significant enough for them to be fully consulted on, that might assist the Court in reaching a decision.

*Lawyer Consulted: John Heys; Date: 14.07.08*

#### Equalities Implications:

- 5.3 There are no direct equalities implications to this report, although Sussex partnership Trust development plans do have implications for equalities which members may wish to consider.

#### Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although Sussex partnership Trust development plans do have implications for sustainability which members may wish to consider.

#### Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications to this report, although Sussex partnership Trust development plans may have some implications for crime & disorder which members may wish to consider.

#### Risk and Opportunity Management Implications:

- 5.6 A risk assessment has not been conducted in relation to this report.

#### Corporate / Citywide Implications:

- 5.7 The Sussex Partnership Trust is an important local organisation, providing services for some of the most vulnerable people in the city. The effective development of the Trust and its services is therefore a key corporate and citywide concern.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Appendix A: Briefing paper from Dr Richard Ford, Executive Director, Sussex Partnership Trust

