

Competition Law Spreads Chaos

Just months after the Health and Social Care Act came into force, competition law is already running amok in several parts of the country, including here in Stockport.

Although competition in the NHS is government policy, it turns out that it can and will wreck other key policies for health. One such policy is for integration of services. According to Pulse magazine, many private firms are preparing challenges to the decisions of Clinical Commissioning Groups taken to maintain or strengthen integration.

Pulse quotes Janet Roberts, director of the procurement advisory service Tendering for Care, as saying there are at least a dozen providers considering taking a challenge to the NHS's regulator Monitor, or even going straight to the courts.

Other applications of competition law are smashing into NHS policies for finding solutions for semi-bankrupt hospitals, treating more patients in the community and concentrating hospital work into centres of excellence.

In the Bournemouth area the Competition Commission has stopped two financially struggling NHS hospitals from merging on the grounds that this would reduce competition locally. Other cash-starved NHS hospitals may conclude that the only solution left to them is to be taken over by a private health company not previously active in their area.

In Blackpool, meanwhile, the private Spire hospital group has challenged two local NHS Clinical Commissioning Groups who have diverted some neurology work away from the local Spire hospital. Instead patients are benefiting from being treated in the community without hospitalisation at lower cost.

Spire says this is unfair and has asked Monitor to stop it.

Over in Bristol, Monitor's Cooperation and Competition Panel has blocked the merger of some cancer surgery by two of the city's hospitals. The panel concluded that improved treatment of patients would have resulted from the link-up, but said this could not be allowed because patient choice would be reduced.

A complaint by the management of Stepping Hill hospital also relates to an attempt to develop centres of cancer treatment, this time in Greater Manchester. The Stepping Hill Trust along with the South Manchester Hospital Trust, has asked Monitor to overrule a decision by NHS England to centralise surgery for particular types of cancer at specific teaching hospitals in Greater Manchester. Stepping Hill which is not a teaching hospital argues that it has been stitched up in contravention of competition rules.

The rights and wrongs of the Stepping Hill issue are more complex than the Bristol case. Potential patients may wonder why the reorganisation is being carried out behind closed

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doors and whether total cancer beds and doctors are being cut. So far the reorganisation covers four types of cancer, with all other cancer surgery to be included later.

Stepping Hill's complaint has a particular resonance in Greater Manchester because a much delayed plan is under discussion to reorganise much hospital care in the same way as cancer surgery. The airing of these plans for reorganisation, known as "Healthier Together", has already been put back until 2014. Will the plans be doomed by competition law even before they are published?