

May 25th 2014

Victory Over Closure Clause

A campaign involving tens of thousands of people has succeeded at the eleventh hour in amending the Government's hospital closure clause. The notorious Clause 119 of the Care Bill would have handed dangerous powers to "special administrators" at financially troubled hospitals to cannibalise successful Trusts in surrounding areas.

The clause had been opposed by a 180,000-strong petition from the online campaign 38 Degrees and another of 150,000 signatures from Save Lewisham Hospital Campaign. On May 7 an amendment drafted by 38 Degrees' lawyers and tabled by Baroness Finlay was accepted by the Government in the House of Lords.

Proposed reorganisations of hospital services must now be approved by all the relevant NHS commissioning groups affected in the locality, and public consultation exercises must be undertaken.

The issue has its roots in the bankrupting of the South London Healthcare Trust by Private Finance Initiative debts. In January 2013 Jeremy Hunt provoked outrage by approving the plans of the trust's special administrator to close A&E, maternity and other services in neighbouring Lewisham whose health services are not in financial difficulty.

Campaigning by the Save Lewisham Hospital Campaign culminated in a protest march of 25,000 people and a successful application to judicial review, which overturned the closures in July last year.

Judiciary overruled

Health Secretary Hunt moved quickly and cynically to cancel out the judicial decision by tacking his hospital closure clause on to the unrelated Care Bill. Hunt was unmoved by huge public opposition to the clause, and pushed it through the Commons on March 11.

Before the Commons debate 38 Degrees had attempted to mastermind a Liberal Democrat revolt against the Coalition line. Lib Dem MP and former Health Minister Paul Burstow had been primed to put forward an amendment but withdrew at the last moment after receiving insubstantial government concessions. The slight modifications meant that in the Lewisham scenario, the local clinical commissioning group would now be consulted but could not stop a closure being imposed.

Although the chances of overcoming this setback seemed slim, 38 Degrees stuck to the task, collecting donations from its supporters to fund the drafting of another amendment ready for the closure clause's arrival in the House of Lords. At the last moment Jeremy Hunt executed a U-turn and adopted the amendment. Defying satire, an official spokesperson even portrayed the amendment as expressing the Government's own intentions