

Notice of initiation of investigation

Case reference: CCD 04/13

Monitor has decided to initiate an investigation into the commissioning of cancer surgery services in Greater Manchester by NHS England (formerly NHS Greater Manchester).

This follows complaints by University Hospital of South Manchester NHS Foundation Trust and Stockport NHS Foundation Trust that the process adopted by NHS England to select future providers of gynaecological, urological, hepato-pancreaticobiliary and oesophageal cancer surgery services is not based on the quality of services, patient outcomes and patient preferences.

The investigation will also examine whether the way that providers have been involved in the process to select future providers of the cancer surgery services is consistent with the rules with which they are required to comply.

In so far as the investigation concerns the actions of NHS England after 1 April 2013, Monitor will consider 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.

In so far as the investigation concerns the involvement of NHS foundation trusts after 1 April 2013, Monitor will consider whether that involvement was consistent with the competition condition (Condition C2) in the NHS provider licence. NHS trusts are currently exempt from the requirement to hold a licence. However, they are required by the NHS Trust Development Authority to comply with a number of conditions in the provider licence, including the competition condition, as if they were licensed. Monitor will therefore also examine the involvement of these providers by reference to the substantive obligations in the competition condition.

In so far as the investigation relates to actions occurring before 1 April 2013, Monitor will examine whether those actions were consistent with the Principles and Rules for Cooperation and Competition.

The case is at an early stage and Monitor has not reached a view as to whether there has been any breach of the rules.

Outline timetable

Initiation of investigation	August 2013
Information gathering (information requests and parties' responses)	August – October 2013 (estimated)
Review and analysis of evidence	August – October 2013 (estimated)
Meetings with parties	August – October 2013 (estimated)
Publish an update on the progress of the case	October 2013

8 August 2013