

# Save Lewisham Hospital

## Campaign Update

# WE'VE WON!

The Save Lewisham Hospital Campaign and Lewisham Council won our joint defence of Lewisham Hospital in the Court of Appeal on 29<sup>th</sup> October. The Government's appeal against July's judicial review judgment - that Hunt and Kershaw had acted unlawfully in proposing to close Lewisham Hospital's A+E and Maternity - was rejected by three Lord Dyson (Master of the Rolls), and Sullivan and Underhill LJ.

This was a great victory for the Campaign. The decision means that Lewisham's A&E, all the acute medical & surgical adult and children's wards and our integrated Maternity unit – all threatened with closure – will now stay open!

This is not just a legal victory – it is a victory for the people of Lewisham and all those who have campaigned over the past year. We would never have had the confidence to make a legal challenge without the backing of the whole community.

### Thanks

We wish to thank our solicitors Leigh Day and barristers David Lock and Jeremy Hyam, and the Council's legal team, Elizabeth Laing QC and solicitor Kath Nicholson, for doing a great job and putting our case so well that the Appeal Court judges threw out the Government's appeal in record time.

Thanks are also due to the thousands of people who supported the campaign and donated money to back the judicial review; 38 Degrees and their supporters; Millwall Football Club and fans; and all the others who supported our campaign whether as patients, parents, pensioners, parents, grand-parents, hospital and community NHS staff, local government workers especially the environment team, GPs and consultants, trade unionists, school and university students, many faith groups, singers, artists, performers, film makers, journalists, printing companies, schools, colleges, restaurants, pubs and pharmacies, local shops and many more.

We thank our local MPs, Heidi Alexander, Joan Ruddock and Jim Dowd, and Lewisham Mayor, Sir Steve Bullock and the Council for their unflinching support for the campaign.



The basis of our case was that Matthew Kershaw, the 'Trust Special Administrator' who was appointed last summer to the South London Healthcare Trust to recommend solutions to its financial problems, had no power to go beyond his remit and make recommendations about Lewisham Healthcare Trust which was a completely separate trust. In addition Jeremy Hunt, the Secretary of State for Health, had no power to act on these recommendations to close Lewisham A&E and maternity. The Court of Appeal upheld the original 31 July High Court decision that he had acted illegally in trying to close our hospital. unanimously and in record time.

The Government also appealed against another decision that had gone in our favour in July. The Hon Mr Justice Silber supported our argument that the fact that the opposition of Lewisham GPs to plans to close Lewisham services meant that one of the important 'Four Tests' that the Government states should be met before any closures – the support of local GP commissioners – had not been met. The Government appealed against this. We await the Court of Appeal judgment on this aspect of the case.

For more information, press, reports, video and photos see [www.savelewishamhospital.com](http://www.savelewishamhospital.com)

## Now they want to change the law!

Jeremy Hunt, not content with wasting £92,000 taxpayers money on his doomed appeal is now planning to change the law so that in future Trust Special Administrators (TSAs) will be able to make recommendations about any hospital trust beyond the one they are appointed to. The TSA regime was meant to be a special emergency measure to sort out “failing” trusts but the Government wants to now use it to bully through rapid changes without adequate consultation or scrutiny – just like they tried to do with Lewisham. That’s why the Save Lewisham Hospital Campaign is spearheading a national campaign against this law change. We’re organising petitions, writing to MPs and working with other campaigners .

## Jeremy Hunt must resign

We have no confidence in Jeremy Hunt as Health Secretary and are calling on him to resign. The NHS is not safe in his hands! His attempt to close our hospital shows that he does not care what local patients and doctors think. And now, having been found to be unlawful, he is not prepared to accept he was wrong but wants to change the law .

## What next for the Campaign?

Our appeal court win means that we’ve seen off this TSA threat to our hospital and achieved what we initially set out to do. But because we recognise that there are other threats to Lewisham Hospital we will continue our campaign to defend it. Lewisham Hospital is not immune to the Government’s wider attacks on the NHS: plans for £50 billion cuts to the NHS budget by 2019; plans to close up to a third of hospitals in London and across the country; privatisation of NHS services; Private Finance Initiative debts. That is why our Campaign is committed to opposing these wider threats. We can best do this by working with other NHS and hospital campaigns. Our Campaign has been an inspiration to other hospital campaigners in London and around the country – we have been invited to share our experiences with campaigners in many different parts of London and the UK.

## Lewisham and Greenwich Hospital Trust

Lewisham Healthcare NHS Trust recently completed its merger with Queen Elizabeth Hospital, Woolwich, to form the new Trust. Lewisham Healthcare made this decision nearly a year ago because it believed this was the best way to secure the long-term future of Lewisham Hospital. The Save Lewisham Hospital Campaign neither supported nor opposed this merger, but sees its role as ensuring that services across both sites remain open, safe and good. We plan to hold a joint public meeting in the New Year with Greenwich campaigners, community and hospital staff to explore ways of working more closely together to protect local services.

## Closures and cuts

NHS England recently announced plans to make £4 billion “efficiency savings” across London’s NHS. These are not efficiency savings – they are cuts. They will mean the closure of a third of

London hospitals and the loss of thousands of nurses and NHS staff jobs. Although it is not an immediate threat to Lewisham we are staying vigilant. The Government claims the NHS is “unsustainable”. But that’s not true. The NHS one of the most cost-effective healthcare systems in the world and if the Government stopped wasting £billions on turning the NHS into a commercial healthcare market - on PFI, private consultancies and top down reorganisations - then there would be plenty of money for front line services. In London, at a time when A&Es are overflowing and the “winter bed crisis” has started already, it is crazy to propose the closure of more A&Es when there are no concrete plans or funding to develop alternatives in the community.

## Privatisation

We are campaigning against the threat of privatisation of services in Lewisham. The Health and Social Care Act 2012 makes it compulsory for local GP Clinical Commissioning Groups (CCGs) to put some services out to tender so that private companies can bid to take them over. So far in Lewisham our CCG has resisted pressure to privatise services but they need the support of local people to continue to resist. Our Campaign has a “marketisation working group” that is seeking to engage with the local CCG to make clear our opposition to any future privatisation plans. We are asking people to sign letters to Monitor – the body that enforces privatisation – to state that they do not want this to happen in Lewisham. So far we have 2000 letters signed.

## Private Finance Initiative debts

The new Trust inherits the Private Finance Initiative contract liabilities of Queen Elizabeth Hospital. The payments will be subsidised by £12.2 million 2013/14 rising by inflation to keep up with the PFI repayments (eg £16.5m by 2017/18), something which the Campaign demanded. We are seeking further information on the lifetime of the contracts. This means that the potential of the PFI debt to destabilise Lewisham and Greenwich NHS Trust has been much reduced. This is not extra payment to the PFI companies but simply a recognition that the Government should take responsibility to reduce the damaging effects of bad contracts that the state negotiated in the first place. We believe it is wrong that individual hospitals should carry the burden of such potentially destabilising debts. We have a NATIONAL health

### Dates for your diary

**The Lewisham People’s Commission into plans to close our hospital gave a voice to local people and health staff. On Wednesday 27 November, the Commission will publish its final report – available online. A DVD will also be available to buy.**

**Unite the Union is holding a series of public inquiries into the threats to London’s NHS. Louise Irvine, SLH Campaign chair, is on the panel listening to evidence. The Inquiry for SE London sector is on Friday 6 December 2-7pm in the Lessof Auditorium, Lewisham Hospital. You can give written or oral evidence or just come and listen. More information:**