

PRESS RELEASE



News from Keep Our NHS Public campaign www.keepournhspublic.com

Pensioner boosts patient power in High Court

A pensioner has lost her high court case against the take over of her GP services by a multi national corporation but won an important battle for other NHS patients. The High Court ruled against Pam Smith on a technicality but established the principle that the public should be consulted on the outsourcing of local NHS health services. It opens the door for the public around the country to challenge the government's programme of privatisation of the NHS. Local NHS bodies will now have to consult and involve local people far more about the future of their health services.

"This is a crushing defeat for the DoH who came to argue against their own legislation. It is victory against the creeping privatisation of local NHS services as now the public will have to be consulted where there is choice about who provides their care." - Alex Nunns, Keep Our NHS Public.

In court the government argued that patients need not have been consulted – a position at odds with the rhetoric of a "patient-led NHS". The case turned on section 11 of the Health and Social Care Act 2001, a radical piece of legislation which stipulates that patients must be "involved in and consulted on" the planning, development and operation of health services. Lawyers for the Secretary of State attempted to reign-in the scope of the legislation, arguing that "no amount of patient dissatisfaction will lead to a requirement for involvement and consultation".

However Mr Justice Collins disagreed "On the main issues she was successful there was a failure to comply with section 11 in that there was no proper involvement or consultation with the public."

Richard Stein, Pam Smith's solicitor stated "This is disappointing for the people of Derbyshire, but sends a clear message to the Department of Health. They have to live up to the spirit of the patient-led NHS. This means no more ideas developed behind closed doors without proper public involvement."

Alex Nunns also said "The ruling will provide a precedent for communities fighting against the drive to bring the private sector into family doctor services. Government policy is to open up primary care to the market by encouraging private companies to run services and control commissioning budgets. But where this is tried it meets strong local opposition."

"Keep Our NHS Public has an extensive network of groups and individuals across the country who are resisting cuts and service changes, often being carried through without consultation. This judgement provides communities with a means of fighting back."

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