

www.stroudagainstcuts.co.uk/files/press_release_glos_final.doc

A local resident has written to NHS Gloucestershire threatening legal action unless it agrees to withdraw its decision to transfer NHS primary and community care services, including 9 Gloucestershire Hospitals [i], to a “community interest company”.

The resident is being supported by the local campaign group, Stroud Against Cuts [ii] and his lawyers Leigh Day & Co Solicitors

[iii]

have written to the PCT this week, giving it notice that unless it agrees to halt the transfer plans by 4pm on Thursday 22

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September, judicial review proceedings will be launched. An interim injunction will be sought to stop the proposed transfer of services taking place on 1 October as planned.

Caroline Molloy of Stroud Against Cuts said as follows:

“We have been advised that NHS Gloucestershire is acting unlawfully. It cannot just hand over all its NHS Primary Care Trust services to an unaccountable “Social Enterprise” or “Community Interest Company”. It must either keep the NHS services itself, or have a proper process that would allow services to be provided by another NHS body. Both these options would keep our health services in the NHS, and accountable to the public. NHS Gloucestershire has claimed all along they don’t want to privatise our health services, so we urge them to embrace our legal advice, squash this transfer and think again.”

David Drew, Stroud’s former MP said:

“Transferring to a Community Interest Company would be costly and damaging to local health services, with massive extra bills for VAT and administration, and would be a stepping stone to privatisation within 3 years or less.”

Stroud’s Mayor, John Marjoram said:

“We are outraged that major changes to the way the NHS is run are being pushed through, with no consultation or due process, even before the controversial Health and Social Care Bill has been passed into law. A public meeting organised by Stroud Town Council on August 31st about the proposals revealed near unanimous passionate opposition to the plans. [\[iv\]](#)

Rosa Curling of Leigh Day & Co Solicitors said:

“Our client considers the proposal to transfer community services to a company outside the NHS is likely to be highly detrimental to the NHS services which he and other Gloucestershire residents receive. If the PCT intends to enter into arrangements with a community interest company, it is first required in law to go through a process which allows other economic operators the opportunity of being awarded these contracts.

The PCT is under a clear legal duty to offer the opportunity to other economic operators, including NHS trusts which operate primary and community care services in counties near to Gloucestershire, to bid for these contracts. No such opportunity has been given and the attempt by the PCT to enter into a contract with a company outside the NHS, in such circumstances, constitutes an unlawful procurement process.”

Stroud Against Cuts is holding an emergency demonstration about this issue this Saturday 24 September, leaving from Park Road, near Stroud Maternity Hospital, at 11am.

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Concerns that these plans [vi] are a stepping stone to privatisation are highlighted by Monday's announcement that services provided by the first ex-NHS community health social enterprise, Central Surrey Health, will in future be provided by Assura Medical, a private owned subsidiary of Virgin, after the social enterprise failed to win a competitive contract.

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The Government had previously lauded Central Surrey Health as a flagship example of its 'Big Society' vision for healthcare.

[i] The hospitals affected are: Stroud, Berkeley, Cirencester, Dilke, Fairford, Lydney, Bourton (Moore Cottage), Moreton, Tewkesbury. Also affected are the following Clinics: Beeches Green Stroud, Stonehouse Health Clinic, Sandpits Clinic Dursley, Cinderford Health Centre, Coleford Health Centre, Lydney Health Centre, Hesters Way Healthy Living Centre, Hotts Health Centre Newent, Lydbrook Health Centre, Symn Lane Clinic (Wooton-under-Edge). Services to be transferred include all District Nursing, Occupational Therapy, Physiotherapy, Specialist Nursing, Out of hours medical and nursing services, Pharmacy, Sexual Health and Chlamydia screening, Podiatry, Dental services, Wheelchair services, Musculo-skeletal services, Telehealth and Specialist Domiciliary care.

[ii] Stroud Against the Cuts is a community group formed in 2010. For more information see: <http://www.stroudagainstcuts.co.uk>

[iii] For more information on Leigh Day see: <http://www.leighday.co.uk/Home> . Leigh Day & Co is regulated by the Solicitors Regulation Authority (SRA). The firm's SRA number is 00067679.

[iv] See articles in the local papers for more information: 'Passions run high at public meeting to debate hospital changes' (<http://www.thisisgloucestershire.co.uk/NHS-changes-branded-fig-leaf-privatisation/story-13251816-detail/story.html>), 'NHS Changes branded fig-leaf for privatisation' (<http://www.thisisgloucestershire.co.uk/NHS-changes-branded-fig-leaf-privatisation/story-13251816-detail/story.html>)

[v] The Protest called by Stroud Against the Cuts meets at 10.30am on Park Road, Stroud, GL5. A March to the Subscription Rooms, Stroud, GL5 1AE will leave at 11.00am, for a rally with local speakers at 12noon. For more information see:

<http://www.stroudagainstcuts.co.uk/fightback/healthcarecuts/38-healthcare/86-protest-against-step-to-privatisation-of-nhs-saturday-september-24th.html>

[vi] Similar plans are due to take effect in **20 PCTs across the country**, particularly in the South West where 5 Primary Care Trusts are due to transfer most or all of their healthcare staff out of the NHS on 1st October. The SW Strategic Health Authority is headed by Sir Ian Carruthers, a member of David Cameron's 'kitchen cabinet' of NHS advisors.

(see:

<http://www.nursingtimes.net/nursing-practice/clinical-specialisms/public-health/expert-panel-to-advise-prime-minister-on-nhs/5029315.article>

).

[vii] The Central Surrey Health story has been covered in the Financial Times (<http://www.ft.com/cms/s/0/8e187d7c-e2cc-11e0-93d9-00144feabdc0.html#ixzz1YaQCdKWz>

, <http://www.ft.com/cms/s/0/e6192d22-d8aa-11e0-9089-00144feabdc0.html#ixzz1YaQISbVP>), the Guardian (

<http://www.guardian.co.uk/society/patrick-butler-cuts-blog/2011/sep/19/social-enterprise-big-society-gets-reality-check>

) and elsewhere.