

To: The Board

For meeting on: 26 February 2014

Agenda item: 5

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

Report for: Information

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 and the Co-operation and Competition Panel (CCP) since the meeting of the Board on 29 January 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. Walk-in centres:** The final walk-in centre report was published on 18 February 2014. In addition, we sent a shorter publication containing the sections of the report featuring guidance for commissioners directly to commissioners by email.
- 2. Brighton and Sussex University Hospitals NHS Trust and Surrey and Sussex Healthcare NHS Trust Pathology merger:** We have completed the analysis of the proposed merger. Further information about this can be found under agenda item 19 (ref: BM/14/23(P))
- 3. Complaint by Spire Healthcare Limited against Blackpool CCG and Fylde and Wyre CCG into the commissioning of elective services in Blackpool and the surrounding area:** Monitor is due to publish a progress update on its investigation of the complaint by Spire Healthcare Limited that Blackpool Clinical Commissioning Group and Fylde & Wyre Clinical Commissioning Group (the two CCGs) are breaching their regulatory obligations in relation to the commissioning of elective care.

In particular, the complaint alleges that the two CCGs have sought to direct patients requiring elective care away from Spire Fylde Coast Hospital and towards Blackpool Victoria Hospital. Monitor is considering whether there has been any breach of the National Health Service (Procurement, Patient Choice and Competition) (No 2) Regulations 2013, which came into force on 1 April 2013.

- 4. GP Study:** Monitor published a discussion document following its call for evidence on GP services on 7 February 2014. Two short articles appeared in Pulse. The first focused on Monitor's intention to consider how best to facilitate entry or expansion by providers in 'under-doctored' areas; the second on the fact that we had chosen to signal further work rather than to intervene more directly in how this part of the sector operates or argue directly for more competition.

The discussion document set out seven areas for further work by Monitor, including:

- developing a comprehensive picture of variations in access and quality of GP services (this may well generate further work on barriers to entry and expansion);
- providing regulatory clarity and guidance to inform new models of care (including integrated contracting and attempts by providers to federate etc); and
- exploring whether NHS trusts and NHS foundation trusts (NHS FTs) are sharing information with GPs in a timely manner (the first work Monitor will have conducted under the integrated care licence condition)

Monitor expects to make significant progress on each of these work packages during the course of 2014.

Catherine Davies
Executive Director of Co-operation and Competition