

**To:** The Board

**For meeting on:** 29 October 2014

**Agenda item:** 7

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

**Report on:** Co-operation and Competition Update

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**Summary:**

1. This report provides the Board with information about the significant developments with regard to the work of the Co-operation and Competition directorate since the meeting of the Board on 24 September 2014. The Board is asked to note the report.

**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**

2. On 25 September 2014 Monitor published the final report of its investigation into the complaint by Spire Healthcare Limited against Blackpool CCG and Fylde and Wyre CCG. The key finding was that the CCGs had not complied with their obligations to ensure patients are offered choice and to promote that choice to patients.
3. Monitor also published a remedies consultation document which sets out what actions each CCG has taken in relation to patient choice since the case was initiated and invites interested parties to comment on whether these actions are sufficient or whether enforcement action is necessary. Monitor has invited both CCGs to propose undertakings on how they will meet their obligations. The deadline for responses was 17 October 2014. Monitor will decide whether to accept any undertakings proposed or take enforcement action in respect of one or both CCGs.

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

## **Making a difference for patients:**

*Monitor's mission is to make the health sector work better for patients. This report provides an update on the Cooperation and Competition team. The key focus of this team is to ensure that patient choice and competition work in patients' interests.*

## **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.*

## **ANNEX 1**

### **REPORT OF THE CO-OPERATION AND COMPETITION EXECUTIVE MEETING ON 09 OCTOBER 2014**

#### **Anticipated merger of Ashford and St. Peter's NHS Foundation Trust and Royal Surrey County NHS Foundation Trust: Monitor's advice to the CMA on relevant patient benefits**

1. The Co-operation and Competition Executive (CCE) reviewed the information to be provided to the Board in relation to the anticipated merger of Ashford and St Peter's NHS Foundation Trust and Royal Surrey County NHS Foundation Trust. Further information can be found at agenda item 18 (ref: BM/14/118(P)).

#### **Exploring how choice is working for patients in NHS adult hearing services**

2. The CCE discussed an update and proposed next steps in Monitor's project to examine how the 'any qualified provider' approach was working for adult hearing services. As Monitor had completed its online consultation to obtain the views of patients, patient groups, commissioners, General Practitioners and providers, the key themes arising in stakeholders' feedback were considered.

#### **Supporting commissioners to improve community services**

3. The CCE reflected on the progress and outcomes of Monitor's project to examine how commissioners were re-commissioning community services three years after the Transforming Community Services programme had resulted in the transfer of provision from primary care trusts to providers under block contracts. Further information can be found at agenda item 17 (ref: BM/14/117(P)).