

**Ref: CCG November 0029 2016**

Corporate Services  
NHS Liverpool Clinical Commissioning Group  
The Department  
Lewis's Building  
Renshaw Street  
Liverpool  
L1 2SA

Email: [foi@liverpoolccg.nhs.uk](mailto:foi@liverpoolccg.nhs.uk)

25<sup>th</sup> November 2016,

Dear Sir/Madam,

**Re: Freedom of Information Request**

Thank you for your Freedom of Information request that we received on 27<sup>th</sup> October 2016, with regards to the STP plan.

Request/**Response**

1. There will be a co-ordinated approach across Cheshire and Merseyside regarding communications and the overarching engagement on the contents of the plan.”

Please give a detailed description of this “overarching engagement”. Will it involve the general public or will decisions be taken at a senior level? Will you use the media to publicise the STPs? Will you put advertisements in newspapers? How will you reach people who as yet have no idea what is going on?

***In preparing the Cheshire and Merseyside Plan local partner organisations have involved senior doctors and system leaders in drawing up ideas, and many more will be involved in developing the plans to take forward the priorities set out in the plan.***

***The publication of the Cheshire and Merseyside STP on 16th November 2016 marks the start of further engagement on a way forward for local health and social care services. The plan and accompanying documents can be accessed here:***

***<http://www.liverpoolccg.nhs.uk/about-us/publications/plans-reports-registers-and-strategies/>***

***Over the next weeks and months we will be talking people across the region to ensure there is a good level of awareness and understanding about the***

***need for change and to listen to ideas or concerns about any aspect of the plan as it currently stands.***

***Every partner organisation is committed to actively involving patients, carers, staff and local people in shaping future plans and ensuring they have their say on how services will look in the future. Any proposal to substantially change any service will be subject to thorough and detailed engagement and consultation with those people potentially affected by any suggested change. We will only take forward proposals that are supported by strong clinical evidence and where we can demonstrate a positive impact in terms of quality, safety and sustainability.***

***The Cheshire and Merseyside STP communications and engagement plan is now published as an appendix to the STP. This plan is currently being updated to incorporate a detailed plan for the next stage of engagement.***

***We are currently engaging with Health and Wellbeing Boards to help inform engagement. The STP is being presented to the next meeting of the Liverpool Health and Wellbeing Board on 30th November. The link to the papers is here:***

***<http://councillors.liverpool.gov.uk/ieListDocuments.aspx?CId=1370&MId=15719&Ver=4>***

2. You say that local people have already been consulted about the STP

“These are the local plans that are included in the Cheshire & Merseyside STP, so the people of Liverpool should be familiar with the city’s plans to improve health, the quality of services and to address the financial gap within our local system. The Healthy Liverpool Programme has directly engaged 20,000 people on its plans and any further proposals will be engaged upon in the same way.”

The figure of 20,000 represents 4% of the population so I doubt that the other 96% are familiar with the plans.

You also say there are legal requirements governing public consultation.

“There are a number of legal requirements for us to do this. Health organisations are legally obliged to engage fully and fairly around any proposed changes to services (the Gunning principles,) whilst any substantial changes to health services or significant service changes would trigger a requirement for us to fully consult with those who would be affected by any changes and to take into consideration any views expressed..”

Do the “Gunning Principles” define any legally required minimum number of the population to be consulted? If so, does a sample of 4% of Liverpool’s population comply with the legal requirements?

***The emphasis of the Gunning Principles is on ‘fairness’. The Gunning Principles state that:***

**Consultation must take place when the proposal is still at a formative stage: Decision-makers cannot consult on a decision that has already been made. This principle does not mean that the decision-maker has to consult on all possible options of achieving a particular objective. A decision-maker can consult on a 'preferred option', and even a 'decision in principle', so long as its mind is genuinely open.**

**Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response: Consultees should be made aware of the basis on which a proposal for consultation has been considered and will thereafter be considered. Those consulted should be aware of the criteria that will be applied when considering proposals and what factors will be considered 'decisive' or 'of substantial importance' at the end of the process.**

**Adequate time must be given for consideration and response: Unless statutory time requirements are prescribed, there is no necessary time frame within which the consultation must take place. The decision-maker may adopt a policy as to the necessary time-frame (e.g. Cabinet Office guidance), and if it wishes to depart from that policy it should have a good reason for doing so.**

**The product of consultation must be conscientiously taken into account: If the decision-maker does not properly consider the material produced by the consultation, then it can be accused of having made up its mind; or of failing to take into account a relevant consideration.**

**The direct 20,000 responses received to date represent direct feedback from the population specifically on the Healthy Liverpool programme. It does not reflect the broad level of awareness for Healthy Liverpool's intentions and plans.**

**The Healthy Liverpool online engagement site gives a reflection of the communications and engagement we are delivering in a sustained and inclusive way, including long term partnerships with community and voluntary organisations across the city, who assist the CCG in communicating and engaging with our diverse population. The site provides details of other associated engagements that are in addition to core Healthy Liverpool engagements.**

**<http://www.liverpooltalkshealth.info/>**

**The North Mersey local delivery system plan, which is part of the STP, builds upon and joins-up Healthy Liverpool with transformation plans from neighbouring commissioners within the footprint.**

**Healthy Liverpool is the city's plan to improve the health of people in the city and make sure our health and care system is focussed on the needs of people; supporting more of us to stay well for longer and providing the very**

**best treatment and care when needed. Healthy Liverpool was created in response to the Mayoral Health Commission and in November 2014, the Healthy Liverpool: Prospectus for Change was published.**

**Healthy Liverpool is being driven by all the city's NHS organisations working closely with Liverpool City Council, which is responsible for social care, along with other public services and community organisations.**

**During the summer of 2015 we asked people in Liverpool to comment on the reasons why we think things need to change, and our proposals for what this change might look like, both for hospital and out of hospital services and our physical activity and digital transformation plans.**

**We published the Healthy Liverpool Blueprint in November 2015, which set out detailed plans to transform services in the city. At the beginning of this year, from February 1 to the March 20, we held a further period of engagement with members of the public and key stakeholders, providing a good deal of feedback which continues to inform developments and demonstrates our ongoing commitment to patient and public involvement.**

**We will continue to engage and as we bring forward any specific proposals regarding major service change we will formally consult on these proposals. An example of this would be the planned public consultation on options for the future of women's and neonatal services in the city.**

3. It is anticipated that the STP will contain “substantial changes to health services or significant service changes” which “would trigger a requirement

For us to fully consult with those who would be affected by any changes and to take into consideration any views expressed...”

Do the Gunning Principles define what is meant by “to fully consult”, for example, what percentage of the population would be involved?

***There is no definition of a required percentage for direct responses. The Gunning principles are set out above.***

4. What is meant by the phrase “take into consideration any views expressed”? Does this mean that people will be able to shape the future of their local services? This implies that the views of the general public will be honoured. Is this correct? In an email to you on 27 September I asked, “I would also like to know the extent to which the consent of the general public will be required in the implementation of these plans.” Please could you clarify?

An NHS England spokesperson puts it like this:

“It is hardly a secret that the NHS is looking to make major efficiencies and the best way of doing so is for local doctors, hospitals and councils to work together to decide the way forward in consultation with local communities. Proposals are at a draft stage but we expect all local leaders to be talking to the public and

stakeholders regularly – it is vital that people are able to shape the future of their local services.”

<https://www.england.nhs.uk/2016/08/stp-statement/>

***We would refer you to the principle that the product of consultation must be conscientiously taken into account.***

***However, consultation is not a vote. It is, however, essential that the public's views are known and considered by decision makers and that they take those views into account when reaching a decision. If a public body takes a decision that goes against the general views of the public it needs to have good reasons for it and make sure those reasons are recorded.***

***Public consultation does not reflect the whole process for engaging with the public, as formal consultation will be undertaken when a clear set of options for change have been developed. Prior to this, we would engage people along the journey to this point.***

***For example, the recent engagement process relating to the review of women's and neonatal services asked people for their views on the case for change, prior to the development of detailed options for the future of these services. This feedback has informed the development of options which will be shared in a formal public consultation early in 2017. The link to this 'pre-consultation' report is on the CCG website:***

***[https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/19ca28eb9a96752ab1d02e9db0a088f3b54ff05d/documents/attachments/000/000/623/original/Liverpool Womens PreCons Engagement Report Sep16 FINAL web.pdf?1476803287](https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/19ca28eb9a96752ab1d02e9db0a088f3b54ff05d/documents/attachments/000/000/623/original/Liverpool_Womens_PreCons_Engagement_Report_Sep16_FINAL_web.pdf?1476803287)***

5. With reference to the “local leaders” mentioned above, please list the names of the Liverpool leaders whose responsibility it is to be “talking to the public”. So far there has been a deafening silence from them all – whoever they are. The only information we have in the public domain are leaks published in the media.

***The North Mersey Local Delivery System includes all the Chief Executives, senior executives, Medical Directors and clinical leaders of the following organisations:***

***The North Mersey commissioning landscape is represented by four CCG commissioners - NHS Liverpool CCG, NHS Southport & Formby CCG, NHS South Sefton CCG and NHS Knowsley CCG, 3 local authorities – Liverpool, Sefton and Knowsley and NHS England Specialised Commissioning. The North Mersey plan incorporates 9 provider trusts:***

- ***Liverpool Community Health NHS Trust***
- ***Aintree University Hospitals NHS Foundation Trust***
- ***The Liverpool Heart and Chest Hospital NHS Foundation Trust***
- ***The Clatterbridge Cancer Centre NHS Foundation Trust***
- ***Royal Liverpool and Broadgreen University Hospitals NHS Trust***
- ***The Walton Centre for Neurology NHS Foundation Trust***
- ***Alder Hey NHS Foundation Trust***
- ***Liverpool Women's Hospital Foundation Trust***
- ***Mersey Care NHS Trust***

***The names of Chief Executives and Medical Directors can be found on each organisation's website.***

We wish to take this opportunity to inform you that a formal complaints and internal review procedure is available to applicants who are unhappy with responses provided to FOI requests. You can formally request an internal review within a reasonable period of time (2 calendar months) from the date this response was issued.

Where you are not satisfied with the decision of the internal review you may apply directly to the Information Commissioners Office (ICO) for a further review of that decision. Generally, the ICO cannot make a decision unless you have exhausted our complaints procedure in the first instance.

The ICO can be contacted at:

Information Commissioners Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
[www.ico.gov.uk](http://www.ico.gov.uk)

Should you require any further information, clarification regarding this response or do not feel that your request has been answered as you would expect, please contact us to discuss.

Yours sincerely,

**Customer Relations Lead  
NHS Liverpool CCG**