

PRESS RELEASE



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

FOR IMMEDIATE RELEASE (23 August):

PENSIONER WINS GP PRIVATISATION BATTLE AT COURT OF APPEAL

Pam Smith has today won her appeal to prevent a US healthcare corporation from running a GP surgery in Derbyshire. Lord Justices Keene and May quashed the selection of United Health Europe – the British arm of America's biggest healthcare corporation – to run the practice, and ordered North Eastern Derbyshire primary care trust to start the tendering process from scratch. They also awarded Pam Smith 100 per cent of the costs.

The decision is a stunning victory for a pensioner who dared to stand up to the might of the government, the NHS and a multi-national corporation. It is a blow for the government's reform programme of bringing in private companies to run GP services, and may discourage other private companies from involvement in the scheme.

The case provides a precedent for other communities facing similar situations. It has established that patients have a legal right to be involved and consulted on plans for changes. In a number of other cases, communities have been opposed to the notion of profit-making companies running their family doctor surgeries.

Pam Smith said: "This just shows what people power can do. It was a real case of David and Goliath. I feel like I'm on a high. I would love to be a fly on Patricia Hewitt's wall now – she keeps saying patients have a choice; well we've made our choice. United Health would only have taken profits. We will keep our NHS public, not private – that's what makes Britain unique."

Alex Nunns of Keep Our NHS Public said: "This is a complete and total victory, and a vindication for Pam and her community, who have tirelessly fought against their GP surgery being handed over to a giant American corporation. It is also a model for other communities having this forced on them in the government's drive to privatise the NHS. Thanks to Pam, they now have a clear legal right to be heard.

"People are rightly suspicious of profit-making companies taking over their family doctor surgeries. They fear that the standard of care will decline, and that shareholders will be put before patients. If 'patient choice' is to mean anything at all, the NHS must listen to these concerns, and stop imposing the private sector on unwilling communities."

CONTACTS:

Alex Nunns 07763 607 528, komp.press@virgin.net

Pam Smith 01623 743 460

Elizabeth Barrett (Derbyshire GP, Robin Hood KONP) 07779 082 037

Richard Stein (Pam Smith's lawyer) 02076501243

NOTES:

1. North-Eastern Derbyshire Primary Care Trust chose UnitedHealth Europe as its 'preferred bidder' to run the Creswell Primary Care Centre in December last year. It provoked uproar among the local community – especially in the village of Langwith, which has a branch of the Creswell centre – who accused the PCT of privatising their GP service against their wishes. At a judicial review in June, a judge ruled that the PCT did have an obligation to consult the community, meaning it had acted unlawfully. However, he ruled against Pam Smith on the technicality that she should have taken an "alternative remedy" before bringing a judicial review. In recognition of that fact that "on the main issues she was successful," the judge awarded Smith 75% of the costs.

2. Upon winning the appeal, Pam Smith was awarded 100% of the costs of both hearings. The judges found that the alternative remedy of the patients' forum was not appropriate since it is not in a position to judge law and has no real power over the PCT. The appeal court judges also ruled that the original judge, Mr Justice Collins, was wrong to say that the selection of United Health would have been the same even if the PCT had consulted.

3. The Court of Appeal has quashed the selection of UnitedHealth Europe and ordered the tender to be reopened. The PCT is required to involve and consult the local community on its plans. This has serious implications for government policy. January's health white paper set out plans to open up primary care to the market by encouraging private companies to run GP surgeries and allowing them control of commissioning budgets. But in a number of areas the policy has met opposition from patients.

4. The Department of Health viewed the case so seriously it intervened in the proceedings, arguing against its own rhetoric of patient choice that there was no need to consult the community.

Alex Nunns
Information Officer
Keep Our NHS Public
07763607528
konp.press@virgin.net
www.keepournhspublic.com