

Comment is free

# Why Jeremy Hunt's plans for Lewisham hospital are unlawful

The Save Lewisham hospital campaign is challenging Hunt's cuts at the high court. This is pivotal in the fight for all hospitals

**Shannon Hawthorne**  
guardian.co.uk, Tuesday 2 July 2013 09.01 BST  
[Jump to comments \(...\)](#)



Demonstrators in south-east London protest against the proposed closure of the A&E and maternity units at Lewisham hospital. Photograph: Leon Neal/AFP/Getty Images

As a resident of the south London borough of Lewisham, for me, today is a very significant day. After months of fundraising, protesting and petitioning, the community-led Save Lewisham hospital campaign is heading to the high court. The aim? To challenge plans to close the successful, solvent hospital's existing A&E, maternity, adults' and children's acute wards, and critical care unit, all to bail out a failing neighbouring NHS trust. I almost feel sorry for Jeremy Hunt. Who would have thought that community campaigners from a small deprived area of south-east London could mount such a high-profile, co-ordinated and relentless campaign in defence of their local hospital?

So relentless, in fact, that back in January, Hunt was forced to feign a U-turn on one of the more widely-criticised proposals: the replacement of Lewisham's A&E (which sees 120,000 patients a year) with an urgent care centre. Instead, he claimed, Lewisham would "retain a smaller A&E".

And it might have worked too, if people hadn't cottoned on to the fact that this new unit wouldn't be able to treat or admit patients with serious injuries or illnesses, meaning that patients would have to travel to the already-full-to-bursting Queen Elizabeth hospital six miles away (in inner London traffic, mind) for emergency care. Even the College of Emergency Medicine has stated that the so-called "smaller A&E" does not meet their definition of an emergency department.

NHS medical director Professor Sir Bruce Keogh advised that the downgraded unit could still see up to 75% of patients, which in theory should have been of some comfort to those opposed to the plans. Yet

Facebook Share  
Tweet this  
LinkedIn Share 0  
Email

Article history

**Society**  
Hospitals · Emergency services · NHS · Health · Public services policy

**UK news**  
London

**Politics**  
Health policy · Jeremy Hunt

**World news**  
Protest

More from Comment is free on

**Society**  
Hospitals · Emergency services · NHS · Health · Public services policy

**UK news**  
London

**Politics**  
Health policy · Jeremy Hunt

**World news**  
Protest

## The Guardian Healthcare Innovation Awards

The Guardian's new awards aim to recognise and celebrate innovation across the healthcare sector and beyond. [Learn more](#) and enter

## New Guardian book

**GOD BLESS THE NHS**  
The Truth Behind the Current Crisis  
£6.99  
Roger Taylor examines this government's dogged attempts to reform the NHS, and the truth behind the crisis. [Buy now for](#)

## Today's best video



**Brick-by-Brick: Lions' second test agony**  
Disappointment for the Lions as a late try from Australia sees them lose the second Test

**Tour de France: Bakelants tastes victory**  
Radioshack Leopard rider Jan Bakelants wins a tough second stage of the Tour de France

**Glastonbury 2013: how was it for you?**

when pushed for evidence by local clinicians to support his claim, [Keogh said](#): "It's not an exact science." I filed a freedom of information request to the Department of Health a few days after Hunt's announced his decision on Lewisham, asking for the clinical data Keogh used to arrive at the 75% figure. Over three months later, [the DoH admitted](#) that it had no information on how he reached that figure.

Similarly, Hunt continues to claim that the changes would save 100 lives a year, an extension of the argument that by having fewer, bigger specialist medical centres, clinical outcomes can be improved. But while this is widely agreed to be true for strokes and heart attacks (and south-east London already has specialist centres for both), there is no clinical evidence that the same is true for other emergency admissions. Only a few years ago [Hunt, in a speech about the importance of a "locally delivered NHS"](#), bemoaned the fact that "the people running the health service are always thinking: 'By centralising, we do things more efficiently.'" Then again, it was only a few weeks before announcing his decision on Lewisham that he pledged to use the government's four tests for NHS reconfigurations to inform his decision: GP support, public engagement, clear clinical evidence and improved patient choice. But plans to close services at Lewisham failed all four.

By approving the cuts at Lewisham, the health secretary sent out a clear message: any hospital, regardless of quality or financial solvency, can be subject to closures if it fits with the government's wider agenda. Indeed, it seems like every week we hear of plans for yet more cuts to hospital services. Ealing, in west London, Trafford General, in Manchester, and St Helier in Surrey are just a few examples of other hospitals whose A&E departments are under threat, with the latter also set to lose its maternity unit. And all too often concerns are raised that these changes are based on flimsy clinical evidence and little or no genuine public consultation.

That is why the Save Lewisham hospital campaign is challenging the health secretary's decision. We believe that the plans are wrong on the grounds that: the public consultation was flawed; the government's own four tests have not been met; and by using the administration process for the failing [South London Healthcare Trust](#) to justify cuts at Lewisham, Hunt has misunderstood his own legal powers. As such, we in Lewisham are asking for this abuse of process to be called what it is: unlawful.

So today is not only a significant day for the residents of Lewisham. The fight for Lewisham hospital marks a pivotal moment in the fight for all hospitals. And who knows? We might just win.

[Share](#) [Tweet this](#) [Share](#) [Email](#)



As Glastonbury draws to a close we hear festival-goers look back at the 2013 festival



**Obama visits Nelson Mandela's cell**  
President Obama says he was 'humbled' after visiting the jail where Mandela lived for 18 years



## GuardianWitness



**Competition: win a trip to South America**  
Show us what Glastonbury means to you for your chance to win an adventure

holiday for two to Bolivia



**Best and worst beaches**  
Where are the most beautiful and pristine beaches to visit and which ones are best avoided? Share your pictures and videos



**Recipe swap: wrapped**  
Lettuce leaves, flatbreads, rice paper... share your favourite wrap recipe

**Send us your**

### assignment ideas

Do you have an idea for an assignment you think should run on GuardianWitness? [Let us know](#).



### Healthcare Professionals Network

#### Today in healthcare: Tuesday 2 July

News, comment, blogposts and tweets across the sector

### Healthcare Professionals Network

#### Today in healthcare: Monday 1 July

News, comment, blogposts and tweets across the sector

[More from our Healthcare Network](#)

### On Comment is free

[Most viewed](#) [Latest](#)

Last 24 hours

The 26 tasks that mothers should largely offload |

Joanna Moorhead

Open for comments. [Sign in](#) or [create your Guardian account](#) to join the discussion.

5 comments. Showing  conversations, threads , sorted

2 PEOPLE, 2 COMMENTS



**Gerbetticus**

02 July 2013 9:10am

this is a battle that has to be won Well done

Recommend **3**



**MacDent** Gerbetticus

02 July 2013 9:18am

They may or may not win a battle, but for them to win the war they need at least one political party that does not on to profit from selling of the NHS or cashing in on its outsourcing.

As there are none, perhaps the 'Save Lewisham hospital' campaigners should form a party nationally. If they added youth unemployment to the campaign, they would be hard to beat.

Recommend **1**



**Huples**

02 July 2013 9:15am

Closing hospitals or bits of them is always unpopular.

From the article it seems that this closure is purely designed to transfer funds elsewhere from a successful, good, and needed hospital. If that is the case I wish you luck and success.

Perhaps closing the ailing trust and transferring its money to your area would be a better idea?

I would, if I was a Hunt, likely get some better funding into the ailing area and ask your area if there is any capacity you can offer to help improve the other area.

Recommend **0**



**MichaelBulley**

02 July 2013 9:20am

I've made this point with some other articles and so apologize to those who may already have come across me doing it. It is the unnecessary, and irritating, "why" at the beginning of the headline. Without it, the proposition would be stated fully and clearly and we would assume the author was going to argue for it in the article.

This superfluous "why" is a tradition in Guardian headlines and it is time, I think, to make a break with it. Occasionally an initial, non-interrogative, "why" is correct, as in the recent "Why Millwall said no to QuickQuid", but mostly, as here, it just takes up space pointlessly.

Recommend **0**



**Alarming**

02 July 2013 9:20am

"By approving the cuts at Lewisham, the health secretary sent out a clear message: any hospital, regardless of quality or financial solvency, can be subject to closures if it fits with the government's wider agenda."

This is the problem with this government over all of its departments.

As others have mentioned their choice of a fixed 5 year term is very canny as it allows them ample time to smear the public sector by fair means or ( usually ) foul and then start dismantling it to a degree that cannot be easily undone by the government that follows them.

Good luck with this.

Recommend **0**

Open for comments. [Sign in](#) or [create your Guardian account](#) to join the discussion.



1.

2. Labour's spending worked. Why don't they defend it? | Polly Toynbee

3. Doesn't religion cause most of the conflict in the world? | The panel

4. Farming subsidies: this is the most blatant transfer of cash to the rich | George Monbiot

5. Internet trolls: a guide to the different flavours | Claire Hardaker

More most viewed

## guardianbookshop

### This week's bestsellers



1. **NHS SOS**

by Raymond Tallis  
£6.99

2. **Undercover**

by Paul Lewis & Rob Evans £8.49

3. **Reason I Jump: One Boy's Voice from the Silence of Autism**

by Naoki Higashida £10.39

4. **Ten Billion**

by Stephen Emmott £5.59

5. **Sweet Tooth**

by Ian McEwan £4.79

Search the Guardian bookshop

### comment is free...



#### Latest posts

1hr 22min ago

**Don't know what sort of jobs to create for young people? Here are some ideas**

**Richard Watson:** Investment in dynamic, growing fields like micro-energy and sythetic biology could yield new fields of employment by 2030



1hr 22min ago

**Steve Bell's If ... on a spook apprehended by the Queen**

Steve Bell's If ...

#### Comment from the paper

Polly Toynbee: [Labour's spending worked. Why don't they defend it?](#)

Steve Bell: [Steve Bell on News Corp's rebirth - cartoon](#)

George Monbiot: [Farming subsidies: this is the most blatant transfer of cash to the rich](#)

### Bestsellers from our Guardian stores



**100 Litre water butt**  
 Just the thing for catching rainwater without losing too much garden/patio space.  
[More from Guardian Gadgets](#)



**Garden recliner**  
 Relax in comfort, save on the price: just £59.99 each, or buy two recliners for £99.99.  
[More from Guardian Essentials](#)

## guardianjobs

Find the latest jobs in your sector:

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <a href="#">Arts &amp; heritage</a> | <a href="#">Health</a>             |
| <a href="#">Charities</a>           | <a href="#">Marketing &amp; PR</a> |
| <a href="#">Education</a>           | <a href="#">Media</a>              |
| <a href="#">Environment</a>         | <a href="#">Sales</a>              |
| <a href="#">Government</a>          | <a href="#">Senior executive</a>   |
| <a href="#">Graduate</a>            | <a href="#">Social care</a>        |

[Browse all jobs](#)



**Senior Designer - Service Integration**  
 Hatfield |  
 £Competitive + bonus + benefits  
[EE](#)



Tweet this

