

Written by Administrator

Friday, 30 September 2011 08:59 - Last Updated Friday, 30 September 2011 16:35

Stroud Against the Cuts says: "Offering Gloucestershire's NHS services to a social enterprise *opens* those services to privatisation, it *does not* save them from privatisation. The legal action will *open* those

services back up to the NHS

. NHS Gloucestershire can and should keep these services in the NHS and avoid any need for any tendering process."

A Full Press Release is available by clicking 'Read More' below. BBC Gloucestershire have covered the story here: <http://www.bbc.co.uk/news/uk-england-gloucestershire-15124270>

[You](#) can hear an interview with Caroline Molloy of Stroud Against Cuts on BBC Gloucestershire Friday 30th September morning here:

http://www.bbc.co.uk/iplayer/episode/p00kcfqj/Mark_Cummings_NHS_in_Gloucestershire/

Skip to 1:06:20 for the piece on NHS Gloucestershire and the legal challenge.

PRESS RELEASE 30/09/2011

FOR IMMEDIATE RELEASE Contact:

tact:

[contact \[at\] stroudagainstcuts.co.uk](mailto:contact@stroudagainstcuts.co.uk)

Photographs and television pieces can be arranged.

Legal action halts transfer of NHS services to Social Enterprise

Primary Care Trust will be forced to consider keeping services within NHS, say

Written by Administrator

Friday, 30 September 2011 08:59 - Last Updated Friday, 30 September 2011 16:35

campaigners

Plans to transfer NHS services and over 3,000 NHS health staff in Gloucestershire

[\[i\]](#)
[After exchanging letters with Michael Lloyd's lawyers Leigh Day & Co. Solicitors](#)
[\[ii\]](#)
[, NHS Gloucestershire has agreed not to transfer its services without providing Mr Lloyd with three days notice. Should such a notice be given, Leigh Day & Co. has said it will seek an injunction preventing the transfer from going ahead pending the resolution of the legal claim. The case is being supported by local campaign group Stroud Against the Cuts](#)

-
[which had been due to take effect on 1st October, have been delayed after a legal case was launched by Stroud resident Michael Lloyd, 75, on Thursday 22](#)
[nd](#)
[September.](#)

-
[\[iii\]](#)
[, who say the challenge creates an opportunity for the services to be kept within the NHS. The group points out that while similar transfer plans are due to take effect in 20 PCTs across the country, this is the first time plans to transfer parts of the public sector to a 'social enterprise' at this stage have been halted by a legal challenge. The case follows the news in September that Central Surrey Health - a flagship healthcare social enterprise - had lost out on a contract to Assura Medical, a private healthcare company 75% owned by Virgin.](#)
[\[iv\]](#)

NHS Gloucestershire have claimed in a letter to staff that "If taken to its logical conclusion the challenge would mean that community services would be competitively tendered" and that this "may therefore accelerate the very thing the challenger says he is opposed to namely the services being provided by a body outside the NHS."

James Beecher, a co-ordinator of Stroud Against the Cuts said: "This is untrue and misleading. Firstly, without the legal challenge, the transfer to Gloucestershire Care Services CIC on October 1st would have resulted in the services being provided by a body outside the NHS – the CIC is a private limited company outside the NHS. Rather than accelerating this process, the legal challenge has delayed it."

He added: "More importantly, the Primary Care Trust appear to be ruling out and refusing to

Written by Administrator

Friday, 30 September 2011 08:59 - Last Updated Friday, 30 September 2011 16:35

consider several options which would keep services and staff within the NHS, without involving a legal requirement to competitively tender. If successful, our challenge will force them to consider these options, all of which have successfully been implemented elsewhere in the country”.

Rosa Curling of Leigh Day & Co Solicitors said: “Our client believes the proposed transfer would be highly detrimental to the NHS services which he and other Gloucestershire residents receive. NHS Gloucestershire has a number of options open to it, two of which would not result in a competitive process and do not appear to have been properly considered by the Trust. NHS Gloucestershire could decide to continue to provide the services itself as there is no statutory obligation for it to outsource its services. Alternatively, if NHS Gloucestershire transferred services to another NHS body, it would not need to competitively tender the services. It is only if NHS Gloucestershire decides that it wants to outsource its services and outsource them to a non-NHS trust, that the Procurement Directive applies. In those circumstances the law requires them to hold a proper and transparent, competitive process, by which a new service provider is chosen.”

Dr John Lister of national campaign group Health Emergency said: “This is a great example of what can be achieved by community campaigners working together with health unions. It is vital to expose this type of deal to public scrutiny, despite the determination of health bosses to keep them under wraps. It is a scandal that changes like this, which can have a huge effect both on the vulnerable people that use these services, and on the livelihoods of thousands of healthcare workers have been taken behind closed doors.”

He added: “There is no compulsion on health bosses to open these services up to social enterprises or the private sector: in most of England community health services continue to be successfully provided by the NHS, and that’s how it should be in Gloucestershire.”

Notes for Editors:

[i] The services affected include 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 are also to be transferred to Gloucestershire Care Services Community Interest Company. In addition, 9 community hospitals, 10 health clinics were to be transferred. The hospitals are: Stroud, Berkeley, Cirencester, Dilke, Fairford, Lydney, Bourton (Moore Cottage), Moreton, Tewkesbury, while the following is a list of the Clinics: Beeches Green Stroud, Stonehouse Health Clinic, Sandpits

Written by Administrator

Friday, 30 September 2011 08:59 - Last Updated Friday, 30 September 2011 16:35

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).

see:

[me](#)

. Leigh Day & Co is regulated by the Solicitors Regulation Authority (SRA). The firm's SRA number is 00067679.

Against the Cuts has launched a fundraising appeal to raise money towards the 'community contribution' that they expect will be required by the Legal Services Commission towards legal costs. Cheques made payable to 'Keep Gloucestershire's NHS Public' can be sent to Bernice Boss - Treasurer, Keep Gloucestershire's NHS Public, c/o SATC, The Exchange, Brick Row, Stroud, GL5 1DF. Stroud Against the Cuts is a community group formed in November 2010. For more information see:

<http://www.stroudagainstcuts.co.uk>

[iv]

For more on the Central Surrey Health story see:

<http://www.ft.com/cms/s/0/8e187d7c-e2cc-11e0-93d9-00144feabdc0.html#ixzz1YaQCdKWz>

and

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

Legal action halts transfer of NHS services to Social Enterprise Primary Care Trust will be forced to consider keeping services within NHS, say campaigners