

## PRIVATE HEALTHCARE MARKET INVESTIGATION

### Obtaining information on the conduct of our investigation and our approach to gathering information from private healthcare providers and private medical insurers

#### Introduction

This note is intended to provide guidance on how we propose to deal with potentially interested parties, including how we intend to gather information and evidence from them in the course of our investigation, and on how to keep updated with progress in our investigation.

#### Timetable

This market investigation was referred to us by the Office of Fair Trading on 4 April 2012 and the Enterprise Act 2012 requires us to publish our report no later than 3 April 2014. We have published an administrative timetable on our webpage dedicated to this investigation [www.offt.gov.uk/OFTwork/markets-work/private-healthcare/](http://www.offt.gov.uk/OFTwork/markets-work/private-healthcare/). If changes are made to our timetable, we will publish updated versions. As our administrative timetable indicates, we propose to complete this investigation in a shorter timescale, if it is practicable to do so.

#### Our approach to gathering information

This investigation involves a large number of potentially interested parties, many of whom have relevant information. Given the variety of potentially interested parties, we recognize that we will need to engage with different parties in different ways. At the early stage of this investigation, we are focused on gathering information, as explained below.

On receipt of the reference, we issued a First Day Letter to over 130 private healthcare providers and private medical insurers in the UK, being those suppliers of privately funded hospital services and suppliers of private medical insurance that we had identified. The First Day Letter requested data from the recipients, the responses to which we are currently reviewing. We also placed an advertisement on our website as well as in the *British Medical Journal* on 28 April 2012 inviting submissions from interested parties. This has prompted helpful submissions, in particular from a number of consultants and various trade associations, all of which we are reviewing.

In addition to the First Day Letter and the requests for submissions, we have begun seeking detailed information from private healthcare providers with significant activities nationally and from large private medical insurers. In due course, we will also be seeking further information from a range of parties such as other private healthcare providers, other private medical insurers, as well as consultants and GPs, relevant trade associations and regulators. The information will be sought in stages over several months and in a variety of ways, including via staff meetings and other communications with staff, site visits, possible surveys, questionnaires and data requests.

We will tailor our requests, in so far as possible, according to the nature of the information required and the nature of the party's operations. We recognize that some parties have considerable data and some possess information and views which are pertinent to the issues we are investigating. Many others will have very little data or information and/or scarce resources. In our information gathering, we will aim to do the minimum consistent

with carrying out our duties. Further information is available in our published guidance, [General Advice and Information, CC4](#), paragraph 6.12.

We will also be conducting hearings with selected participants later in the year whose contribution, having regard in particular to the range of submissions we receive, we consider may assist us in assessing the key issues we need to address.

## **Publishing information/evidence and opportunities to comment**

We aim to be transparent in conducting our investigations. In accordance with our disclosure policy, we will publish many key documents on our website. The first of these key documents is the issues statement which we anticipate publishing in June. This will set out the issues that, based on our present understanding, we anticipate we will look at in the course of our investigation and the likely approach to our economic analysis. We will be inviting submissions in response to the issues statement within one month of its publication.

We have also begun publishing non-confidential submissions on our website and will continue to do so as the investigation progresses. The early findings of our analyses will be set out in working papers, some of which we anticipate publishing this autumn. Later on, we will publish our provisional findings. Interested parties will have an opportunity to comment on these documents.

It is also possible to subscribe to the RSS Feed on our [website](#) which will automatically provide updated information on our investigation.

In addition to the opportunity to make submissions as highlighted above, if you consider that you have considerable data or information and views relevant to the issues we are investigating, please contact [private-healthcare@cc.gsi.gov.uk](mailto:private-healthcare@cc.gsi.gov.uk).

## **Further information**

A range of guidance and information on our processes is available on our website at [www.competition-commission.org.uk/rep\\_pub/rules\\_and\\_guide/index.htm](http://www.competition-commission.org.uk/rep_pub/rules_and_guide/index.htm). As noted above, we will be publishing on our website key documents during the course of the investigation including non-confidential submissions we receive. For further information about our disclosure policy, including the relevant considerations taken into account by the CC when applying its disclosure policy, please see [Chairman's Guidance on Disclosure of Information in Merger and Market Inquiries \(CC7\)](#).

7 June 2012