

## How you can help Keep Gloucestershire's NHS Public

### Stroud Against the Cuts Briefing 2

27/02/2012

**Introduction:** The **positive outcome of the legal challenge** against transferring our local hospitals and health services out of the NHS and into a 'social enterprise', has put the options to stay in the NHS back on the table. But this is **only the first step in the campaign**. We must now ensure the NHS options are properly pursued, so our health services stay in the NHS, publicly owned and accountable. This briefing:

- suggests ways you can help
- explains the outcome and implications of the high court legal challenge

**Please get in touch if you would like to discuss these issues.** We are particularly keen to talk to people who have contacts with health decision-makers or those who influence them, who would like to set up action groups in their areas, or who have ideas about how to help the campaign. To contact Stroud Against the Cuts (SATC) email: [contact@stroudagainstcuts.co.uk](mailto:contact@stroudagainstcuts.co.uk), or call James Beecher on 01453 760098 / 07583 497 887, or see our website [www.stroudagainstcuts.co.uk](http://www.stroudagainstcuts.co.uk) for info. Thank you.

**The court order:** On February 9<sup>th</sup> 2012, following Michael Lloyd's application for a Judicial Review in the High Court, NHS Gloucestershire (the PCT) agreed a legally binding 'Consent Order' which states:

*"The PCT agrees that it will:*

- *consider a wide range of options, including entering into an arrangement with an NHS Trust for the delivery of [community health] services...*
- *advertise for expressions of interest for the provision of NHS services in Gloucestershire on [www.supply2health.nhs.uk](http://www.supply2health.nhs.uk) and in the Health Service Journal...*
- *take reasonable steps to ensure an appropriate level of staff & public engagement"*
- *And then "make a decision as to its preferred means of providing community healthcare services in Gloucestershire"*

(The quotes here are selective purely because of limited space. The full court order is in 'The Future of Gloucestershire's NHS services' briefing, available on our website.)

In a media statement jointly issued with Mr Lloyd (as part of the Court order) NHS Gloucestershire clarified that this means it has agreed:

- *"not to implement its decision to enter into a contract with GCS[-CIC] at this time"* (in other words, not to proceed with its plans to transfer all its clinical staff out of the NHS and into a 'Community Interest Company')
- To *"start a new process to explore the best option for providing community services in Gloucestershire"*, and to
- *"minimise as far as possible uncertainty for its dedicated and professional staff"*

**To help keep Gloucestershire's NHS public, we call on supporters to:**

- Contact your local action group (or we can put you in touch or help you set one up)
- Write to, and seek meetings with, your elected representatives (for help and contacts see our website). Though NHS Gloucestershire are the decision-makers, Councillors and MPs have an important influencing role.
- Write to NHS Gloucestershire expressing your wishes. Postcards and contact details for this purpose are available from SATC.
- Help publicise the campaign with leaflets, posters, street stalls, and stickers, (available from SATC), by writing to local papers, and by donating money
- Attend public meetings (eg. Sub Rooms, Stroud, 7pm Thursday 15<sup>th</sup> March)
- Send public statements of support to [contact@stroudagainstcuts.co.uk](mailto:contact@stroudagainstcuts.co.uk) or SATC, c/o The Exchange, Brick Row, Stroud, GL5 1DT. Sign the e-petition: <http://www.gopetition.com/petitions/keep-gloucestershire-s-nhs-public.html>
- Join a union and get active within your branch (health worker or otherwise)

- Pass this briefing, or your own version, around any relevant groups you're in (e.g. health organisations, unions, church groups, residents associations), and to your GP/health workers. Ask them to take the above actions suggested, either individually or as a group.

### **NHS options for Gloucestershire's community health services and hospitals:**

The court outcome demonstrated that options for retaining these services in the NHS:

- **are better for patient care** in terms of lower cost, greater accountability, protection for staff terms and conditions and healthcare expertise,
- **were wrongly ruled out**, in the face of strong opposition to the CIC from staff and a lack of public consultation, and
- **are legally possible** and could be pursued *without* the need for a full competitive tender which would open services up to the private sector.

### **NHS options include:**

- The creation of a new standalone community health Trust for Gloucestershire
- Integration with the 2gether Trust (the county's mental health services body)
- Integration with the local Acute Trust (Gloucestershire Hospitals NHS Foundation Trust, Cheltenham General and Gloucestershire Royal Hospitals)
- Integration with the Great Western Ambulance Service
- Integration with the South Western Ambulance Service NHS Foundation Trust
- Integration with an NHS body from another county

**Tendering:** The court outcome demonstrated that **all of the above NHS options could be pursued *without* the need for a full competitive tender process**. Indeed, some services have already been transferred into local NHS Trusts (2gether and Acute). The only option discussed that *would* legally require a full competitive tender process, is transferring the services into a CIC ('social enterprise') which as well as opening the services to private sector competition, would be damaging to patient care and staff terms and conditions. **If you hear anyone claim that the services now 'have to go out to tender', challenge this**. Ask, 'Do you accept that, so long as an NHS option comes forward, there is no need to have a formal competitive tender?' As indicated above, the answer should be yes. If so, then follow up by asking what they are going to do to ensure NHS bodies come forward. If they answer no, ask them to state this in writing, detailing their reasons - and please pass this on to us!

Therefore, **the campaign will be working to ensure that:**

- NHS options listed above are fully and actively pursued
- The CIC ('social enterprise') route is not pursued
- And also that the whole service is contracted together, not fragmented into parts, which would damage patient care and risk opening up to the private sector.

**We call on, and expect, the Board of NHS Gloucestershire to:**

- ensure the people of Gloucestershire are given a clear choice to keep these services within the NHS,
- ensure the whole decision-making process is fair, transparent and democratic; involving campaigners, patients, the wider public, healthcare professionals, and negotiation with Trade Unions,
- vigorously pursue all of the NHS options listed above,
- make urgent approaches to the Department of Health to allow a standalone NHS trust to be allowed as an option, as it has been elsewhere,
- disclose any consideration of these options, both to date and in future, and
- base the criteria for decision-making on patient care and public opinion.