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Nicola Blackwood, MP
House of Commons
London SW1A 0AA

03/03/13

NHS – Reject Section 75 Regulations

Dear Nicola Blackwood,

We urgently beseech you to break with precedent and oppose these regulations laid before parliament by the government.

If they are passed, they will lead to increasing privatisation, not because it is freely chosen by GPs for the benefit of us, their patients, but because EU competition law will allow large corporations to threaten legal action if they fail to win contracts.

If the proposed regulations are rejected, a better way forward can be planned which will benefit all your constituents. This will include taking account of the suggestion in the Francis Report that Monitor should be put under the Care Quality Commission,

The risk entailed in these regulations is too great. Please let us know that you will vote against them.

See attached for fuller explanation of our position.

Yours sincerely,

Judith Atkinson and Sandra Figgess
Co-clerks Oxford Quaker Meeting

A year ago the Health and Social Care Bill was passed. It was presented to the public and the profession as giving power to GPs to choose the best care for their patients. GPs would have more choice of provider, including private companies and non-profit groups. Anxieties about creeping privatisation of health provision were met with robust denials.

Andrew Lansley said, in a letter to prospective Clinical Commissioning Groups, "I know many of you may have read that you will be forced to fragment services, or to put services out to tender. This is absolutely not the case. It is a fundamental principle of the Bill that you as commissioners, not the Secretary of State and not regulators, should decide when and how competition should be used to serve your patients' interests. The healthcare regulator, Monitor, would not have the power to force you to put services out to competition."

Earl Howe said in the House of Lords, "Clinicians will be free to commission services in the way they consider best. We intend to make it clear that commissioners will have a full range of options and that they will be under no legal obligation to create new markets, particularly where competition would not be effective in driving high standards and value for patients."

People who raised these anxieties were portrayed as scare-mongers and their objections were made to look unreasonable. The bill became an Act.

Now, with no publicity, regulations under Section 75 of the Act were laid before parliament on 13 February. They flatly contradict the above statements. They require CCGs to open up ALL new contracts to competitive tender. Monitor is to enforce this on them. The introduction of a market brings in EU competition law, which means that large corporations can threaten legal action if they fail to win contracts. Far from allowing GPs greater freedom, these regulations constrain them before they have even begun their commissioning role. This does not benefit patients and was not wanted by doctors. It is difficult to find the right words to describe the government's behaviour in this matter.

As you know, if no action is taken they become law after 40 days. If they are passed, they will lead to increasing privatisation, not because it is freely chosen by GPs for the benefit to their patients, but because it has been imposed from above, just as opponents of the bill originally feared. They were right to fear, and your action now can meet their worst objections.

If the regulations are rejected, a better way forward can be planned, a way which for instance takes note of the suggestion in the Francis Report that Monitor should be put under the Care Quality Commission, making care the top priority, with financial issues serving the ultimate goal of excellent care. If the regulations are passed, EU competition law makes it very difficult to take services back into public provision, should that be desired in future.