

**To:** The Board

**For meeting on:** 26 March 2014

**Agenda item:** 4

**Report by:** Catherine Davies, Executive Director of Co-operation and Competition

**Report for:** Information

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**TITLE:** Co-operation and Competition Update

**Summary:**

This report provides the Board with information about the significant developments with regard to the work of the Co-operation and Competition directorate (CCD) and the Co-operation and Competition Panel (CCP) since the meeting of the Board on 26 February 2014.

**Recommendations:**

The Board is asked to note the update on the work of the Co-operation and Competition directorate and the CCP.

**Public Sector Equality Duty:**

*Monitor has a duty under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. In relation to the issues set out in this paper, consideration has been given to the impact that the recommendations might have on these requirements and on the nine protected groups identified by the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, gender and sexual orientation).*

*It is anticipated that the recommendations of this paper are not likely to have any particular impact upon the requirements of or the protected groups identified by the Equality Act.*

**Exempt information:**

*Some of this report is exempt under the Freedom of Information Act 2000.*

*Some of the information in this report (the confidential annex) is exempt from publication as it falls under section 36 of the Freedom of Information Act 2000. The information is exempt because disclosure of that information would, or would be likely to, inhibit the free and frank provision of advice, or exchange of views for the purposes of deliberation. In applying these exemptions, we have considered the public interest test; disclosure of this information will not enhance the accountability or transparency of Monitor as its disclosure would inhibit the free frank disclosure of information.*

1. **Brighton and Sussex University Hospitals NHS Trust and Surrey and Sussex Healthcare NHS Trust Pathology merger:** Monitor published its advice to the NHS Trust Development Authority (NHS TDA) that the pathology merger in Sussex was not likely to result in adverse effect for patients due to a loss of choice or competition.
2. **Complaint by Thornbury Radiosurgery Centre Limited into the commissioning of radiosurgery services by NHS England:** Thornbury, a provider of Gamma Knife services, complained about NHS England's refusal to contract with it. At its meeting in January, the Board decided that Monitor should close the investigation on administrative priority grounds and publish guidance to articulate clearly what its concerns in this investigation were. Monitor published its case closure decision on 26 February 2013. The case team is now preparing guidance which it is aimed to publish shortly.

**Catherine Davies**  
**Executive Director of Cooperation and Competition**